



NATIONAL HUMAN RIGHTS COMMISSION

MAURITIUS

ANNUAL REPORT 2022

MARCH 2023



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

28 March 2023

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

Your Excellency,

In compliance with Section 11 of the Protection of Human Rights Act I have the honour to submit to you the Annual Report of the National Human Rights Commission of Mauritius for the period 1 January 2022 to 31 December 2022, 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 2022

Chairperson Mr. Dheerujlall Baramlall **SEETULSINGH, S.C., G.C.S.K.**

Human Rights Division

Deputy Chairperson Mrs. Marie Lourdes Lee Yin **LAM HUNG, O.S.K.**

Members Mr. Samiollah **LAUTHAN** (until 24 November 2022)

Mr. Jacques Jonathan **RAVAT, O.S.K.** (until 24 November 2022)

Mr. Chuveeraj **NAÏK** (from 2 December 2022)

Mrs. Laureen **Lindona Charlotte MANGUILLIER** (from 19 December 2022)

National Preventive Mechanism Division

Deputy Chairperson Mr. Mohamed Idbal **TORABALLY**

Mrs. Namrata **GAYA-TEELUCKDHARRY** (until 20 February 2022)

Mr. Joseph Gabriel Michel **VIEILLESSE**

Mr. Vinod Anand **MITTOO, M.S.K.**

NATIONAL HUMAN RIGHTS COMMISSION
STAFF – YEAR END 2022

TITLE	NAME
Deputy Permanent Secretary	Mr. Sheik Farhad VYDELINGUM
Office Management Executive	Mrs. Seema Devi LUCKHO
Human Resource Executive	Mrs. Rajkumaree BALGOBIN
Principal Financial Operations Officer	Mr. Mohammad Sabir SAHEBALLY
Procurement & Supply Officer	Mrs Feryale RAWAT (until 30 May 2022) Mrs. Purnima RAMDEWORSING (from 27 June 2022)
Office Supervisor (Registry)	Mrs. Shenaz CARIMBACCUS (from 31 October 2022)
Confidential Secretary	Mrs. Jeenee SEEVATHEAN (until 9 August 2022) Mrs. Lutchmee VENCATAPILLAY (from 01 November 2022) Mrs. Youn Lung LAI CHEK Miss Prayogeeta RAMDHAREE Mrs. B. Yasmine DILMOHAMED
Barrister at Law	Ms. Risha Pooja HULMAN
Investigator	Mr. Nivish Varma CHUMMUN Ms. Yohinivaani CHETALEE PARRYANEN Ms. Pournima MAHADAWO Mr. Jitendradeve ADHIN (until 16 August 2022)
Management Support Officer / Human Rights Officer	Mr. Kamdev PATANDIN Mrs. Ridhimah HURLOLL (until 15 November 2022) Mrs. Pareezad BANNOO-RUSMAULLY Mr. Prithvi SUJEEUN (until 09 August 2022) Ms. Sanjana RAMTOHUL Mrs. Neelam BHOWOMIAH-RAMDEEHUL (from 23 August 2022) Mrs. Pamima WONG LUN SHING (from 12 September 2022)
Word Processing Operator	Mrs. Avishka DOMAH-LUCHMUN-ROY (from 14 November 2022)
Office Auxiliary	Mrs. Manju GROODOYAL Mr. Atish RAMBURUTH
Driver	Mr. Mevin CHOWDHORY Mr. Tarun SEEBARUTH Mr. Ashfaq MOHOBUTH

TABLE OF CONTENTS

		PAGES
	TABLE OF CONTENTS	i-iv
	LIST OF ANNEXES	v
CHAPTER I	INTRODUCTION	1 -4
CHAPTER II	HUMAN RIGHTS ISSUES	5 - 28
CHAPTER III	LEGISLATIONS 2022 PROMOTING HUMAN RIGHTS	29 - 30
CHAPTER IV	HUMAN RIGHTS DIVISION	31 - 73
CHAPTER V	NATIONAL PREVENTIVE MECHANISM DIVISION	74 - 104
CHAPTER VI	RODRIGUES	105 - 112

	CONTENTS	PAGES
CHAPTER I – INTRODUCTION		1-4
1.1	PROMOTION OF HUMAN RIGHTS	1 - 2
1.2	NEW CHALLENGES	2 - 3
1.3	NEUROTECHNOLOGY	4
CHAPTER II – HUMAN RIGHTS ISSUES		5-28
2.1	THE HUMAN RIGHTS IMPLICATIONS OF CLIMATE CHANGE AND THE RIGHT TO A CLEAN ENVIRONMENT	5 - 7
2.2	WOMEN’S RIGHTS	8 - 15
2.3	CHILDREN’S RIGHTS	15 -16
2.4	RIGHTS OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX (LGBTI) PERSONS	16 -17
2.5	CHAGOS ARCHIPELAGO	17 -18
2.6	FREEDOM FROM TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT	18 20
2.7	TREATMENT OF DETAINEES	20 -21
2.8	MEASURES TO INCREASE THE EFFICIENCY OF THE POLICE IN COMPLETING POLICE ENQUIRIES TO HELP DECREASE THE NUMBER OF REMAND DETAINEES IN PRISON	21 -25
2.9	PROTECTION FROM DEPRIVATION OF PROPERTY	25 -26
2.10	OLD AGE PERSONS	26

	CONTENTS	PAGES
2.11	PERSONS WITH DISABILITIES	26
2.12	REPORTS TO TREATY BODIES	26 -28

	CONTENTS	PAGES
	CHAPTER III - LEGISLATIONS 2022 PROMOTING HUMAN RIGHTS	29 - 30
	CHAPTER IV - HUMAN RIGHTS DIVISION	31 - 73
1	THE HUMAN RIGHTS DIVISION	31
2	FUNCTIONS OF THE HUMAN RIGHTS DIVISION	31 -32
3	WHO CAN MAKE A COMPLAINT?	32
4	COMPLAINTS STATISTICS	33 - 39
5	HEARINGS	39
6	REFERRALS	40
7	NATURE OF COMPLAINTS	41 - 47
8	SENSITISATION	48
9	RIGHT TO HEALTH: DRUG USE IN MAURITIUS	48 -52
10	RIGHT TO HEALTH AN OVERVIEW OF HIV IN MAURITIUS	52 - 59
11	BIRTH REGISTRATION AND TARDY DECLARATION	59 -62

12	TARDY DECLARATION OF BIRTH IN MAURITIUS	63 - 65
13	BULLYING OF INDIVIDUALS WITH DISABILITIES	66 - 70
14	RIGHT TO HEALTH: PROBATION SERVICES UNDER THE CHILDREN'S ACT 2020	70 - 73
CHAPTER V – NATIONAL PREVENTIVE MECHANISM DIVISION		74 - 104
1	PRISONS	74 - 82
2	POLICE CELLS AND DETENTION CENTRES	82 -86
3	STEPS TO BE TAKEN TO IMPROVE CONDITIONS OF DETENTION IN POLICE CELLS AND DETENTION CENTERS	87 -88
4	JUVENILE JUSTICE	88 - 93
5	REHABILITATION YOUTH CENTRE (BOYS & GIRLS)	94 - 95
6	CORRECTIONAL YOUTH CENTRE (BOYS)	96
7	COMPARATIVE ANALYSIS	96 – 100
8	STATISTICS VISITS AND COMPLAINTS	101
9	NATURE OF COMPLAINTS	101
10	DETAINEES IN PRISONS	102 -104
CHAPTER VI – RODRIGUES		105 - 112

LIST OF ANNEXES

- ANNEX I** TALKS BY THE NATIONAL HUMAN RIGHTS COMMISSION TO PROMOTE HUMAN RIGHTS
- ANNEX II** EXTRACT FROM THE REPORT OF SPECIAL RAPPORTEUR ON THE SALE AND SEXUAL EXPLOITATION OF CHILDREN – MARCH 2023
- ANNEX III** CONCLUDING OBSERVATIONS ON THE COMBINED SIXTH AND SEVENTH PERIODIC REPORTS OF MAURITIUS – COMMITTEE ON THE RIGHTS OF THE CHILD – FEBRUARY 2023

FOREWORD

The National Human Rights Commission (NHRC) is a national human rights institution (nhri) set up according to the Paris Principles. It is independent and acts within its mandate as an arbitrator between the citizen and the State. In most countries where nhris exist, they performe have to be financed by the State. In Mauritius, it is the Prime Minister who presents the budget of the NHRC every year for approval by the National Assembly and every year the NHRC has to submit its Annual Report to the President of the Republic to be laid on the table of the National Assembly. Recommendations are made for the improvement of the human rights situation in the country.

The Commission wishes to place on record the valuable contribution of its members and investigators in the compilation of the Annual Report – Mr. Vieillesse on Juvenile Justice, Mr. Mittoo on Delays in Police Enquiries and Improving Conditions of Detention in Police Cells, Mrs. Manguillier on Climate Change and the Right to a Clean Environment, Mr. Naik on Probation Homes, HIV/AIDS and the Problems of Drug Addiction in relation to the Right to Health, Ms. Hulman, Barrister-at-Law, on Pertinent Human Rights Issues, Mr Chummun on The Situation in Prisons, Ms. Chetalee on Women Detainees and the Conditions of Detention in Police Cells, Ms. Mahadawo on Human Rights Issues in Rodrigues.

Our thanks also go to our supporting staff for their precious assistance.

CHAPTER I

1. INTRODUCTION

The National Human Rights Commission (NHRC) set up under the Protection of Human Rights Act 1998, as subsequently amended, consists of two Divisions:

1. The Human Rights Division (HRD)
2. The National Preventive Mechanism Division (NPMD)

The main objectives of the NHRC are to protect and promote human rights. The HRD deals with violations of human rights listed in Chapter II of the Constitution of Mauritius (which are mainly civil and political rights). It has no jurisdiction over the private sector and cannot entertain complaints dating for more than two years. Furthermore, it cannot intervene in matters concerning the President, Chief Justice, the Director of Public Prosecutions, and any Commission established by the Constitution.

The HRD has been given an important mandate following an amendment to the Criminal Appeal Act. It may review convictions by the Supreme Court when there is fresh and compelling evidence in a case. However, the final decision will rest with the Supreme Court as to whether the conviction will be upheld or reversed.

The NPMD, set up following the ratification of the Optional Protocol to the Convention Against Torture, is responsible for visiting places of detention (prisons, police detention centre, police cells, Correctional Youth Centres, mental hospitals), to ensure that conditions of detention are in line with human rights standards. The Prison welfare officers play a remarkable role in creating a proper environment for the detainees in general, in encouraging the practice of rehabilitation and providing moral support to them.

The Annual Report for the year 2022 welcomes the beginning of the celebration on 10 December 2022 of the 75th Anniversary of the Universal Declaration of Human Rights (“UDHR”) which remains the basic international instrument which all States in the world must abide by. It enunciates the rights which we have entrenched in our Constitution. Although in 1948 it was not known how fast the world would develop and how new problems will crop up, the UDHR still provides a benchmark on which third generation rights and fourth generation rights are developed.

1.1 PROMOTION OF HUMAN RIGHTS

The NHRC is fully active in the promotion of human rights. During the years 2018 to 2021, it was involved in a project managed by a special unit to promote human rights, sponsored by the delegation of the European Union in Mauritius. It continues to carry out its awareness raising campaign. The number of talks and workshops for 2022 is mentioned in Annex I

Human Rights should not just stay on the books. Their importance must be brought to the people and must be explained, not only to enable the citizen to know his rights but to teach him to respect the rights of others. In this context, the National Human Rights Commission (the “NHRC”) plays a crucial role in the promotion of the knowledge of human rights. Human Rights Education is not limited to schools, universities, the civil service, police officers, prison officers but also reaches women centres, youth centres, associations grouping old age persons, trade unions, factories, and Citizens Advice Bureaus. The NHRC conducts such a promotion campaign throughout the year.

In approaching the general public, the NHRC has to use the vernacular, the Kreol language, to explain the meaning and importance of human rights. Kreol is now taught in our schools and at the university. It is an examinable subject and is used and understood by everybody. It is contemplated that one day it may be used in the National Assembly.

At this stage, it may be difficult to translate all laws enacted by Parliament and Regulations made by Ministers and public bodies in Kreol. It recommended that an official summary should be made of an Act of Parliament and other legislation in Kreol so that any member of the public may understand the importance of such laws and the necessity to abide by them.

There already exists an unofficial translation of the Constitution in French. A translation in Kreol would help Mauritians to better understand rights, our system of government and contribute to the sense of belonging to a nation.

1.2. NEW CHALLENGES

Human Rights are now faced with fresh challenges consequential upon the evolution of social media, advances in science and the changes which the forces of nature and the actions of human beings bring to the environment.

Although social media allows for the freedom of expression and the sharing of opinions, there has been a tendency to make an abuse of it, which causes harm, and which does not respect the rights of others.

The limits, as provided for in our Constitution have been crossed by new developments, for example with the use of Tik Tok. More serious still, we have reached a point where cyberviolence and cyber based gender violence have become a universal problem, not to mention the use of digital technology to encourage child prostitution and child pornography. Mauritius is unfortunately not immune to such misuse of technology and steps are taken to combat this abuse.

New frontiers which human rights have to cope with are climate technologies and advances in neurology. It is worth mentioning that the global theme for International Women's Day on 8 March 2023 will be DigitALL: Innovation and technology for gender equality. Huge benefits can be derived from digital technology to speed up social change. As Volker Türk, the UN High Commissioner for Human Rights has said –

“The digital space has yet to undergo a much-needed feminist revolution – and it must”.

There is a downside to the digital world when it is misused to promote gender-based violence and misogynistic attacks. It has been said that new technologies enable ill intentioned users to attack the physical, sexual, and psychological integrity of other persons online and to control their victims through online surveillance, extortion, and harassment. Cyberviolence now consists of imaged based sexual abuse when intimate images of persons are revealed via denuding technology and are disseminated without consent. Basic images are obtained through oppression, extortion or hacking. Cases of revenge porn have been reported in Mauritius.

Sexual abuse is ingrained in our societies. It is rooted in inequality, in power differentiates, in poverty and is passed on from generation to generation.

In terms of criminal accountability, the perpetrators must bear serious consequences for their crimes. The relevant authorities must be held to account for: (i) the frustration – it takes a long time to complete investigations [an increase in resources is warranted]; (ii) lack of feedback given to victims [there must be a better flow of information].

Victims must get assistance and support quickly to rebuild their lives. They need medical care, psychosocial support, and legal assistance.

1.3. NEUROTECHNOLOGY

Neurotechnology is a novel development in neurology. It provides opportunities to improve the well-being of people, enhance mental capacities and help address various forms of mental illness, like Alzheimer's, dementia and caring for autism.

The reverse side of this progress in medicine is that it may affect human rights to the extent that it trespasses on human autonomy and may enable far-reaching control of individuals and populations. It is already evident that we are influenced by marketing and advertisement of products by the media, or otherwise which constitute an intervention on our way of thinking and affect our freedom of choice. Our freedom of thought, freedom of opinion, freedom of expression and freedom of conscience must be protected from misuses and abuses of neurotechnology. Bioethics laws and regulations must protect individuals. The UNESCO has carried out research on the topic, an account of which was published in its magazine *COURRIER* of March 2022.

The link between neurotechnology and criminal justice is important, for example, in lie detector tests. But there are concerns about brain reading, about devices that can monitor brain activity when accessing individual mental states through direct brain stimulation. The individual mental state as a repository of health, dexterity and autonomy must be respected.

CHAPTER II

HUMAN RIGHTS ISSUES IN MAURITIUS

2.1. THE HUMAN RIGHTS IMPLICATIONS OF CLIMATE CHANGE AND THE RIGHT TO A CLEAN ENVIRONMENT

Climate change represents an existential threat to the full enjoyment of human rights including *inter alia* the right to life, water and sanitation, food, health, housing the development.

As emphasized by the United Nations Human Rights Council in its Resolution 51 adopted in October 2022, “*climate change is one of the greatest challenges of the day, directly and indirectly affecting the full enjoyment of human rights. It requires urgent and collective action.*” The Council called for international cooperation to implement the United Nations Framework Convention on Climate Change (UNFCCC) “*in order to support national efforts for the realization of human rights affected by climate change related impact.*” The Council affirmed that “*human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.*” Climate change is a human rights issue and therefore the adoption of a human rights approach is essential to mitigate its harmful effects. A human rights approach requires that measures to mitigate and adapt to climate change should be guided by relevant human rights norms and principles including the rights to participation and information, transparency, and non-discrimination.

The adverse impacts of climate change inordinately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, and persons with disabilities.

Although the Constitution of Mauritius does not explicitly cater for climate change and its impact on the enjoyment of the human rights of people in vulnerable situations, it does provide for the protection of wider fundamental

rights such as the right of the individual to life, liberty, and security. The right to clean water and sanitation or to food is now encompassed under the right to live in dignity which itself is construed as an emanation of the right to life.

Mauritius is particularly vulnerable to the negative impacts of climate change with key sectors such as agriculture, coastal zone, fisheries, marine environment, and supply of water being at risk. In addition, in the recent years, Mauritius has faced extreme weather conditions (for example, torrential rain, floods and drought) which adversely affect the right to life, as is the case worldwide. Several measures have been adopted by the State of Mauritius in order to effectively deal with and mitigate adverse effects of climate change.

Mauritius is a party to several multilateral environmental agreements relating to climate change, chemicals, biodiversity, marine, atmosphere and associated challenges, such as, *inter alia*:

- (a) the United Nations Convention to Combat Desertification;
- (b) the Convention on the Protection, Management and Development of the marine and coastal environment of the Eastern African Region and related protocols (Nairobi Convention);
- (c) the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol under the UNFCCC;
- (d) the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol under the Vienna Convention;
- (e) the Stockholm Convention on Persistent Organic Pollutants;
- (f) the Minamata Convention on Mercury;
- (g) the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
- (h) the Bamako Convention on the ban of the import into Africa and the control of transboundary movement and management of hazardous wastes within Africa; and
- (i) the Paris Agreement,

Measures and policies have been adopted in order to give effect to and fulfil the State's obligations under the above-mentioned agreements. In addition, a number of laws has been enacted including *inter alia* the Climate Change Act 2020, the National Disaster Risk Reduction and Management Act 2016 and the Environment Protection Act 2002. The National Disaster Reduction Strategic Framework and Action Plan, the Land Drainage Master Plan and the management of solid waste seek to implement these laws.

In accordance with its mandate to promote human rights under the Protection of Human Rights Act, across Mauritius and Rodrigues, the NHRC raises awareness amongst different sections of the Mauritian population on their human rights and on respect for human rights. In all its informative sessions, the NHRC raises awareness on the right to a safe environment and on the human rights impacts of climate change. The audience is also sensitised on the importance of protecting and maintaining a healthy environment for a sustainable future.

The NHRC is a member of the Caucus on Human Rights and Climate Change. The Caucus which has been created by the Global Alliance of National Human Rights Institutions (GANHRI), comprises 33 National Human Rights Institutions (NHRIs) from all regions. The primary objectives of the Caucus are to (i) facilitate the exchange of knowledge, experiences, and good practices among NHRIs across all regions in addressing climate change from a human-rights based approach and (ii) assist NHRIs in their work to report to and advise Government and other stakeholders on human-rights -based approaches to climate change.

The United Nations General Assembly (2022) has declared the right to a clean, healthy, and sustainable environment as a universal human right. Although the Constitution of Mauritius does not specifically provide for the right to a clean environment, to a large extent, the provisions of the Welfare State in Mauritius afford second and third generation rights to Mauritian Citizens.

2.2. WOMEN’S RIGHTS

2.2.1 Gender-based Violence

While progress has been made in the fight for gender equality, gender-based violence (GBV) continues to be a major human rights issue. Regardless of class, ethnicity, age, sexual orientation, disability status, GBV affects mostly women and girls. Gender-based violence is related to several human rights violations – for example the right to life, freedom from torture and degrading treatment, freedom from discrimination and the right to safety and security.

The statutory definition of domestic violence in the Protection from Domestic Violence Act includes *inter alia*, physical, verbal, emotional and sexual violence, in the form of wounds or blows, threats, coercion, insults, stalking, isolation, confinement or causing damage to property committed by the perpetrator against his spouse, a child of his spouse or another person living under the same roof¹. Domestic violence is a societal problem, which can have short-term and long-term adverse effects on the victims, who are amongst the most vulnerable members of our society. The cases of domestic violence in Mauritius, prevail as one of the preeminent forms of violence. In 2022, over 3000 cases of domestic violence have been reported including four cases of femicide. Passengers witnessed a horrific scene on board a bus at the Jan-Palach station in Curepipe in December 2022 where a 42-year-old woman bus conductor was fatally stabbed several times by her ex-partner.

There are several challenges in dealing with GBV. For instance, there are many unreported cases; shame, guilt, reluctance to engage in a judicial process, fear of reprisal from their communities are some of the reasons why victims do not report cases of domestic violence. In addition, emotional abuse may not be treated with the same level of severity as physical abuse.

¹ Section 2 of The Protection from Domestic Violence Act

Several measures have been taken by the authorities in Mauritius to effectively deal with GBV. The High-level Committee presided by the Prime Minister has set up four Technical Working Groups to deal with the issue. Many policies and strategies are being implemented by the Brigade Pour la Protection de la Famille to address the issue. There is ongoing training of Police officers in view of providing better support to victims of GBV. The mobile application known as “*Lespwar*” was launched by the Ministry of Gender Equality, Child Development and Family Welfare to encourage reporting of cases of violence. It enables a victim to press a panic button on a mobile phone which immediately alerts the police when she is threatened. Better access to mobile phones must be provided to victims who have initiated complaints.

Education is vital in dealing with the issue of GBV. The National Human Rights Commission has been actively engaged in conducting awareness-raising campaigns on the issue in social welfare centres, youth centres and schools. The audience is sensitised on what violence is, what abuse is, what abusive relationships are and on the forms of violence. The primary objective of the informative sessions is to sensitise the audience on their rights, to help them understand the root causes of violence and on the support which can be sought if they experience violence.

2.2.2 Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In 2018, the CEDAW Committee published its Concluding Observations on the eighth periodic Report of Mauritius. It recommended that Mauritius “should put in place temporary special measures with a view to achieving substantive equality between women and men in all areas covered by the Convention, in which women are underrepresented or disadvantaged, such as participation in political and public life and in employment.”

A policy in favour of temporary special measures set out in article 4(1) of the CEDAW has not been adopted in Mauritius. Increasing the number of women members in the National Assembly for greater participation in political life in future may be a measure to ensure that women play a more important role in formulating legislation and in defending the interests of their constituents. Such permanent measures have already been implemented at the level of local government.

The recommendations of CEDAW on gender-based violence and on the prohibition of corporal punishment of children in all settings have been implemented. However, as yet the recommendation to explicitly prohibit marital rape has not been enforced on the ground that Section 13(2) of the Protection from Domestic Violence Act already enables prosecution in cases of marital rape. The CEDAW Committee also recommended that the protection of the rights of the LGBTI persons should be promoted in all areas covered by the Convention such as employment and health and also that the State should conduct an awareness campaign to combat stigmatisation of the LGBTI in society.

The Equal Opportunities Act provides for measures to combat discrimination against individuals on grounds of sexual orientation. The National Human Rights Commission in carrying out its mandate for the promotion of human rights raises awareness about the situation and rights of LGBTI persons.

2.2.3 Women Detainees and Human Rights

Adult female detainees are detained at the Women's Prison Beau-Bassin (WPBB) since 1954. The prison accommodates remand and convicted detainees in separate yards, 42 cells and 5 dormitories. As at December 2022, there were 145 detainees in the prison. There is a Mother and Child Unit at the Women's prison which can accommodate up to 8 mothers and babies. A child can stay with his/her mother detainee until reaching the age of five.

There is also the Open Prison for Women at Beau-Bassin, known as a minimum-security prison in as much as it allows detainees who are now on the way of being discharged to be detained there, upon good behaviour.

The Barkly Special Prison for Women can accommodate up to 12 detainees and it is principally a temporary facility for those who commit aggravated defaults in prison. During the detention, there is a close supervision by prison officers.

The medical complex at WPBB can accommodate three patients and it attends to medical emergencies from the other female institutions too. There is one dental clinic in the medical complex. A gynaecologist, a paediatrician, a dentist, and an ENT (Ears, Nose and Throat) surgeon appointed by the Ministry of Health and Wellness visit the Women's Prison twice a month to attend to patients and provide medical care.

The officers at the women prisons have made significant progress in the rehabilitation of detainees. For instance, both convicted and remand detainees are given the opportunity to work which allows them to perceive an enhanced earning scheme. The detainees are also allowed to send half of the money to their families, if they so wish. The NHRC encourages such practice as it allows detainees to use the money to buy additional items such as sanitary items, toothpastes, and soaps. Detainees work in the kitchen, laundry, in the tailoring workshop, in the poultry farm, in the pastry unit. They perform cleaning tasks or even work in the yards where vegetables are planted and used for the meals.

Training programmes in handicraft, pastry and garment making are offered by the Mauritius Institute of Training and Development (MITD) approved by the Mauritius Qualifications Authority (MQA). Such initiatives enable detainees to develop new skills, which can be largely helpful upon their release from the prison. Indeed, a number of ex-detainees have been able to open their own enterprises, owing to the skills and courses they have had in prisons.

The prisons authorities have acknowledged that women detainees ought to be given psychological support during their detention as this is of the primary

importance in prison. One cannot deny the fact that some of the women detainees upon being sentenced may have been separated from their families and children and therefore, the adaptation to a prison environment can sometimes be harsh. Thus, the practice of recreational activities is continuously encouraged, for example training in Yoga, Tai Chi, meditation, and peer support counselling sessions are conducted at the women prisons.

As per its mandate under the National Preventive Mechanism Act, in 2022 the NPMD conducted 16 visits at the women prisons. Visits were conducted on grounds of complaints received from the detainees as regards their conditions of detention (food, material conditions, personal hygiene, medical assistance, visits and phone calls and rehabilitation) or general visits were conducted to examine whether the human rights standards are observed and respected. Most of the complaints in 2022 concerned queries from detainees as regards the status of their cases and in this context the NPMD sent correspondences to the Commissioner of Police, so as to be able to update the detainees, especially those who do not have a Counsel.

In a particular case at the Women's Prison, one detainee of Nigerian nationality, accused of "Soliciting a Male for Immoral Purposes", was detained at the Women's Prison as she did not have a fixed place of abode. On 17 September 2022, the NPMD liaised with the Passport and Immigration office, so that the latter could be deported to her country of origin. On 04 November 2022, the NPMD was informed by the Passport and Immigration Office that the latter was repatriated to Nigeria.

The NPMD also received complaints concerning medical assistance, either against the prison or the public hospital. For instance, one detainee aged 75 years was awaiting a cataract surgery since 2021 and her medical file was transferred from Moka Eye Hospital to Souillac Eye Hospital. On 17 October 2022 upon receipt of her complaint, the NPMD liaised with the Ministry of Health and Wellness so that the detainee could benefit from surgery with close attention

given to her general state of health. On 21 October 2022, she had a pre-assessment at Souillac Hospital and the surgery was conducted on 30 October 2022.

Furthermore, as part of its advisory function, the NPMD provides recommendations which are sent to the Commissioner of Prisons and to the Officer in Charge of the Prison. They may include revision of the current practices and methods in prisons. Following these recommendations, the NPMD also makes follow-up visits to ensure that the same recommendations have been implemented.

In March 2022, the NPMD conducted a visit at the Women's Prison and examined the conditions in the kitchen, the pastry unit, the remand yard, the cells, the dormitories, and the mother care unit. The food served at the Women's Prisons was satisfactory. The food is prepared by the detainees and in fact since 2022, the food served at Phoenix Prison (La Bastille) is also prepared by women detainees at the Women's Prison. In light of its findings and observations made during the visit in March 2022, the NPMD made relevant recommendations.

The recommendations concern urgent renovations in the kitchen, the provision of more refrigerators to store vegetables, fruits and other perishable food stuff, steps to repair the windows in the kitchen, provision of appropriate cleaning materials to the detainees, the provision of transparent waterproof tarpaulin sheets around the remand kiosk and metal sheets along the pathway to the remand yard. In mid-2022, the NPMD was informed that the above recommendations had been successfully implemented at the Women's Prison.

As part of its protection function, the NPMD engages through meaningful dialogue with the stakeholders in the prison concerning the prevention of torture and ill-treatment. The NPMD establishes continuous communication with the stakeholders at the Women's prison, such as the medical staff, the psychologist, the prison officers and principally with the welfare officers. Presently, there are two welfare officers for women detainees, and they are a useful link between the NPMD and the prison. The welfare officers look into the social, legal issues and

welfare of the women detainees and their children. The welfare officers play a remarkable role in creating a proper environment for the detainees in general and the children, in encouraging the practice of rehabilitation and providing moral support to the detainees.

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules) were adopted by the United Nations in 2010. It is the first international instrument which provides specific guidelines to the needs of women prisoners in the criminal justice system. The seventy Rules are not intended to create more privileges for the women detainees, but rather to be gender responsive to the needs of women detainees and hence, providing equal treatment. Specific principles are addressed in the Bangkok Rules, such as personal hygiene, health care services, body searches, discipline and punishment, pregnant women, breastfeeding mothers, and mothers with children in the prison, amongst others.

On the same line, these Rules intend to create a better world for women within the judicial and carceral system. Other than that, women, and mothers in prisons ought to feel safe. They should not be ending in prison for minor offences. That is why; efforts have to be made by all stakeholders to implement alternatives to prisons for women detainees. The socio-economic conditions of women and the family situations need to be considered before sending them to prison. Alternatives to women's detention can be community service, rehabilitation in centres, fines, minimum sentences, or even electronic bracelets for women detainees.

Some women are detained because they have not been granted bail or they do not have the means to abide by the conditions of bail. There is a need to reform the process and timeframe for police enquiries to be completed, in respect of women and in particular pregnant women and women with children. Remand to prison can be particularly gruelling for women, as they need to cope with the sudden

uncertainty of awaiting trials, the unfamiliar system of the judiciary, the sudden separation from family and work and the challenge of adjusting to a new regime. As at 31 December 2022, there was a total of 145 detainees at the Women’s Prison (109 remand detainees and 36 convicted detainees). Behind such statistics showing the number of remand detainees at the Women’s Prison lie real stories of women, sometimes victims of domestic violence, poverty, deprivation, addiction, and poor health. They and their children must be better served. This will benefit not only them, but also the whole society of which we are all part.

2.3. CHILDREN’S RIGHTS

The Children’s Court is fully operational since January 2022 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. With the establishment of the Children’s Court, it is expected that the issue of delays in enquiries, especially in cases pertaining to sexual assault against a minor, will be resolved. In November 2022, an accused charged with the offence of wilfully and unlawfully committing an indecent act upon a minor was acquitted by the Intermediate Court. The minor victim (aged 5 years at the time the incident occurred) deponed in Court six years after the occurrence and contradicted herself in Court in relation to the version she gave to the police in her original statement. The Court held that the victim could not be considered as a credible witness and the case was dismissed. It is obvious that a child could not remember all the exact facts in the case.

In June 2022, the UN Special Rapporteur on the sale and sexual exploitation of children, Mama Fatima Singhateh visited Mauritius. In her preliminary remarks, the Special Rapporteur commended Mauritius for measures taken pertaining to child protection including *inter alia* the promulgation of the three pieces of

legislation and progress made on sale and exploitation, while indicating that there are still some challenges which need to be addressed. The report of the Special Rapporteur has been presented to the Human Rights Council in March 2023. The recommendations in the report are at Annex II.

2.4. RIGHTS OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX (LGBTI) PERSONS

A judgment of the Supreme Court in Mauritius is awaited in a case pertaining to whether section 250 of the Criminal Code which criminalises sexual relations between consenting adults of the same sex should be repealed as being unconstitutional. Section 250 (1) of the Criminal Code provides that “Any person who is guilty of the crime of sodomy or bestiality shall be liable to a penal servitude for a term not exceeding 5 years.”

In Mauritius, the Equal Opportunities Act which prohibits discrimination on the ground of status including sex or sexual orientation, gives legal recognition to LGBTI people.

The NHRC, through all its sensitisation campaigns and in collaboration with NGOs, such as the Collectif Arc En Ciel and the Young Queer Alliance, advocates for the rights of the LGBTI people and highlights the importance of ensuring that they enjoy their human rights fully, without any discrimination or stigmatisation. In May 2022, on the International day against homophobia, transphobia, and biphobia, the NHRC, on the invitation of the NGO, the Collectif-Arc-en-Ciel, delivered a presentation on the human rights of LGBTI people.

In November 2022, section 377A of the Penal Code in Singapore, which criminalises gay sex was repealed, thereby lifting the restriction on consensual same sex activity. In February 2022, the Court of Appeal in Singapore had ruled that s. 377A of the Penal Code could not be used to prosecute consenting partners engaged in private sexual activity.

India and Botswana have recently decriminalised consensual same-sex relationship, after the Judiciary in the countries ruled that the relevant sections of the Penal Code which criminalise same-sex relationships violated the constitutional rights of the LGBTI people. In February 2023, the Supreme Court in Kenya ruled that the authorities in Kenya were wrong to prohibit the gay community from registering a rights organization. In their judgment, the judges ruled that "*it would be unconstitutional to limit the right to associate, through denial of registration of an association, purely on the basis of the sexual orientation of the applicants*". Nevertheless, the Court emphasized that gay sex remains illegal in Kenya.

In 2022, the NHRC received a complaint from an NGO concerning two LGBTI teenagers who had allegedly been expelled from the family home by their parents because of their sexual orientation. While the complaint was still under investigation, the NHRC was informed that the Child Development Unit (CDU) of the Ministry of Gender Equality and the Brigade pour la Protection de la Famille enquired into the matter. Both minors and their respective parents were seen and counselled by officers of the CDU and a Psychologist of the Ministry. The children were allowed to reintegrate the family home.

2.5. CHAGOS ARCHIPELAGO

The public hearing in relation to the dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean before the International Tribunal For the Law of the Sea (ITLOS) began on 17 October 2022. During the proceedings, the Maldives indicated its new position of recognising the sovereignty of Mauritius over the Chagos Archipelago. The Maldives, which had previously voted against the resolution which was adopted by the UN General Assembly in May 2019, affirmed that it would vote in favour of the United National General Assembly Resolution entitled “Advisory opinion

of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.”

The public hearing concluded on 24 October 2022 and a decision from the ITLOS is awaited. Negotiations with the Great Britain are ongoing on the issue of sovereignty over the Chagos Archipelago.

Over the years, the Chagossians have striven, including in litigation in domestic and international courts, for acknowledgment of the violations committed against them and recognition of their rights, notably the right to return home. The right of return is set out in article 13(2) of the Universal Declaration of Human Rights (UDHR), which states: “*Everyone has the right to leave any country, including his own, and to return to his country.*” Several human rights treaties which have been signed and ratified by Mauritius, give effect to article 13(2) of the UDHR, including article 12(4) of the ICCPR, article 5(d)(ii) of the CERD, and article 12(2) of the ACHPR.

2.6. FREEDOM FROM TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

The protection from torture and any form of inhuman or degrading treatment is a fundamental right guaranteed under section 7 of our Constitution. It is an absolute right, which cannot be limited or restricted under any circumstances. The prohibition of torture and inhuman or degrading treatment or punishment is directly related to respect for human dignity.

The prohibition of torture is universally recognised and must be respected and protected under all circumstances, particularly in cases whereby the individual is detained in police cell or prison, as it has been indicated in the case of DPP v Jagdawoo V. & Others [2016 SCJ 100]:

“The treatment of detainees who are placed in a vulnerable position is a matter of even greater concern when it comes to protection of these human rights. The detainee is virtually cut off from the outside world and is placed in a situation of

weakness and vulnerability being left to a considerable extent to the mercy of police or prison officials.”

In accordance with the Police Act, a police officer when effecting an arrest may “*use such force as may be necessary to ensure such compliance.*” As such, any use of force by the police must be for a lawful purpose and strictly necessary, and respect the criteria of proportionality, that is, without being excessive in the given circumstances. The Human Rights Council during its 46th session in March 2021 adopted a Resolution [(A/HRC/46/L.27) entitled Torture and other Cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials], and acknowledged that “*public confidence in police and other law enforcement officials is paramount for their ability to perform their functions effectively and depends on, inter alia, their respect for the human rights, fundamental freedoms and human dignity for all persons.*”

In 2022, several videos circulated on social media platforms depicting alleged police brutality. Action is being taken against the police officers involved. The NHRC takes a serious view of the use of unlawful methods by the police when questioning suspects or when dealing with members of the public. Police officers and prisons officers, at the time of recruitment, already have a module to teach them respect for human rights in their training course. The NHRC delivers refresher talks to police and prison officers on human rights, on the Convention against Torture and its Optional Protocol, and on the rights of suspects and victims.

The Police Complaints Division (PCD) of the NHRC, established under the Police Complaints Act dealt with complaints against the police until April 2018. The PCD investigated into *inter alia* cases of alleged police brutality and cases of death of any person who died in police custody or because of police action. In April 2018, the Independent Police Complaints Commission Act repealed the Police Complaints Act. Consequently, all cases pending at the level of the PCD

and the staff were transferred to the Independent Police Complaints Commission. Complaints against the Police are now dealt by the Independent Police Complaints Commission.

2.7. TREATMENT OF DETAINEES

The NHRC received a number of complaints concerning delays in enquiries mainly from detainees who are on remand awaiting trial. In many drug cases, police enquiries take a long time so much as that the number of convicted detainees; which goes against the Nelson Mandela Rules about the conditions of detention. Remand detainees who are still innocent may fall under the influence of habitual criminals in prison. In some prisons, the two types of detainees cohabit. NGOs from overseas have written to Mauritian Authorities on behalf of foreign detainees awaiting trial. As there is a risk of absconding, these foreigners are not granted bail. Some of them write that they are ready to plead guilty so that they can start serving their sentence. The general rule is that time spent on remand is taken into account when a detainee is convicted.

The NHRC finds out from the police why the enquiries are protracted and presses upon the enquiring officers to complete enquiries. Section 10 of the Constitution provides that the case of any accused party shall be afforded a fair hearing within a reasonable time. Any person who is charged with a criminal offence also benefits from the presumption of innocence so that he is penalised when he is remanded into custody.

A former police officer explains the reasons for delays in enquiries below.

The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) were adopted unanimously by the UN General Assembly in December 2015 and set out the minimum standards for good prison management, including to ensure the rights of prisoners are respected. The Nelson Mandela

Rules have not been fully incorporated into our laws. The Reform Institutions Act 1988, the Prisons Regulations of 1989 and the Prisons Standing Orders regulate conditions of detention in prisons. The authorities may consider how far the Mandela Rules may be fully adopted. The number of remand detainees in the Mauritian prisons is increasing so that it is proving difficult to comply with the Nelson Mandela Rules which recommend that detainees on remand should be kept separate from convicted detainees as remand detainees still benefit from the presumption of innocence while awaiting trial.

The Subcommittee on the Prevention of Torture (SPT) set up under the Optional Protocol to the Convention Against Torture (OPCAT) has programmed a visit to Mauritius in 2023. States that ratify the OPCAT give the SPT the right to visit their places of detention and examine the treatment afforded to detainees. The first visit of the SPT took place in 2007.

2.8. MEASURES TO INCREASE THE EFFICIENCY OF THE POLICE IN COMPLETING POLICE ENQUIRIES TO HELP DECREASE THE NUMBER OF REMAND DETAINEES IN PRISON

A person may be deprived of his liberty by the proper exercise of a lawful authority such as after an arrest or following a criminal conviction in a court. A remand detainee is a person who is deprived of his personal liberty and who is awaiting trial, but who has not been convicted yet of any offence. The care and custody of detainees on remand is an extremely important human rights issue. Detainees should be treated in a humane manner.

As the enquiry by police is in progress a detainee who is not on bail is first remanded to police cell for seven days by a court of justice, followed by fourteen days detention and lastly twenty-one days in police cell. Afterwards if the enquiry is not completed a detainee is remanded to prison pending completion of police enquiry.

A detainee on remand in prison may spend several months even years in prison awaiting completion of enquiry by the police for a referral to the DPP and eventually trial by a court of justice. Due to the fact that the police enquiry is not yet completed the number of days on remand in prison may lead to serious abuse of human rights as the detained person may become vulnerable especially when it concerns women and children. The general principle is that pre-trial detention shall be the exception rather than the rule.

Anyone who is arrested has the right to trial within a reasonable time . A detainee should have adequate time and facilities and access to a lawyer for the preparation of his case and to communicate with a counsel of his own choice so that the enquiry is carried out efficiently. In the process of an enquiry the police enquiring officer encounters several time delays by police and court procedures. There are many reasons for delays in enquiry whether serious or trifling.

Even in simple cases the police enquiring officer meets with delays in his enquiries for compiling official documents, such as PF58 (medical certificates & report), memo PIO (Passport & immigration) and records of previous convictions as well as fingerprints from the crime records office (CRO).

If a victim or accused party is injured and has been given medical treatment at the hospital, he is issued with a PF58 by police for the doctor to certify the nature of the injury. The PF58 is produced in court as documentary evidence. This procedure is time consuming. It can take two to six months or more if the victim or accused party is admitted for a long period of time for treatment in the hospital. A PF58 is then issued by the hospital. The case can only be lodged if the prosecution is in possession of all the documents.

2.8.1 FORENSIC SCIENCE LABORATORY [FSL] AND OTHER AGENCIES REPORTS

In a serious case under the Dangerous Drugs Act or in a case of murder, manslaughter, or arson several agencies of the police force and outside are

involved in the process of the enquiry such as SOCO, Police Photographer and draftsman, Medicolegal Report, Forensic Scientific Laboratory (FSL), Electric service departments [ESD] and fire services. This may also be a major cause of delay in enquiry. The enquiring officer has to collect reports of the case from all the agencies concerned which will be included as evidence in the case file.

In a case where there are several exhibits the process from sealing the exhibits to transfer to FSL takes longer time and afterwards at the FSL all the exhibits are analyzed and reports drafted. This is time consuming and can take several days even months.

From now on the time lag to receive reports on exhibits will be shortened as a new Forensic science laboratory is under construction with modern equipment and more staff will be available. There will be analysis of a sample of exhibits instead of analyzing all the exhibits. This will also help in increasing the efficiency of the police in completing enquiries at the earliest.

2.8.2. JUDGE'S ORDER

Another reason for delay in enquiry by police in serious cases such as breach of ICTA, murder and manslaughter occurs when the enquiring officer applies for a JUDGE'S ORDER to have access to data of an accused party or witness from a service provider which provides telecommunications services such as Mauritius telecoms, Emtel and MTML.

The process is that the enquiring officer drafts a comprehensive brief/resume of the case and sends it to the DPP's office for the drafting of an affidavit by the State Attorney to apply for a Judge's order. On receipt of the Judge's order a copy is sent to the service provider for a detailed itemized bill of incoming and outgoing calls/ messages for the period under enquiry and the original copy of the Judge's Order to be enclosed in the relevant case file and produced in court. The time lag from the application for a Judge's order to serve it on a service provider may be shortened. Even if the enquiring officer has already completed his part of

the enquiry the case file remains outstanding at police level. To solve this problem there should be more interaction between police, SLO/DPP'S office and the service providers by organizing workshops for the stakeholders at regular intervals to help speed up the procedures.

2.8.3. INTERPOL REPORTS – DIPLOMATIC ENQUIRIES

These are other reasons for delay in sending a case to court. The police enquiring officer may do his best to complete an enquiry at hand but sometimes when the case is sent to the DPP'S office for advice it may take time before a decision for prosecution is taken especially when the case is complicated. Further information may be required from Interpol and Foreign Embassies

2.8.4. MEASURES TO INCREASE THE EFFICIENCY OF THE POLICE IN COMPLETING ENQUIRIES

(1) Police enquiring officers should work in groups or in organized enquiry panels at station levels to increase efficiency. (2) Better supervision from officers of higher rank. (3) If a police enquiry officer proceeds on long leave or is on transfer there should be proper handing over/ taking over of cases to avoid delays in the process of enquiry. (4) More lectures, seminars, workshops should be organized for different agencies such as SLO/DPP'S office, FSL, police training school so as to increase the efficiency of police enquiring officers. Furthermore, there are delays in completing police enquiries when there are several co-accused in a case. It is more difficult when a co-accused is at large or is untraceable. Finally, an enquiry takes time when the services of an interpreter is needed. More consideration should be given at police level on the issue of resisting bail in less complex cases.

2.9 PROTECTION FROM DEPRIVATION OF PROPERTY

Section 8 of the Constitution provides that no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where (a) the taking of possession or acquisition is necessary or expedient in the interests of the development or utilisation of any property in such a manner as to promote the public benefit or the social and economic well-being of the people of Mauritius and provision is made by the law for the payment of adequate compensation.

The heirs of a person who was occupying a plot of land cultivated under sugar cane which was compulsorily acquired by the State for building a road to considerably decongest traffic in the area filed a complaint to the effect that they had not been paid any compensation. The case had been dragging for a number of years. The representative of the Ministry of Housing was called for an explanation. He stated that the deceased had no title to the land in question and that the heirs had not given proof of his interest in the land. The representative of the heirs claimed that his father had been sending sugar cane to the sugar factory in the area over a number of years. The Sugar Insurance Fund Board (SIFB) was called to ascertain the veracity of this claim as all sugar canes sent to a factory has to be registered with the SIFB for the purpose of compensation in cases of cyclone and drought. The SIFB produced evidence that the crop from the plot compulsorily acquired was registered for a number of years on an irregular basis but not for the whole period claimed by the heirs. The matter was referred back to the valuer at the Ministry of Housing and Lands to calculate the amount of compensation to be paid for the interest in the land. The representative of the heirs was also advised to produce evidence from the Cooperative Society where his father had been a member regarding the supply of canes to the sugar factory to buttress his case with the Ministry.

2.10. OLD AGE PERSONS

The National Human Rights Commission delivers talks to Old Age Persons about their human rights. Questions are raised about their rights to property, the right to continued occupation of the family home, and about the treatment afforded to older persons in Mauritius.

2.11. PERSONS WITH DISABILITIES

Talks are also delivered to persons with disabilities on their rights, for example, their rights to insist on reservation of parking lots and generally on the rights of disabled children to attend school together with other children, where possible. Employers, especially in the public sector are sensitized on the need to provide employment to persons with disabilities.

2.12. REPORTS TO TREATY BODIES

Convention on the Rights of Persons with Disabilities (CPRD)

Mauritius submitted its combined 2nd and 3rd periodic report to the CRPD Committee in October 2020. The date for review by the CRPD Committee of the periodic report is yet to be scheduled.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The 5th periodic report was submitted in July 2017. The Committee on Economic, Social and Cultural Rights communicated its assessment in relation to the Interim Report to the Concluding Observations in November 2021. The next periodic report is due in March 2024

Convention on the Elimination of all forms of Racial Discrimination (CERD)

The 24th and 25th combined periodic report was submitted to the CERD Committee in June 2021. The date for review by the CERD Committee of the periodic report is yet to be scheduled.

Convention on the Rights of the Child (CRC)

The 6th and 7th combined periodic report of Mauritius was submitted to the CRC Committee in November 2021. Review of the report took place in January 2023. Following the review, CRC Committee published its Concluding Observations on the 6th and 7th combined periodic report on 09 February 2023. The Concluding Observations are at Annex II

Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (CAT)

The 5th periodic report was submitted to the CAT committee in November 2021 and is yet to be reviewed.

Optional Protocol of the Convention Against Torture (OPCAT)

The UN Subcommittee on Prevention of Torture (SPT), set up under the OPCAT is due to carry out a second visit to Mauritius in 2023. The first visit took place in 2007.

The African Charter on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights communicated its Concluding Observations and Recommendations on the 9th and 10th combined periodic report of Mauritius adopted by the Commission at its 70th Ordinary Session, held from 23 February to 09 March 2022.

The African Commission has made recommendations regarding remedial actions that need to be taken by the State of Mauritius concerning, amongst others, the following: (i) the review and enactment of various legislations; (ii) the repeal of article 4 of the Constitution of Mauritius, which may allow for the reintroduction

of the death penalty; (iii) the enactment of legislative framework on the prohibition of torture; (iv) the publication of reports in respect of enquiries conducted for reported cases of police brutality and torture and other ill-treatment; (v) the implementation of the Guidelines and Measures on the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment also known as the Robben Island Guidelines; (vi) the ratification of the International Convention of 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families; (vii) the restructuring of the Judicial System; (viii) the drafting and enacting of a law on access to information; (ix) no disruption of internet facilities; (x) the review of the existing legislation to cater for freedom of assembly ; (xi) the enactment of a specific law to protect the rights of Human Rights Defenders; (xii) the withdrawal of the reservations made under the Maputo Protocol; (xiii) the repeal of section 242 of the Mauritius Criminal Code, which provides for an excuse for manslaughter when a wife and another person are caught in 'the act of adultery'; (xiv) the enactment of the proposed Disability Bill; (xv) the elimination of the existing discrimination in respect of health services to non-Mauritians nationals; and (xvi) the review of the existing legislations that prevent non-citizens with HIV or Aids from entering Mauritius.

CHAPTER III

3.1. Legislations 2022 promoting Human Rights

The National Environment Cleaning Authority Act 2022 (Act No.7 of 2022)

The Act provides for the establishment of a National Environment Cleaning Authority which shall be responsible for –

- (a) the development of a National Cleaning and Embellishment Strategy with an Action Plan to embellish Mauritius and keep Mauritius clean, in consultation with relevant Ministries and other stakeholders;
- (b) identifying and prioritising, in collaboration with relevant Ministries and other stakeholders, the sites to be kept clean and embellished; and
- (c) coordinating, monitoring, and supervising the implementation of cleaning and embellishment programmes.

The Beach Authority (Amendment) Act 2022 (Act No.8 of 2022)

The Act primarily confers more functions and powers to the Beach Authority regarding the management and control of public beaches within the islands comprised in the Republic of Mauritius.

In accordance with the Act, the Beach Authority is empowered to prepare and implement Beach Management Plans to ensure proper enforcement of all activities carried out on public beaches. The main objectives of the Act are to meet the increasing demands for services on public beaches and mitigate the negative effects of climate change.

The Act empowers officers of the Beach Authority and beach enforcement officers to inter alia –

- (a) serve a Fixed Penalty Notice on a person in relation to specific offences committed on public beaches;
- (b) enter any commercial premises, tuckshop or any other commercial structure found on a public beach;

(c) serve a stop order prohibiting any person from carrying out any illegal development or activity on a public beach;

(d) serve a pulling down order ordering the pulling down of any illegal sign or structure on a public beach.

The right to a clean environment is now recognized as a human right. In a resolution (A/76/L.75) adopted in July 2022, the UN General Assembly recognised the right to a clean, healthy, and sustainable environment as a human right. A safe, clean, healthy, and sustainable environment is vital for the full realisation of human rights, including the rights to life, health, food, water, and sanitation.

The Dangerous Drugs (Amendment) Act 2022 (Act No.17 of 2022)

The Dangerous Drugs Act has been amended to implement the recommendation of the Commission of Inquiry on Drug Trafficking (2018)

In accordance with the Act, where a person is suspected of having committed a drug offence for his personal use, he will, on the recommendation of the Director of Public Prosecutions be referred to the Drugs Users Administrative Panel (DUAP) to undergo a rehabilitation programme instead of being prosecuted for that offence.

In addition, under the Act, the use of cannabis for medicinal use only has been legalised under very specific circumstances. The Act provides for the establishment of a Medicinal Cannabis Therapeutic Committee in every regional hospital, which will determine on a case-to-case basis whether a patient needs medicinal cannabis for his treatment.

The use of drugs to closely related to the right to health, amongst other human rights. As the United Nations system Common Position on drug policy has emphasised, drug use and dependency should not be dealt with as a criminal matter but rather as a health issue to be addressed through rights-based measures including *inter alia* public health education, the provision of medical treatment and support and rehabilitation programmes.

CHAPTER IV HUMAN RIGHTS DIVISION

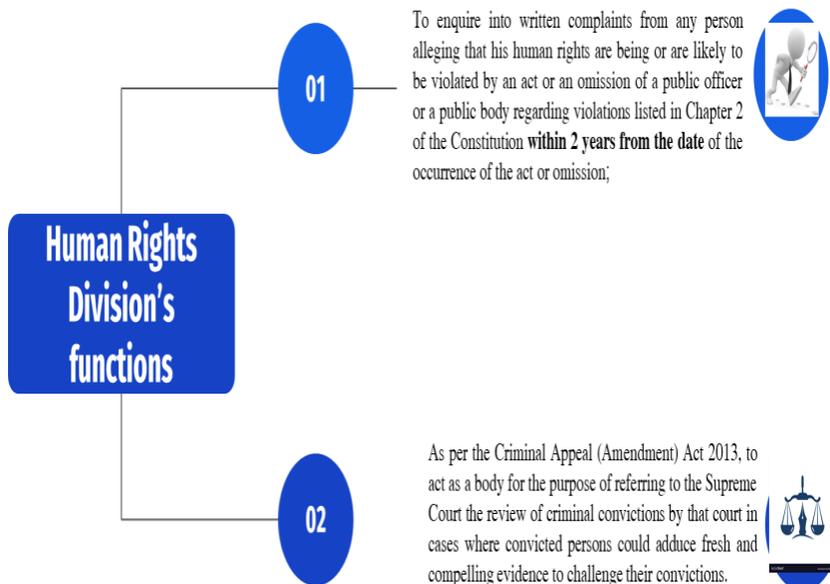
1. THE HUMAN RIGHTS DIVISION

The Human Rights Division (HRD) is one of the two divisions of the National Human Rights Commission.



The HRD operates under the Protection of Human Rights Act 1998 (PHRA).

2. FUNCTIONS OF THE HUMAN RIGHTS DIVISION



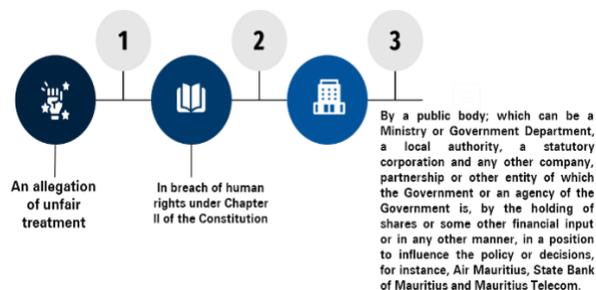
2.1 Rights under Chapter 2 of the Constitution of Mauritius

CHAPTER II – PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental Rights and Freedoms of the Individual
Protection of Right to Life
Protection of Right to Personal Liberty
Protection from Slavery and Forced Labour
Protection from Inhuman Treatment
Protection from Deprivation of Property
Protection for Privacy of Home and Other Property
Provisions to Secure Protection of Law
Protection of Freedom of Conscience
Protection of Freedom of Expression
Protection of Freedom of Assembly and Association
Protection of Freedom to Establish Schools
Protection of Freedom of Movement
Protection from Discrimination

3. WHO CAN MAKE A COMPLAINT?

The complaint must satisfy certain criteria. The complainant should say what happened, when and where it happened and who was involved. The HRD can only investigate into the complaint which contains the above mentioned 3 elements



4 COMPLAINTS STATISTICS

4.1 Categorisation of Complaints received at HRD

Complaints against Ministry/Department

Complaints in relation to Ministry of Labour
(Commission for Conciliation and Mediation)

Complaints in relation to Police

Miscellaneous complaints

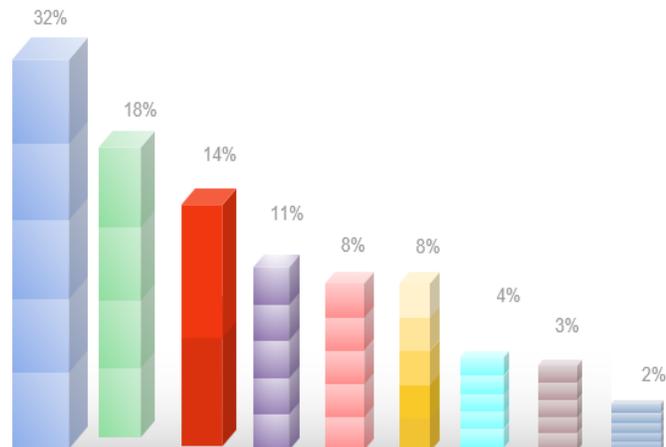
Complaints against the Local Government

Private disputes complaints

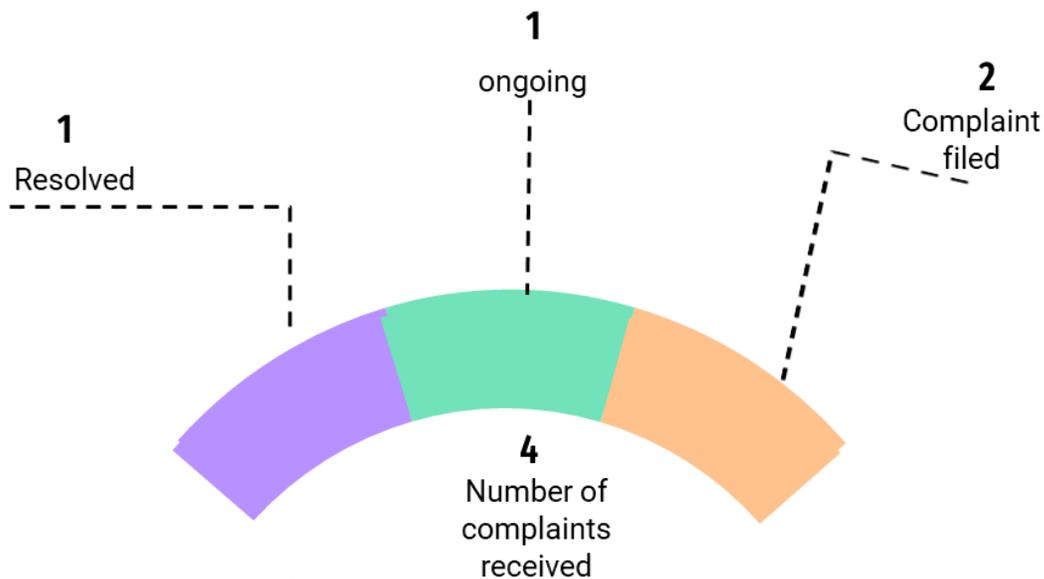
Complaints against Parastatal bodies

Animal welfare unit

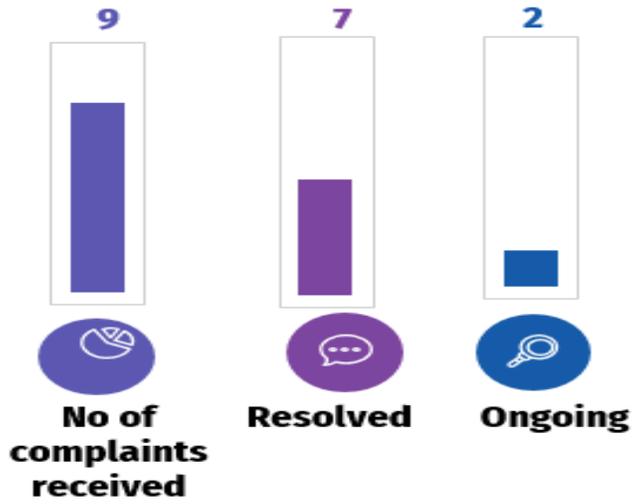
Delays in police enquiries



4.2 Complaints received against Parastatal Bodies



4.3 Complaints against Local Government



4.4 Complaints against Animal Welfare Unit



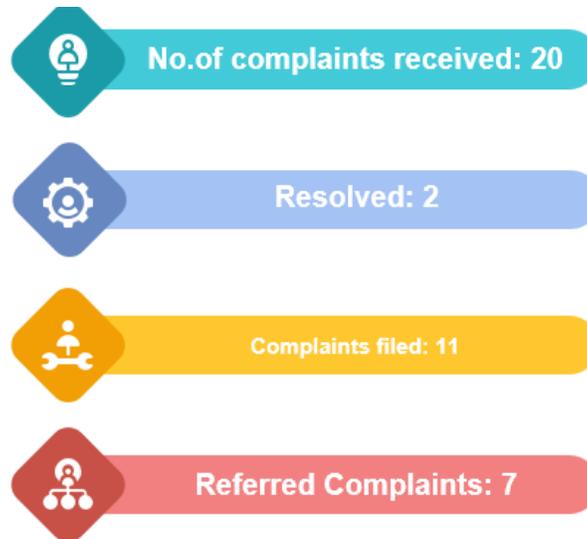
4.5 Complaints in relation to Police



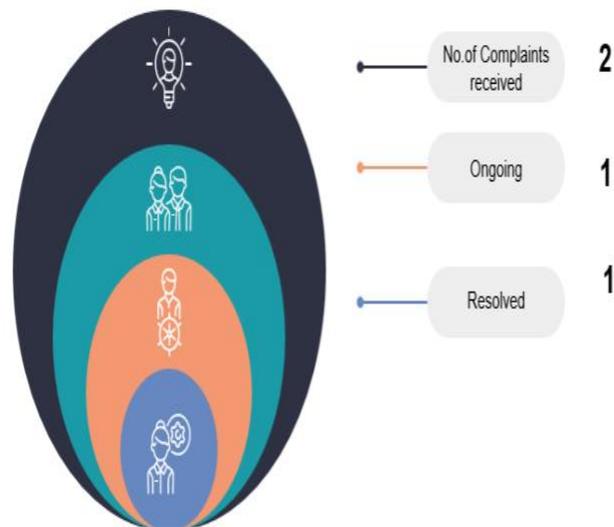
4.6 Complaints in relation to Private Disputes



4.7 Complaints in relation to Employment

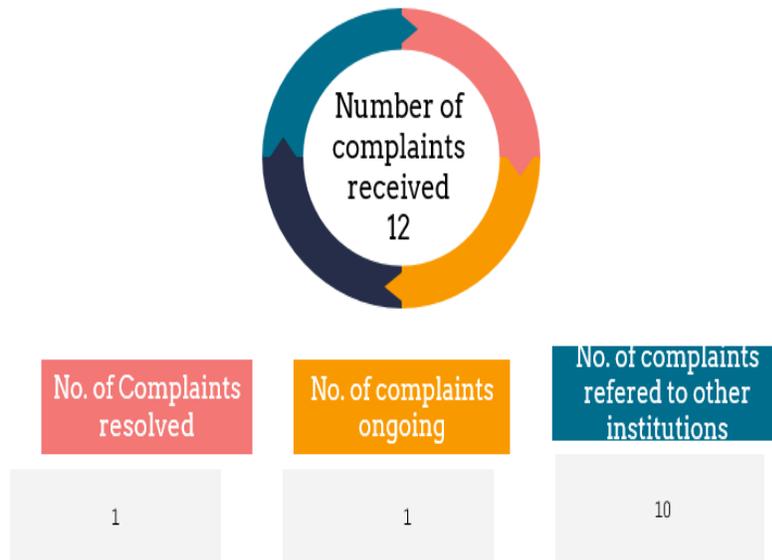


4.8. Complaints in relation to delays in Police Enquiries

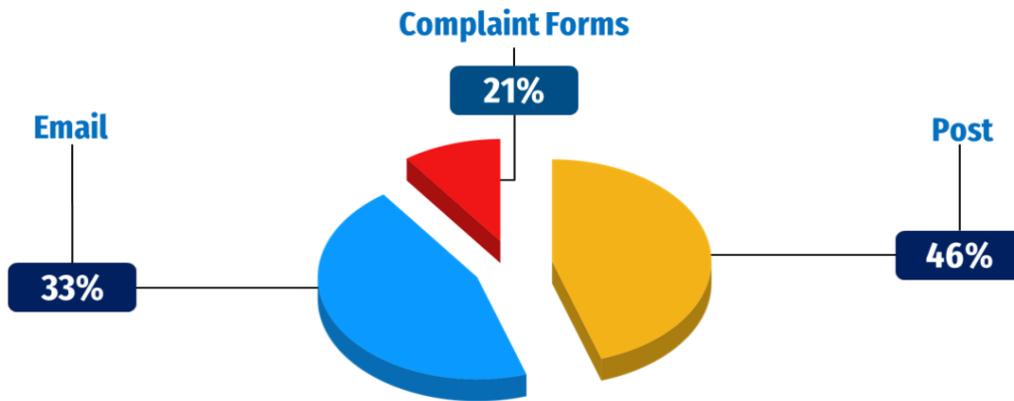


4.9 Miscellaneous Complaints

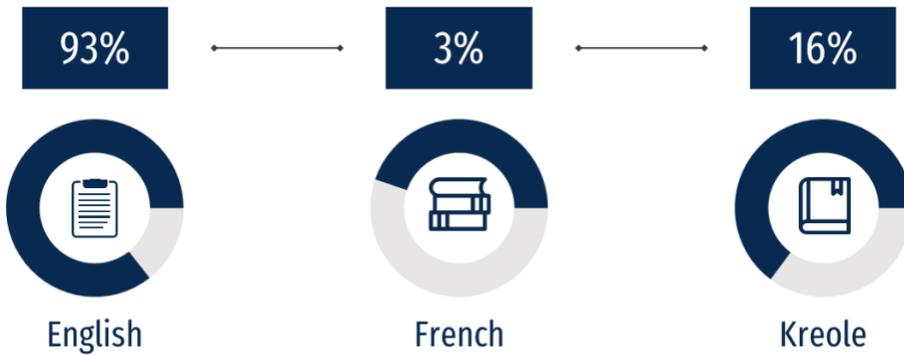
Miscellaneous complaints



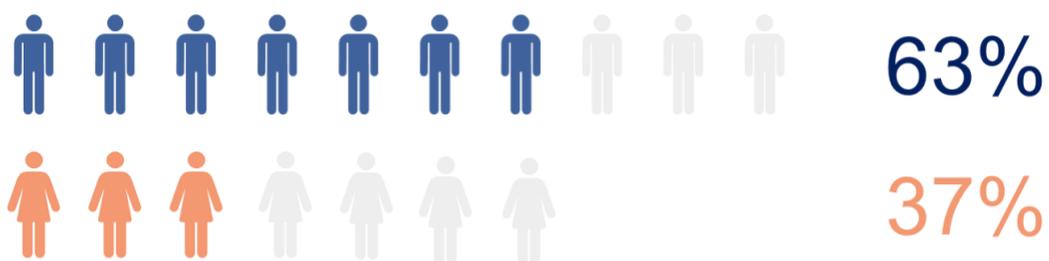
4.10 Ways Complainant contacted HRD



4.11 Language used by Complainant



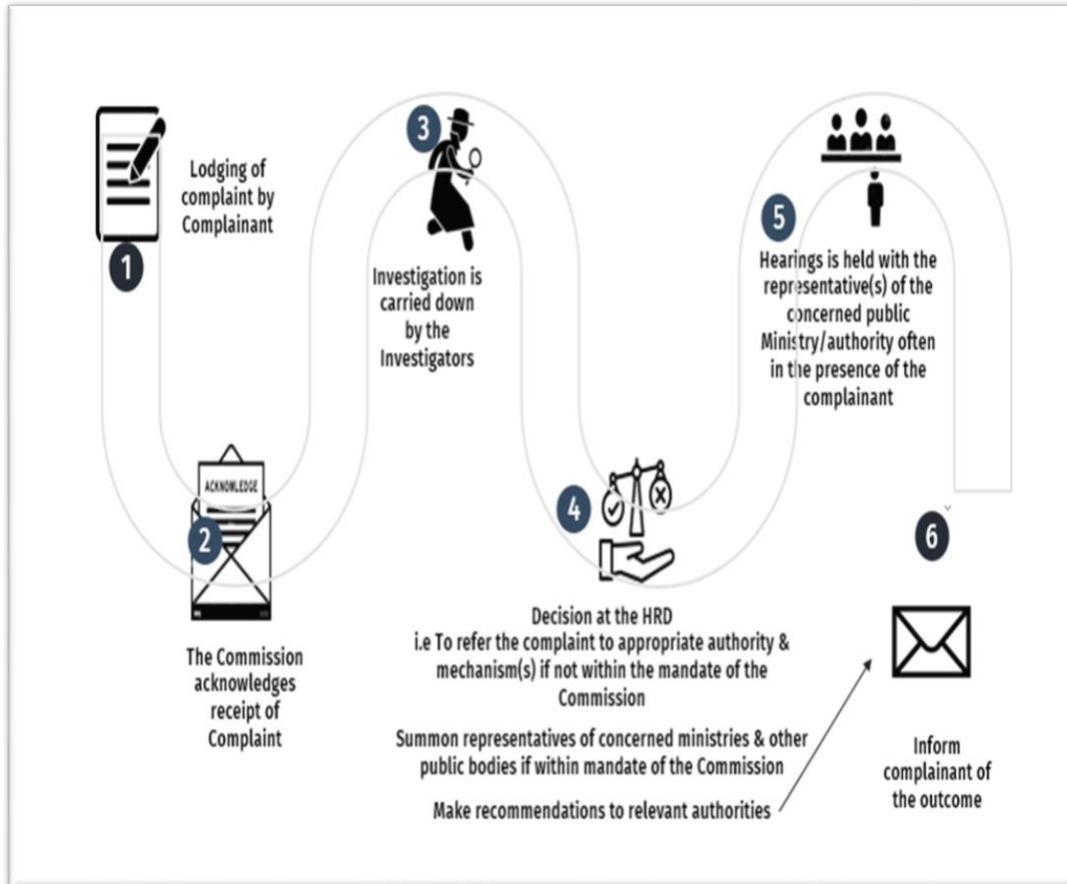
4.12.1 Complaints by Gender



4.13 Complaint Process at HRD (A)

<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 no.2115756 ➤ Can download the complaint form via the webpage of the Commission: https://nhrc.govmu.org/Pages/index.aspx <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 The complainant is notified of the receipt of the complaint.</i></p> <p><i>N.B: The complaint forms are available at all Citizens Advice Bureaus across Mauritius and at the seat of the NHRC, https://nhrc.govmu.org/Pages/index.aspx.</i></p>	<ul style="list-style-type: none"> ➤ Inquire into facts that are 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 documents. ➤ Call all parties concerned for a hearing/mediation ➤ Visit the locus if need be. <p><i>N.B: A complainant may wish to withdraw his complaint and must inform the NHRC accordingly.</i></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 to public institutions. <p><i>N.B: The complainant is always informed of the outcome of the complaint.</i></p>

B.



5. HEARINGS

Where applicable several hearings/mediations have been conducted at the seat of the Commission and hereunder is a representation of the different stakeholders convened at the NHRC.

Hearing held with different institutions



6. REFERRALS

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.

Institutions	Total
Number of complaints related to Independent Police Complaints Commission (IPCC)	9
Number of complaints related to Ministry of Labour (Commission for Conciliation and Mediation)	7
Number of Complaints referred to the Disability Unit of Ministry of Social Integration and Social Security	1
Number of complaints sent to the Office of the Director of Public Prosecutions (DPP)	1
Number of complaints sent to Elderly Unit of Ministry of Social Integration and Social Security	1
Number of complaints sent to Commissioner of Police	3
Number of complainants sent to Equal opportunities Commission	1
Number of complainants sent to Ombudsman	1

7. NATURE OF COMPLAINTS



7.1 Sample of Complaints

Noise Pollution

Noise Nuisance

Mr M.T. made a complaint with the HRD regarding the operation of a mechanical workshop by his neighbour without required permits. The Commission requested that the Municipal Council of Beau-Bassin Rose-Hill conduct a site visit to ascertain whether illegal aluminium works were being carried out. Following several visits, the Commission was informed that no aluminium works were being carried out and that no permits were issued to set up an aluminium workshop.

Disabled person facing noise pollution

Ms M. being, a disabled person was facing a problem of noise pollution in her neighbourhood, thus disturbing her. The case was referred to the Head of Disability Unit, Ministry of Social Integration, Social Security and National Solidarity. The Commission was later informed that the situation was resolved and the concerned party was no longer causing disturbance to the neighbourhood.

Noise and air pollution

Mr R. filed a complaint for noise and air pollution in the neighbourhood caused by Mr J.'s hydroponic cultivation of crops. In this context, the representative of the District Council of Souillac and the representative of the Ministry of Health were summoned by the Commission. Following the hearing, the Commission concluded that there was neither noise nor air pollution caused by the said hydroponic cultivation of crops.

Automotive workshop without permit

Mr A lodged a complaint against an automobile workshop operation which was run without the required permits. The workshop caused noise and air pollution and inconveniences and health issues for the pregnant wife of the complainant. Representatives of the District Council Flacq and a representative of Police de L'Environnement were summoned for a hearing by the Commission. The District Council of Flacq then served Mr M. (the owner of the above mentioned automobile workshop) a Compliance Notice. The latter informed the Commission that he would move his automobile workshop to another address and comply with the law.

Noise and air nuisance

A resident of Port-Louis lodged a complaint against an owner of a snack and Grill operating without the required Building and Land permit (BLUP). The complainant averred that since the illegal Grill was established, he had been facing noise, smell and air nuisance caused by fumes, and extractor; traffic congestion and difficulties in accessing to his house. The complainant also averred that to remedy the situation; he lodged complaints with the Ministry of Health & Wellness (Health Engineering Unit), the Municipality of Port-Louis, and the Police Station of Plaine Verte. The Commission convened a hearing with the Ministry of Health & Wellness, and it was noted that the latter did not take any action to book the respondent. The Commission opined that the representative should have been given a contravention right away as this would have been a deterrent. The Ministry of Health and Wellness contravened the owner after the meeting.

Breeding of dogs

Mr S.L. made a complaint that his neighbour Mr F who was breeding six Dobermans, and as a result, there was a noise and air nuisance. He also averred that the dog shelter was erected on his wall without the requisite 90 mm distance. Following the complaint Mr S.L. made with the Animal Welfare Unit, he was told that his neighbour has the right to breed dogs provided he does not have

puppies in his yard. The HRD summoned representatives of the Ministry of Health & Wellness and the Animal Welfare Unit to address the complaint. Following visits carried out by both representatives, it was apprised that Mr F has complied with all regulations, and there is no nuisance.

Construction without Permit

Mr R.G complained that one of his neighbours Mr B.M., illegally constructed a building over a public drain. Consequently, the houses of eight nearby families were flooded during heavy rainfall. He averred that several complaints were made to the Citizen Advice Bureau and the District Council of Pamplermousses, but no actions were taken. The HRD intervened and held a meeting with the District Council representative, following which a case was lodged at the District Court against Mr B.M. for illegal construction.

No Access to his residence

Mr.C. lodged a complaint against his neighbour Mr R., for preventing him from having access to his residence by obstructing his access with debris, concrete structures, discharge pipes and a septic tank. The Commission contacted the District Council of Riviere du Rempart concerning the above complaint. It was informed that a compliance notice was issued to Mr R. by the District Council. When R failed to comply with the same, the District Council served a pulling-down notice. The matter was referred for prosecution by the above-mentioned District Council.

Discrimination in the Education sector

The HRD received a complaint from Mr S.V. that Tamil, Telegu, Marathi and Hinduism are not taught in some non-state secondary schools. The HRD stepped in and asked the representatives of the School to meet with delegates from the Tamil community so that the problem could be thrashed out. Following a meeting held in March 2022, both parties reached a consensus and it was decided to write to the Ministry of Education, Tertiary Education, Science and Technology for remedial actions because there was a lack of students enrolling for and Teaching staff with regards to the above mentioned subjects.

Discrimination at work

Mr F.S., an employee of a parastatal body, sought the commission's help because he was transferred from his place of work based in Triolet (near his home) to Plaine Lauzon. As he had undergone multiple surgeries on his hips, resulting in a limp, the journey to and from Plaine Lauzon took a toll on him. He wanted the Commission to intervene to request that he be transferred close to his home on humanitarian grounds. A meeting was held with a manager and secretary of the parastatal body, following which the Commission was informed that Mr F.S. had been transferred closer to his home.

7.2 Bus Pass for Students with Disabilities

A Special Education Needs school made a complaint to the National Human Rights Commission to the effect that its students are having difficulties in obtaining their school bus pass.

The Commission convened various stakeholders comprising Head Disability Empowerment Unit, Student Identity Card Unit of the National Land Transport Authority, and the concerned educational institution, to discuss on the issue raised. Following this, the Ministry of Education, Tertiary Education, Science and Technology and the Director of the Special Education Needs Authority were approached by the Commission.

It is to be highlighted that according to Government Notice No. 101 of 2016, issues under the Road Traffic Act 2016, only students who are entitled to a Basic Invalidity Pension (**BIP**) are eligible for a free travel bus pass.

**Basic Invalid's Pension ^{1/}- Number of beneficiaries by age-group and sex,
Republic of Mauritius, 2019/20- 2020/21**

Age-group (years)	2019/20			2020/21 ^{2/}		
	Male	Female	Both sexes	Male	Female	Both sexes
0-14	1,918	1,256	3,174	1,925	1,255	3,180
15-19	1,049	656	1,705	1,124	708	1,832
Total	16,902	14,697	31,599	17,401	14,920	32,321

**Basic Invalid's Pension ^{1/}- Number of beneficiaries by age-group and sex, Island
of Rodrigues, 2019/20- 2020/21**

Age- group (years)	2019/20			2020/21 ^{2/}		
	Male	Female	Both sexes	Male	Female	Both sexes
0-14	96	81	177	99	85	184
15-19	63	31	94	79	31	110
Total	159	112	271	178	116	294

Number of pupils in Special Education Needs (SEN) schools by type of impairment and sex, Republic of Mauritius, 2021

Impairment type	Total	Boys	Girls
Physical Disability	226	146	80
Intellectual Learning Disability	1,160	772	388
Mental Health and Emotional Disabilities	261	173	88
Neurological Disabilities	104	68	36
Sensory Impairment	24	13	11
Visual Impairment	85	54	31
Hearing Impairment	91	54	37
Developmental Disorders	183	130	53
Autism Spectrum Disorder	328	273	55
Down's Syndrome	144	79	65
Other	148	93	55
Total	2,754	1,855	899

According to **Government Notice No. 101 of 2016, issues under the Road Traffic Act 2016**, “student”, for the purpose of a student identity card, means a person who-

- (a) is registered as a full-time student at such primary, secondary, post-secondary or tertiary institution as the Ministry responsible for the subject of education or the Commissioner may approve; and
- (b) is following a full-time course of a duration of not less than

- (i) 9 months, where that person is registered at a secondary or a tertiary institution; or
- (ii) 6 months, where that person is registered at a post-secondary institution or such other educational institution as the Commissioner may approve;

“student identity card” means an identity card, in such form as the Commissioner may approve, certifying that the holder is a student

“traffic officer” means a person authorised by a licensee-

- (a) to supervise the work of his conductors; or
- (b) to verify that a passenger has paid the appropriate fare.

It therefore follows that those students who do not benefit from the **Basic Invalidity Pension (BIP) are not entitled** to any bus pass even though they are attending the SEN institution.

Recommendations

According to Government Notice No. 101 of 2016, issues under the Road Traffic Act 2016 of SEN institutions, there is no mention of SEN institution, thereby depriving the students of the said institution to have access to Buss Pass. It was proposed that the said Government Notice No. 101 of 2016, issues under the Road Traffic Act 2016 be amended to include SEN institutions, thereby allowing all students of the SEN institution to benefit from a bus pass.

8. SENSITISATION

In line with its mandate to protect and promote Human Rights in the Republic of Mauritius, the HRD also delivered talks to monitor the Human Rights situation and to sensitise the population on their Human Rights and fundamental freedoms. The audience comprised Youth, Public Officers, Women, Police Officers, and Medical personnel and among others.

TALKS DELIVERED BY THE STAFF OF HRD			
S/N	Topics	No of participants	Date
1	Human Rights issues to Police officers	85	21.03.22 – 25.03.22
2	Students of Associations Des Parents D'enfants Aux Besoins Spéciaux (APEBS)	35	13.05.22
3	Women and Human Rights issues	42	07.06.22
4	Human Trafficking with university students	37	29.07.22
5	Human Rights, stigma and Discrimination	105	5-day workshop 11.08.22, 18.08.22,25.08.22,26.08.22, 30.08.22

The following issues have also been addressed

- **RIGHT TO HEALTH: DRUG USE IN MAURITIUS**
- **RIGHT TO HEALTH: OVERVIEW OF HIV IN MAURITIUS**
- **BIRTH REGISTRATION AND TARDY DECLARATION**
- **BULLYING PERSONS WITH DISABILITIES**

9. RIGHT TO HEALTH: DRUG USE IN MAURITIUS

- **6000 - 8000** People who inject drugs (IBBS, 2020)
- **111500** People Who Use Drugs (PWUD) (Drug use survey, 2022)
- The median age of PWUD was **30**, ranging from 18 to 69.

- **29%** were between the ages of **18 and 24**, and **20%** were between the ages of **25 and 29**
- **71 %** of PWUD were adults over the age of **25**
- **13 %** of PWUDs were female

In Mauritius, combining different sources of information, especially health institutions and drug control agencies, there is evidence that the consumption of various substances, from heroin, synthetic drugs, designer drugs and cannabinoids, portrays the use of illicit drugs or abuse of prescription drugs.

Synthetic Cannabinoids (SC), more potent than Cannabis, started appearing in Mauritius around 2011. It is believed to be harder to quit SCs than to stop using heroin. The accessibility of SC and the high price of cannabis have made it more attractive to young people. The number of outpatient cases of synthetic drug consumption within health institutions was 536 in 2017, 458 in 2020 and 498 in 2021. However, these figures do not account for unknown substances and could be much higher.

Since October 2013, synthetic cannabinoids and their derivatives have been scheduled under the Dangerous Drugs Act 2000 as prohibited substances and in 2015. Further, New Psychoactive Substances were enlisted in different schedules of the Dangerous Drugs Act 2000.

Opioids

In 2020, the number of people who actively injected drugs was estimated to be around 6,000 (Integrated Biological and Behavioural Surveillance 2020 (IBBS)); it currently represented about 22% of newly detected HIV cases in 2021. In addition, the prevalence of HIV among this key population of 6000 is estimated at 21% (IBBS 2020). International comparison shows that, in Africa, in 2020, out of 920,000 people who inject drugs, 11% were living with HIV (UNODC 2022).

Admissions to hospitals

Opioids and new psychoactive substances remain the most popular presumed illicit substances responsible for drug-use-related admissions in public health institutions. In 2021, 86.7% of these admissions were reportedly attributed to complications following the use of new psychoactive

substances and heroin. Overall, 55.3% had used new psychoactive substances, 31.4% heroin and only 6.0% cannabis. The remaining 7.2% were admissions due to using other unspecified drugs and cocaine.

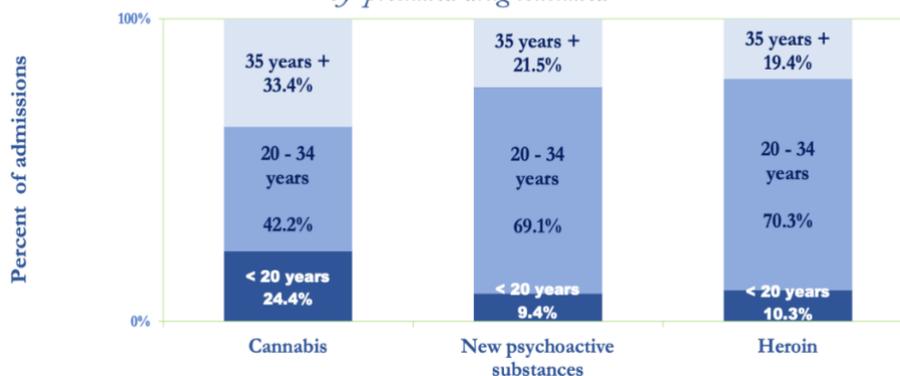
Age of patients

Public Health Institutions
Inpatient treatment cases due to complications following drug use, in 2016 and 2021
by presumed illicit substance used

(Year 2016 compared to Year 2021)

Presumed illicit substances	Year 2016	Percent	Year 2021	Percent
New psychoactive substances	418	45.7%	513	55.3%
Opioids	216	23.6%	291	31.4%
Cannabis	58	6.3%	56	6.0%
Other and unspecified substances	222	24.3%	67	7.2%
TOTAL	914	100.0%	927	100.0%

Public Health Institutions
Age-specific distribution of drug-use-related male inpatients - 2021
by presumed drug consumed



Methadone Substitution Therapy

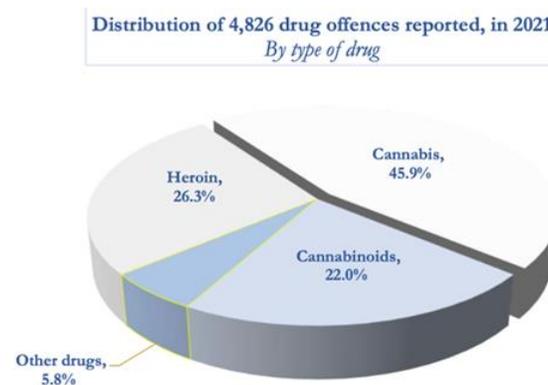
In 2021, 6,544 patients were on a methadone maintenance programme and were administered daily doses through 46 dispensing sites. Male clients constituted 95.8% against 4.2% female clients.

Deaths due to drug use in 2021

In 2021, 46 drug-related deaths were reported, of which forty-two were men and 4 were women. Almost an equal proportion of death was within the age group of 25 to 34 (39%) and the 35 to 44 age group (37%). Similarly, 13% of deaths were in the younger age group 18 to 24 and 11% were related to those above 45. It is to be noted that in over 80% of the death cases in 2021, opioid metabolites were detected.

Reported drug offences by drug types

In 2021 4,826 drug offences were reported.



Policy Developments

Drug Users Administrative Panel

In 2022 the Dangerous Drugs (Amendments) Act setting up a Drug Users Administrative Panel was voted in Parliament; any person caught with drugs and considered a simple drug user will not be prosecuted following a social inquiry. Instead, that person will be directed towards a Panel of social workers, medical professionals, chaired by a barrister. The Panel will make recommendations and direct drug users towards critical social and health services to address their drug use.

Medical Cannabis

The Dangerous Drugs Act was amended in 2022 to permit the use of Cannabis for medical purposes. Medical cannabis will now be available through the public health system under specific conditions for the following diseases:

- (a) spasticity, associated with multiple sclerosis that has failed to respond to conventional treatment;
- (b) severe refractory epilepsy that has been unable to respond to conventional anti-convulsant treatment;
- (c) intractable nausea and vomiting associated with chemotherapy that has failed to respond to conventional anti-emetic treatment; or
- (d) severe, intractable pain that has been unable to respond to conventional treatment.

10. RIGHT TO HEALTH AN OVERVIEW OF HIV IN MAURITIUS

In October 1987, HIV was first detected in the Republic of Mauritius. Between 1987 and 2000, it was believed that heterosexual intercourse was responsible for HIV transmission.

In 2001, however, a dramatic increase in HIV diagnoses was seen among people who inject drugs (PWIDs). This finding was attributed to increased case detection among PWIDs rather than a shift in socio-behavioural indicators¹. 2001 saw the creation of the first National HIV and AIDS Strategy Plan, which expired in 2005. It was succeeded by the National HIV and AIDS Strategy Plan for 2007–2011, the National Strategic Framework for HIV and AIDS for 2013–2016, and the National HIV Action Plan for 2017–2021, which expired last year. A new National Action Plan 2023 – 2027 for HIV was launched this year.

The establishment of the National AIDS Secretariat to coordinate the multisectoral response, the assignment of the Ministry of Health and Wellness to coordinate the health sector response, the enactment of the HIV & AIDS Act of 2006, and the establishment of the harm reduction

¹ National AIDS Secretariat (2010). HIV/AIDS in Mauritius. Country progress report to the United Nations General Assembly Special Session on HIV/AIDS. P.10

programme (Needle Exchange Program and Methadone Substitution Program) were among the steps taken by the government and development partners to address the increase in HIV cases among PWIDs in the early 2000s.

Since 2001, HIV in the Republic of Mauritius has remained driven by key affected populations, despite recent programme statistics indicating an increase in new infections among teenagers and young adults (15–24 years) in the general community through heterosexual transmission (Global Fund Funding Request, September 2020).

In Rodrigues, heterosexual transmission is the leading cause of infection, particularly among adolescent girls and young people. HIV has not yet been detected in Agalega and St. Brandon.

Global Commitments

The Government of the Republic of Mauritius is a signatory to the following regional and global commitments regarding HIV and AIDS: ²

- The Maputo Plan of Action on Sexual and Reproductive Health and Rights (2007 to 2010)
- The 2011 Political Declaration on HIV-AIDS of June 2011
- The 2011 Global Plan towards the elimination of new HIV infections among children and keeping their mothers alive
- The 2012 Tunis Declaration on Value for Money, Sustainability and Accountability in Health aimed to increase domestic funding through cooperation between Ministries of Health, Ministries of Finance, technical and financial partners
- The 2012 African Union Roadmap on Shared Responsibility and Global Solidarity for AIDS, TB and Malaria in Africa
- Global Response of three-zeros (zero infection, zero death and zero discrimination).
- The 2015 United Nations agenda for Sustainable Development Goals (SDGs)
- The UNAIDS 2016-2021 Strategy
- Draft global health sector strategy on HIV, 2016-2021

² Republic of Mauritius National Action Plan 2023 – 2027, Ministry of Health & Wellness P.8

- The Southern African Development Community (SADC) regional code on HIV/AIDS and Employment

The HIV epidemic in the Republic of Mauritius is concentrated, with high incidence among key populations:

- People who inject drugs (PWID) – 21%,
- Transgenders (TG) – 28.4%,
- Prisons – 17.3%,³
- Men having sex with Men (MSM) – 17.2%
- Sex workers – 15%.

In 2020, the HIV prevalence among adults aged 15–49 was 1.7%.⁴ Mauritius has an estimated 14,000 people living with HIV (PLHIV), with 2,936 receiving antiretroviral medication by mid-2019⁵.

Between 2010 and 2021, there was a 32% drop in new HIV infections and a 34% decline in HIV incidence (Figure 1).

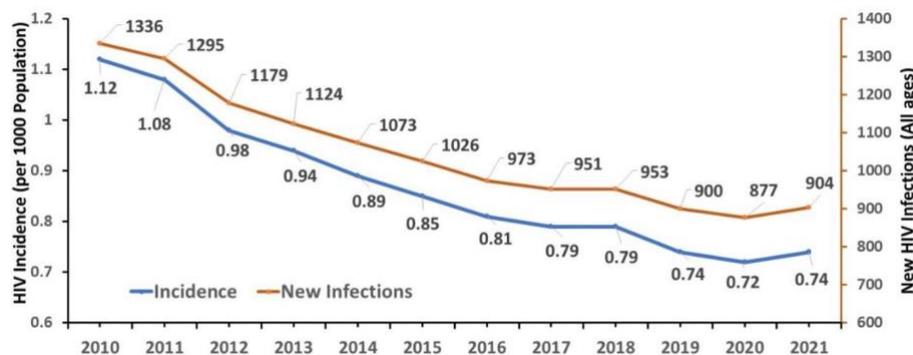


Figure 1: Trends in HIV Incidence and New HIV Infections in Mauritius, 2010 – 2021 (Spectrum Estimates 2022)

³ UNAIDS 2021 Reference. UNAIDS Data 2021. Mauritius. Geneva: Joint United Nations Programme on HIV/AIDS; 2021. page 77. Licence: CC BY-NC-SA 3.0 IGO.

⁴ Ibid. page 76.

⁵ Ibid. page 76

HIV prevalence among all the key population (KP) groups, the key drivers of the epidemic in the Republic of Mauritius, has declined. However, the programme could have been operating better with many reversals of the advances obtained during the initial response periods, notwithstanding these downward trends.

For instance, between 2010 and 2015, the incidence of HIV decreased by 24%, while between 2016 and 2021, the fall was just 13%. Moreover, the drop in new HIV infections was just 12% between 2016 and 2021, compared to a 23% decline between 2010 and 2015. The contextual analysis offered insight into the problems that underlay some of these reversals and suggested potential actions to address the issue to increase the likelihood that the programme goals would be achieved.

New HIV infections

New HIV infections among children aged 0 – 14 declined by 51% from 2010 to 2020. The decline was 29% and 33% among adult women and men, respectively. It is unclear why women's drop is slower than men's (Figure 2).

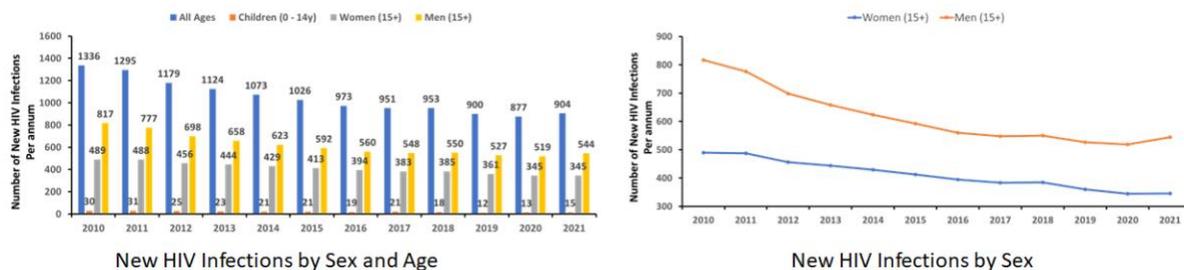


Figure 2: New HIV infections by age and sex

Yet, despite the faster reduction in men, men continue to make up the majority of adults with HIV (5,328 versus 3,886).

Since new HIV infections started to rise among males in 2018 and continue to decline among women in 2021, this time frame deserves special consideration (Figure 2).

The COVID pandemic seems to have made things worse. It is challenging to distinguish geographic variations in new HIV infections because geographic data are not disaggregated.

HIV Treatment

HIV patients are treated at the eight prisons, the Tuberculosis (TB) hospital, the five state-owned Regional Hospitals (HIV Day Care Clinics), the two South District Hospitals, the Community Hospital, the HIV Integrated Service in Port Louis, and the Hospital in Rodrigues.

Only physicians who practise at DCCIs can initiate treatment. Government funds are used to buy all necessary opportunistic infection medications and antiretroviral medications (ARVs). Drug stockouts are rare in Mauritius. However, they do happen periodically. Although these supplies are available at the central medical stores, these stockouts occasionally only occur at the service delivery locations. This issue could be resolved by improving the last-mile distribution system.

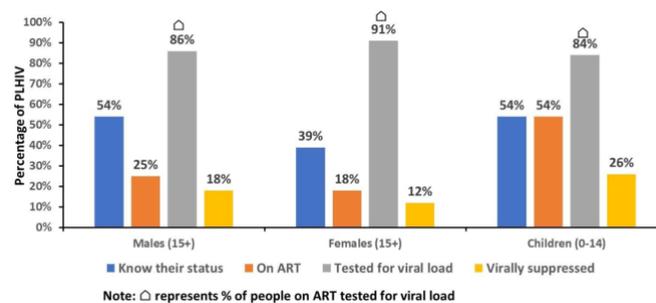


Figure 4: Treatment Cascade as of December 2021 (Source: Spectrum Data, 2022)

According to the treatment cascade (Figure 4), 54% of men and 39% of women living with HIV are aware of their status. By the end of 2021, at least 90% of all people living with HIV should be aware of their status, according to the most recent national action plan. Leading causes of low uptake in treatment can be divided into three categories: ineffective prevention programmes, insufficient coordination and collaboration among stakeholders, and ineffective enforcement of current employment rules.

Non-adherence to Treatment

Low levels of viral suppression observed among PLHIVs receiving therapy could be caused by poor adherence (see below). The following is a summary of the contextual factors that led to PLHIV patients' late treatment uptake:⁶

- People who inject drugs and those with HIV suffer systemic difficulties resulting from negative attitudes regarding care access.
- There is little interaction and communication between the various clinical units that care for PLHIVs—the day-care centres for the immunosuppressed (DCCIs), the hospital clinical units, the different harm reduction units, and the addiction centres—the level of care for patients with multiple conditions can be improved.
- Very little interaction between patients and doctors due to time constraints and heavy patient loads; doctors are unable to spend enough time with each patient, preventing them from adequately educating them about their illness, the importance of good compliance, the need to adopt safe behaviours, the meaning of viral load, and the clinical outcome if viral suppression is achieved.
- Discrimination faced by patients from medical staff.
- Data issues: A lack of precise data on several indices makes it challenging to analyse the high mortality from the programme and, consequently, to choose the most appropriate corrective actions.
- The causes of treatment-related leakages; the proportion of PLHIVs who die while taking (Antiretroviral Therapy) ART; the role of resistance in these AIDS-related deaths; the contribution of Tuberculosis (TB) and other opportunistic infections to AIDS deaths; the contribution of drug use and suicides; and, generally, the leading causes of death among PLHIVs.
- The adherence profile of PLHIV who are dying compared to those living longer, and what may be done to lower the number of HIV-positive people who die.

⁶ Republic of Mauritius National Action Plan 2023 – 2027, Ministry of Health & Wellness P.14-P.15

AIDS-related deaths

Since 2012, the number of adult deaths from AIDS has increased, with more men than women dying (Figure 3). In 2021 HIV-related deaths were 141⁷. HIV-related mortality increased across all age categories by 23% between 2010 and 2021, primarily by 26% between 2012 and 2021. From 2012 and 2021, adult males saw an increase of 36%, while adult females had a rise of 20%. Nonetheless, the number of infant deaths attributed to HIV has reduced. However, the trend appears to have slowed since 2019. In the years between 2012 and 2021, fewer children died.

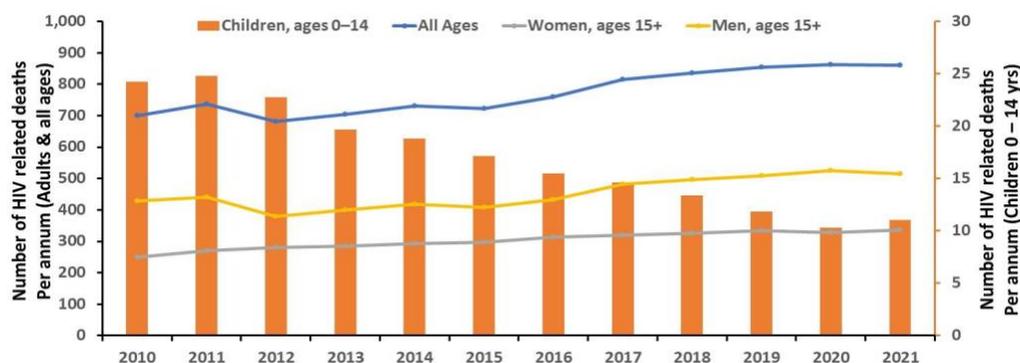


Figure 4: Number of AIDS-related Deaths by Sex and Age

Some explanations for the high rate of AIDS-related mortality include PLHIVs' tardy clinic presentations and poor adherence to treatment, which results in treatment failures.

Figure 4 also demonstrates a limited correlation between testing and treatment, with just 25% of men and 18% of women with HIV who are aware of their status receiving antiretroviral therapy.

Most PLHIV did not return for their confirmatory test results and, as a result, did not begin treatment due to the nearly universally unfavourable image of HIV by Mauritian society and the anxiety associated with learning one's HIV status.

The two-week interval between fast testing and confirmatory testing makes the situation worse. The lack of effective referral or follow-up processes results in numerous follow-up losses. Even

⁷ <https://www.worldlifeexpectancy.com/mauritius-hiv-aids>

after learning about their HIV status, some PLHIVs hesitate to start treatment because they fear losing their loved ones, including family members and friends, or their jobs

Policy Recommendations

Under the Immigration Act 2022 section 5⁸, any non-citizen who suffers from an infectious, contagious or communicable disease shall be prohibited from remaining in Mauritius. This clause concerns international students who wish to study in Mauritius, as their visa application will be rejected if they are found to be HIV positive. With HIV considered a chronic disease and treatment readily available, anyone who follows a strict treatment can nowadays become undetectable, and thus the virus is untransmittable.⁹ If provisions are made within the healthcare system so that treatment is available at a set price, students from other countries and other people who wish to immigrate to Mauritius would be allowed to remain.

11. BIRTH REGISTRATION AND TARDY DECLARATION

Birth registration is the process by which a child birth is recorded in the civil register by the Civil Status Office. It provides the first legal recognition of the child.

11.1 Birth Registration as a Human Right

Birth registration and the possession of a birth certificate as proof of registration has long been recognised as a fundamental human right.

Though the issue of birth registration is not explicitly mentioned in our Constitution, it falls under the purview of Right to life under Article 4 of our constitution.

On 26 July 1990, Mauritius has ratified the Convention on the Rights of Child. Under article 7 of the Convention on the Rights of the Child it stipulates that the “child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality”. Under article 4 of the Convention the right of a child to an identity should be respected

⁸ <https://passport.govmu.org/passport/wp-content/uploads/2022/08/Immigration-Act-2022.pdf>

⁹ <https://www.niaid.nih.gov/diseases-conditions/treatment-prevention>

11.2 The United Nations Legal Identity Agenda: Fulfil the promise to Leave No One Behind

Birth registration is included in the sustainable Development Goals which have an explicit aim to ensure access to widely accepted robust identity credentials and to leave no one behind.

Birth registration is vital tool for a nation's development because the process of registration means collection of data on vital statistics (number of births and deaths. It is an essential element of national planning for children since it provides a demographic base. It can also help identify populations at risk, compilation of population estimates and projections, maintaining of electoral rolls and maintaining of personal identification card systems. An unregistered child will be a more attractive target for a child trafficker and does not have the minimal protection that a birth certificate provides against early marriage and child labour, etc.

Birth registration enables the monitoring of other child health goals, including under five mortality.
Registration

N.B. it is important to make sure that no error is made in completing the declaration and that all the information requested is entered.

11.3 Why a birth certificate is important?

It is important for the registered child to receive a birth certificate which is proof of identity, age and family relationships and confirms that a child has been registered and that he is a citizen of Mauritius.

The birth certificate allows an individual to make claims of nationality, benefit from government schemes, open a bank account, work, travel get a driving licence or a marriage certificate and vote. Birth registration enables a child to receive medical treatment such as vaccination, education and social aid. Although a birth certificate does not guarantee protection, it can help protect children from abuse and exploitation, reduce child marriage, allow inheritance to be claimed and prevent statelessness.

It is a problem when dealing with unidentified dead body when the person had never been declared.

11.4 Birth Registration Process

Births occur in Hospital/Private Clinic and at home

Notification of birth issued by Hospitals / Clinics

11.5 Time limit

Within 45 days	From 45 days to 3 months	More than 3 months
Birth Registration in the District where the birth took place or Parents reside at one of the 35 civil status offices found in the island.	Declaration of tardy birth upon Registrar's Approval)	Magistrate order

11.6 Statistics

Year	No. of birth Registered	>45 days	Above 3 Months
2018	13056	195	59
2019	12953	225	70
2020	13560	222	88
2021	13086	240	79
2022	12200	280	97

Source: Mauritius Statistics Office

NIN Computer Generated on each birth registered. Mauritian Citizen

First Copy of Birth certificate with Identity number issued to parents- Free of charge *

As announced in the Budget Speech 2022, under the Savings Culture Scheme a voucher of Rs 1000 will be provided to parents at the time of registration of the new born at the Civil Status Offices.

.Note: Identity Number will be generated if at least one of the parents is a Mauritian Citizen

11.7 Naming your child

Birth registration is when you officially give your child a legal name at the Civil Status Office whereby the officer shall record:

- (a) the date, time and place of the birth;
- (b) the sex and the names and surnames of the child;
- (c) the names, addresses, nationality and profession of the parent(s);
- (d) the National Identity card number of parent(s);

12. TARDY DECLARATION OF BIRTH IN MAURITIUS

Tardy declaration of birth is still a live issue in Mauritius.

12. 1 Statistics

Year	Number of cases reported	No.of Children declared	Pending Cases
2006	152	151	1
2007	95	94	1
2009	70	66	2
2010	91	80	2
2011	72	17	2
2012	65	30	2
2013	56	50	3
2014	75	64	3
2015	54	63	6

2016	50	51	4
2017	70	89	19
2018	54	24	15
2019	62	17	34
2020	64	30	53
2021	61	44	61
Total	1091	870	208

Source: Ministry of Gender Equality and Family Welfare

Three meetings have been held at the seat of the Commission to discuss the problem of tardy declaration in Mauritius.

The representative(s) of the Ministry of Health and wellness, the Ministry of Gender Equality and Family Welfare, the Civil Status Division, Brigade de la Family Protection and the Ministry of Social Integration, Social Security and National Solidarity (third meeting only) were invited to discuss the issue.

12.2 Objectives of the meeting

- To establish a standardised protocol between relevant stakeholders for a better and timely registration of birth;
- To improve the system; and
- To make any recommendations if any.

12.3 Issues Discussed

Registration of New Born Children

Parents have to register their new-born Children within 45 days at the Civil Status Office (CSO). The latter can still register the birth within 3 months following the 45-day period. However, birth registrations will then be considered as tardy and an annotation of tardy declaration will be inserted on the birth certificate.

Ministry of Gender Equality and Family Welfare

There is a 17 steps-procedure which followed at the Ministry of Gender Equality and Family Welfare for dealing with cases of tardy declaration. These steps are quite cumbersome and lengthy and may take more than one year provided that the parents are cooperative.

Brigade Pour la Protection de la Famille

The Ministry of Gender Equality and Family Welfare at times refer cases to the 'Brigade Pour la Protection de la Famille'' to look for untraceable parents. The police may take a lot of time to trace out parents especially if they have left the area or belong to marginalised communities.

Ministry of Health and Wellness

In regards to the Notification birth issued by the Ministry of Health, a gender bias in single mother's situation was also noted.

Civil Status Office and Ministry of Health and Wellness

It was also observed that there was a lack of communication between the Civil Status Office and the Ministry of Health & Wellness to determine if a child has been registered within the 45 days.

Ministry of Social Integration, Social Security and National Solidarity

The representative of the Ministry of Social Security informed that there are a very few cases of unregistered senior citizens and that the Ministry is not directly involved.

12.4 Positive Outcomes**The Civil Status Office**

The Civil Status Office was agreeable to help the Ministry of Health and Wellness on any query since there is no help desk officer at the level of the CSO.

Info Highway between the relevant stakeholders

The relevant stakeholders have suggested that they will connect to the Info Highway which is a digital platform which allows for sharing of data via E-services amongst multiple Government agencies.

The Info Highway will allow the Ministry of Health to share information on all births taking place in Hospitals so that the Civil Status Office may notify parents for registration of Births before the lapse of **45 days** (time limit for registration of birth in Mauritius).

MUR Allowance

Upon the recommendations of the Ministry of Gender Equality and Family Welfare to the Ministry Finance, Economic Planning and Development in budget 2022/23 planning a sum of MUR 1000 has been earmarked to be given to new parents upon birth registration of their new born child.

Notification Forms

With regards to the Gender bias in the Notification Form, the Registrar of Civil Status, informed the Commission that same was reviewed at the Prime Minister's Office and the reviewed notification of birth has been sent for vetting purposes at the State Law Office.

Economic Costs

If there is more coordination and standardised protocol between the above mentioned stakeholders, the issue of tardy declaration will be resolved.

There will be much saving concerning the costs incurred right now in tardy declaration cases because the Police department and the Ministry of Gender Equality and Family Welfare will no longer waste time, energy and resources in finding the uncooperative parents.

Additionally, this will lead to the elimination of 17 steps procedure which takes more than a year at the Ministry of Gender Equality and Family Welfare for dealing with cases of tardy declaration.

N.B: Section 69 of THE CHILDREN'S ACT 2020 which came into force in January 2022 now provides that:

A Child whose birth has not been registered:

''Notwithstanding any other enactment, a child shall not, as far as reasonably practicable, be denied access to any public service or facility on account of the fact that the child's birth has not been registered in accordance with the Civil Status Act''.

13. BULLYING OF INDIVIDUALS WITH DISABILITIES

Bullying is a significant and widespread problem for people with disability. It is not a new unusual or unknown experience.

According to census, Statistics Mauritius 2020 there were in the Republic of Mauritius 61,695 disabled people – 33,175 Males and 28,520 females.

13.1 What is bullying?

As per section 26 of the Children’s Act 2020, “bully” means any behaviour by whatever means, including information and communication technologies, which

- (a) is repetitive, persistent and intentionally harmful; or
- (b) Involves an imbalance of power between the victimiser and the child and causes feelings of distress, fear, loneliness or lack of confidence in the child, and which results in serious physical or psychological harm to the child, disability of the child or death of the child.

Offence	Sentence upon conviction
Any person who bullies a child	Fine not exceeding MUR 1 Million and imprisonment for a term not exceeding 10 Years

13.2 Bullying and the child

According to the UN, a staggering 130 million children (one in three) are victims of bullying worldwide, making it a global epidemic.

Research by Mencap (The Royal Society for Intellectual Disability) found that 82% of children and young people with a learning disability have experienced bullying and are twice as likely to be bullied as other children.

Research suggests that some children with disabilities may bully others as well.

Published research suggests that disabled children are more likely to be bullied and that children with combinations of difficulties are more likely to be affected

Article 19 of the Convention on the Rights of the Child (1989) stipulates that children must be protected from all forms of violence, abuse, neglect, maltreatment or exploitation.

In its General Comments No.13 (2011), the UNCRC Committee on the Rights of the Child, included physical bully and hazing by other children in its definition of physical violence.

Bullying has far-reaching and catastrophic consequences on the physical and mental states of children, which persist right into adulthood. Studies show that victims of bullying tend to become bullies over time.

13.3 Disablist Bullying

A. What is it?

Disablist bullying is when people are bullied because they have a disability. The motivations for disablist bullying may include; discrimination on the basis of a disability or a lack of understanding of a person's disability.

B. Impact of disablist bullying

Victims of disablist bullying face many social and emotional risks, including a greater chance of feeling depressed or anxious, being lonely, and having low self-esteem. Other impacts of bullying can include headaches or problems sleeping, poor attendance at school, low motivation and a drop in academic performance; in extreme cases, suicidal thoughts or actions may occur.

C. Ways to prevent Bullying

In Mauritius, bullying is recognized as being a curse and most schools are already implementing a zero-tolerance policy as far as violence is concerned.

C.1 Advice to Parents

- Support your child and encourage him to describe who was involved and where the bullying happened. Be sure to tell the child that it is not his fault and that nobody deserves to be bullied. Do not encourage the child to fight back.;
- Make sure that he receives any needed counselling or other support and address the problem immediately; and
- Do not delay in reporting this to the class teacher, and or manager of school for help. Put your concerns in writing and ask for a prompt response.

D. Schools

- Schools have a duty of care to protect all their pupils and provide a safe health environment.
- Schools should have a behaviour policy which outlines good behaviour in schools particularly preventing all forms of bullying among pupils.

E. Disciplining the bullies.

- Addressing the needs and goals of children with special educational needs and disabilities;
- Staff training in bullying awareness and intervention; and
- Supervision of pupils who may be targeted throughout the school day.

F. Advocacy

Parents, educators, community members, and students all have an important advocacy role to play in preventing and addressing bullying.

F.1 Explain Bullying.

Children do not always know when they are bullied. They might feel bad, but do not know how to talk about it. Children with disabilities might need a very detailed explanation about how to recognize bullying when it happens to themselves or others.

F.2 Talk with youth about bullying

It is advisable that adults understand how to communicate with youth about a bullying situation. Some children can express themselves easily to discuss bullying whereas some are reluctant to share information about the situation.

Peer advocacy—students speaking out on behalf of each other—is a unique approach that empowers students to protect those targeted by bullying.

Self-advocacy means that the youth experiencing bullying is able to communicate what they want and need in a straightforward way

G. Reporting

G.1 Reporting to the Ombudsperson for Children

For any case of bullying against a disabled child.

G.2 Reporting to the Human resource manager and the Equal Opportunities Commission

According to statistics, more than 27 percent of workers have reported experiencing abuse at work that could be considered bullying. The statistic is likely higher for disabled workers, but there have been no studies to determine that. Anyone who has been bullied is at risk for serious consequences, but for someone with a disability the repercussions can be more severe.

Being bullied increases the risk that a disabled worker will struggle with depression, anxiety, and even substance abuse. Bullying can also have a negative impact on someone's performance at work, even leading to missed days and missed pay.

Bullying can often be perceived as a form of discrimination towards disabled persons.

The Equal Opportunities Act 2008 prohibits any form of discrimination on the basis of status which includes impairment or disability.

G.3 Reporting bullying and making declaration to the police

- Many incidents of bullying are not actually crimes and therefore may not be a matter for the police. Some forms of bullying are illegal and should be reported to the Police.
- These include:
 - Violence or assault
 - Theft
 - Repeated harassment or intimidation, for example name calling, threats and abusive phone calls, emails or text messages
 - Hate crimes
- When reporting cyberbullying, keep a record of the date and time of the calls, emails or texts don't delete any messages you receive.

H Sensitisation campaigns

Sensitisation campaigns at all levels should aim to break the stigma through education, working to foster greater inclusiveness for persons with disabilities in society and promote disability rights.

14. RIGHT TO HEALTH: PROBATION SERVICES UNDER THE CHILDREN'S ACT 2020

Following the repeal of the Juvenile Offenders Act, children with Serious Behavioural Concerns (SBCs) are now sent to probation hostels. With the promulgation of the Children's Act 2020, the probation services have faced various issues with the security of the children in the probation homes at both the hostels for boys and girls, staff safety, and subsequent damages to properties. Even though there are experienced prison officers still working at the RYC, they cannot intervene in probation hostels as it does not fall within the jurisdiction of the Mauritius Prison Services.

As the Ombudsperson for Children pointed out in her Annual Report 2021-2022, some children abuse other children, which can severely harm the victim's physical and emotional health. Furthermore, in vicious cycles, child perpetrators might employ various tactics, including compulsion, fear, intimidation, or bullying, to silence their child victims so that

the abuse is not disclosed. Therefore, it is of utmost importance that a clearer protocol defines the steps to be followed when children are exposed to the abuse committed against them by their peers. Suitable support measures for child victims should be in place.

Under the Children's Act, children who have clashes with the law fall into one of the following groups:

- (i) Children with serious behavioural concerns (part IV, sub-part III, section 41);
- (ii) Children under the age of 14¹⁰ suspected of having committed an offence (part V, subpart I, section A, sub-section 50); and
- (iii) Juvenile aged 14 years or above but below 18 years alleged to have committed an offence (part V, sub-part II, section A).

The Children's Act does not cater adequately for children with mental health difficulties and makes no concrete provisions for their identification, assessment, treatment, supervision, or recovery. Children raised in an environment where they constantly face Adverse Childhood Experiences (ACE)¹¹ will likely develop several issues, including emotional dysregulation, mental health problems and substance use disorder.

Mauritius needs a specialised care unit for children with severe mental health problems. The absence of this unit leaves them without the proper therapeutic structure they need. The care of these children should be better planned in a multisectoral manner between the authorities and the alternative carers, and interventions should be carried out early to prevent the occurrence of mental health and behavioural crises. This calls for the urgent screening and assessment of every child living in alternative care for mental health difficulties before their placements within probation homes.

Under the Children's Act, a child with SBCs exhibits *“a pattern of serious hostile, aggressive or disruptive behaviour to such an extent that the behaviour seriously interferes with the care and development of the child; as well as exhibits anti-social behaviour, (...) absents itself regularly from its residence without the permission of its parent or exhibits a pattern of frequent or extended unjustified absences from school”* (part IV, sub-part III, section 41(1)).

¹⁰ The minimum age of criminal responsibility in the Republic of Mauritius is 14 years old (Children's Act 2020, part V, sub- part I, section A, sub-section 49).

¹¹ <https://www.cdc.gov/violenceprevention/aces/index.html>

The Children's Act states that if a child is found to exhibit SBCs, the child's parent or the Police shall *"lodge, with the probation officer, an application for parenting support intervention to assist the parent in performing his parental duties concerning the management of the child's behaviour"* (part IV, sub-part III, section 41(2)).

In the case of an RCI, this responsibility falls on the manager since the definition of a 'parent' in the Children's Act includes *"any other person who has the custody, or is in control, of the child"* (part I, section 2).

After an application is received, the Probation and Aftercare Service (PAS) shall

- (i) *conduct an initial psycho-social assessment of the child and his parents;*
- (ii) *draw up a parenting support intervention plan which shall include at least two home visits by a parenting aide; and*
- (iii) *conduct a follow-up assessment not later than 21 days after the application for parenting support intervention.*

(Children's Act, part IV, subpart III, section 41(2)(b)(i-iii))

Probation officers are not qualified to conduct an in-depth psychosocial assessment of a child with SBCs and create a comprehensive treatment plan within the mandated 21 days. They need the help of psychologists and psychiatrists.

Since the current buildings where the hostels are housed are not sufficiently secure, the RYC underutilised buildings could be converted into a safe and secure space in line with the parameters within the Children's Act to accommodate children while the psycho-social assessment is carried out within the mandated 21 days, to be extended upon request if needs be.

It is necessary to look past children's misbehaviour and decode the underlying message they are attempting to send us. To make the best possible decision for the child, it is essential to do a thorough psychosocial evaluation of the child and his/her family. The primary goal is to determine the nature of the child's problems, how they affect the child's development and the Underlying reasons for the child's behaviour. Without precise evaluations, effective rehabilitation is impossible.

The root causes leading to SBCs in a child must be addressed. The social environment where that child lives directly impacts the child's development. If that child is deprived of

a decent life where all their emotional, psycho-social, and economic needs are unmet, problems will inevitably arise.

Human rights, including children's rights, are universal, indivisible, interrelated and inalienable. This means that regardless of their behaviour or whether they commit an offence, all children should be able to exercise their rights equally.

CHAPTER V

NATIONAL PREVENTIVE MECHANISM DIVISION

1. PRISONS

In the Republic of Mauritius, there are 11 prisons, namely:(1) the Central Prison (Beau Bassin), (2) the New Wing Prison (Beau Bassin), (3) the Eastern High Security Prison (Melrose), (4) the La Bastille Prison (Phoenix), (5) the Petit Verger Prison, (6) the Richelieu Open Prison, (7) the Grand River North West Remand Prison, (8) the Women Prison (Beau Bassin), (9) the Open Prison for Women, (10) the Barkly Special Prison for Women, and (11) the Rodrigues Prison in the island of Rodrigues.

Pursuant to its mandate under Section 4 of the National Preventive Mechanism Act, the NPMD seeks to ensure that detainees in Mauritius prisons are not ill-treated, tortured or exposed to any other inhumane practices and their conditions of detention are improved. In the pursuit of the above objective, the NPMD regularly organises sensitization programs targeting all relevant stakeholders such as prison officers, police officers and members of other law enforcement agencies. The NPMD defines its strategies and organises its operations with the view to correct systemic flaws in the administration of the Mauritius Prisons Service so that the persons who are deprived of their freedom are treated in a way that is compliant with the United Nations Standard Minimum Rules for the treatment of prisoners, also known as the “Mandela Rules” and are not subjected to torture and other forms of cruel, inhuman or degrading treatment or punishment.

The NPMD organises its activities and allocates resources so as to ensure people who are deprived of their freedom are not subjected to torture and other forms of cruel, inhuman or degrading treatment or punishment and their conditions of detention are improved.

1.1 PREVENTIVE VISITS

Preventive visits aim at preventing torture and other forms of ill-treatment. The OPCAT stipulates that such visits shall be undertaken “*with a view to strengthening, if necessary, the protection of persons [deprived of their liberty] against torture and other cruel, inhuman or degrading treatment or punishment*” (Art.19.a) and “*with the aim of improving the treatment and the conditions of the persons deprived of their liberty*” (Art.19.b). Preventive visits seek to identify systemic risks that lead to abuse and consequently devise ways and means to eliminate those systemic risks as far as possible. Preventive visits aim at creating physical and psychological conditions and a general environment to reduce the possibilities of such risks to a minimum. Such visits are proactive in nature and can take place at any time even in the absence of any complaint by detainees. The ultimate objective of preventive visits is to convince relevant public authorities that conditions of detention must satisfy human rights standards at all times.

1.2 DEATHS IN PRISON

From 01 January 2022 to 31 December 2022, there were nine deaths in the prisons. All of them have been attributed to natural causes namely: *Covid-19 Pneumonia, Sepsis, Perforated Duodenal Ulcer, Septicaemia, Chronic Renal Failure, Liver Cirrhosis, Carcinoma of Stomach, Carcinoma of Mouth and Aspirational Pneumonia.*

In general, when a detainee is found dead in prison, the dead body is attended to by medical officers and the Police before the dead body is taken to the hospital where the cause of death is certified. In cases where there is no suspicion of foul play, after completion of administrative procedures, the body is handed over to the detainee’s family for burial/incineration. In cases where there is a suspicion of foul play, the police conducts a criminal investigation. It acts independently of the Prisons Authorities. After completion of the police enquiry,

the matter is referred to the Office of Director of Public Prosecutions who then decides whether or not there is sufficient evidence on file that warrants criminal prosecution before a competent court.

Regarding the death of detainee J.C.P. in Phoenix Prison on 05 May 2020, the NPMD has been informed that there are eleven suspects in this case, including prison officers. Four of them have been provisionally charged with Murder, two of them have been provisionally charged with Unauthorised Access to Computer Data and five of them have been provisionally charged with Conspiracy to Commit a Crime. After completing the enquiry, the police has forwarded the file to the Office of the Director of Public Prosecutions (ODPP) for the latter to take necessary action.

In cases of suspicious death in prisons, the NPMD carries out an enquiry in order to identify systemic flaws that may have been eliminated in order to avoid the recurrence of such tragic incidents. The NPMD may issue recommendations to improve the conditions of detention of detainees in general. The NPMD has no power to summon witnesses and examine them under oath. However, in appropriate cases it requests persons to produce documents like books, records and other articles.

1.3 MEDICAL CONDITIONS OF DETAINEES

All complaints from detainees pertaining to their medical conditions in places of detention are investigated by the NPMD and in appropriate cases recommendations are made to the Commissioner of Prisons and other bodies regarding appropriate action to be taken. The distribution of methadone in prisons has often been the subject matter of complaints in Prisons.

Since March 2022, in-house methadone induction for drug dependent detainees has been introduced, thus providing treatment that is more effective to detainees with drug addiction.

With the cooperation of the Ministry of Health, the Methadone Unit in Beau Bassin Central Prison has been converted to a Day Care Centre, thereby allowing the two nursing officers working in the Methadone Unit to have access to the National Online Register for Methadone, thus making it easier to monitor follow up visits of detainees undergoing treatment for drug addiction. Moreover, information regarding the methadone substitution therapy can be fed directly into the online register from the prison itself. This is a more effective way to monitor progress and to collect empirical data regarding the treatment of detainees with drug addiction problems.

All prisons are equipped with an in-house dispensary providing basic medical care to detainees. Additionally, prison health service staffs and prison doctors conduct daily rounds and attend to detainees' medical needs. Where a detainee requires urgent medical attention, they are taken to the hospital for treatment.

Certain cases are referred to Medical Specialists by the prison medical doctors. Most prisons benefit from the assistance of Medical Specialists:- medical physicians visit weekly, surgical physicians visit monthly, orthopaedic doctors visit monthly, dermatologists visit weekly, ENT doctors visit weekly, AIDS physicians visit 2 to 3 times a week, dentists visit daily and doctors from the Harm Reduction Unit visit monthly. However, detainees from Petit Verger Prison, Richelieu Open Prison and GRNW Remand Prison who need to be examined by medical specialists are brought to the Florence Nightingale Medical Complex Beau Bassin Central Prison. There are also in-house dental care centres in Beau Bassin Central Prison, Beau Bassin Women Prison and Eastern High Security Prison (EHSP), Melrose. As for detainees in Women Prison, in addition to the specialists mentioned above they also receive monthly visits from Gynaecologist and Paediatrician.

With the assistance of the Ministry of Finance, Economic Planning and Development, an Electronic Inventory Management System has been introduced in the prisons to improve the stocktaking of pharmaceutical products and distribution of medicines to detainees.

Prison Health Service Staff receive regular training from the Ministry of Health as and when required. There is also the project '*La santé d'abord*' which is a forum wherein the latest best practices in the medical field are discussed and shared.

Prison Officers attended a drug prevention, sensitisation and awareness programme, run by officers of the Harm Reduction Unit, imparting methods and techniques on how to detect and identify symptoms of drug dependency.

The NPMD has recommended that more psychologists be recruited by the prison authority.

1.4 LEARNING OPPORTUNITIES FOR DETAINEES

There are learning opportunities in all prisons. All prisons are equipped with an educational centre and a library as well, except for Phoenix Prison. Mauritius Institute of Training and Development (MITD)/Mauritius Qualifications Authority (MQA) approved courses are offered in three prisons: Petit Verger Prison, EHSP, Melrose and Women Prison. The syllabus and exam papers of MITD/MQA approved courses are the same as set in the community.

1.5 AMENITIES AND OTHER FACILITIES

In Mauritius prisons, the use of pre-paid phone cards has been replaced by a new system. Detainees who phone their families and friends pay for their calls with money from their earning scheme. To this effect work opportunities are provided to both convicted detainees and remand detainees willing to work so that they may earn some money that may be used to buy items available in the

prison canteen. Remand detainees electing to work are given the opportunity to do so on a rotation basis. This ensures that every remand detainee has a fair chance to earn some money. However, in respect of foreign detainees, phoning their families is expensive and the NPMD has recommended that foreign detainees be granted more free Skype calls.

In Phoenix Prison, detainees are now entitled to spend more time out of their cells. They spend three and half hours daily in the association yard where they either work or watch TV or play indoor games. They are also allowed to spend three and half hours daily in the cell corridor where they can walk around in a more spacious environment.

Most prisons have a detainees' council composed of a detainee representing each association yard in prison. The Council meets with the prison administration composed of a welfare officer, a prison health service staff and the Officer In Charge of the Prison, every month in order to discuss issues regarding the wellbeing of detainees including the quality of food, health issues and proposals to improve the quality of service in Mauritius Prison Service.

Detainees are allowed to purchase to purchase basic items from prisons' canteens limited to food such as butter, cheese and jam, basic hygiene items and educational items such as stationaries and stamps. Foreign detainees can receive items such as slippers, clothes, underwear and so on from their families abroad. Detainees can also purchase a radio, radio batteries and earphones so that they can access all radio channels.

1.6 INFRASTRUCTURE

In order to make an objective assessment as to whether the prisons' infrastructure complies with human rights standards, the NPMD conducted inspections of the association yards, kitchens, storerooms, restrooms, medical facilities, individual cells, and dormitories.

The prison authority has been improving the conditions of living of detainees by replacing old mattresses, covers, pillows, bed sheets and blankets by new ones. However, the issues of bugs and pest persists in some prisons and the NPMD has recommended that the frequency of debugging and pest control be increased in all prisons, especially GRNW remand Prison and New Wing Prison. The NPMD has also recommended that detainees be provided with more detergent and soap to wash their clothes and to maintain personal hygiene.

Central Prison Beau Bassin came into operation on the 1st May 1887. Renovation of such a building has proved difficult as it involves major and significant changes to the structure. For example, Block C of Central Prison has been recently renovated and Block B is undergoing renovation. Most of the residential blocks in Central Prison have been recently repainted. Minor repairs of toilets and showers in some blocks are still ongoing. The NPMD has recommended that the use of chamber pots by detainees in prison cells and disposal of faeces system in Central Prison be reviewed since it raises serious hygiene issues.

All units in Melrose Prison have been recently redecorated and repainted. There is also an in-house competition to determine which are the units which are best maintained in prison. Such competition inculcates a sense of discipline and pride among detainees.

Most dormitories and cells in GRNW Remand Prison have recently been repainted. Moreover, old mattresses have been replaced by new ones. An in-house tailor repairs mattress covers that can still be used. However, the building has certain structural issues such as cracks appearing on the kitchen ceiling.

The NPMD has also recommended that pre-release prisons such as Petit Verger Prison and Richelieu Open Prison offer more vocational and training courses to detainees. This is essential for effective rehabilitation of detainees so

that after their release they are equipped with skills that enable them to find employment and thereby facilitating their reintegration in society.

1.7 FOOD

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

All detainees have been receiving freshly baked bread with their meals. For example, detainees in EHSP are served freshly made bread from an in-house bakery operated by the detainees themselves under the supervision of prison officers. On the other hand, Phoenix Prison does not have an in-house kitchen and detainees complained that the food served to them was cold. Following the intervention of the NPMD, the food which is prepared at Women Prison is now packed in hot boxes and transported to Phoenix Prison. This has improved the quality of food served to the satisfaction of detainees.

1.8 VISITS FROM FAMILY MEMBERS

Detainees are entitled to visits from specified family members as well as lawyers and religious priests and others. Exceptionally and on humanitarian grounds contact visits are allowed, but subject to strict conditions. For example, a contact visit from a terminally ill mother was allowed to a long-term convict in Phoenix Prison, a high security prison, after relevant medical and other documents were submitted and verified and the visit allowed in a safe and controlled environment.

Foreign detainees in prisons are granted more free Skype calls since they rarely receive visits from their family members.

1.9 TRAINING OF PRISON OFFICERS

Prison officers, including new recruits, receive a variety of training including talks and lectures on human rights by the National Human Rights Commission. The curriculum includes relevant legislation and regulations, the Robben Island Guidelines, the Nelson Mandela Rules, the Convention Against Torture (CAT) and the Optional Protocol to the Convention Against Torture (OPCAT).

2. POLICE CELLS & DETENTION CENTRES

Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) stipulates that “all prisoners shall be treated with respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman, or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times”.

Detainees shall be kept in humane facilities, designed to preserve health, and shall be provided with adequate food, water, shelter, clothing, medical services, exercises, and items of personal hygiene. The monitoring of conditions of detention in police lockups is important because persons in police custody following arrest still benefit from the presumption of innocence. Having temporarily lost their freedom, detainees have limited recourse to any remedy or assistance and as human beings their basic human rights have to be upheld and respected.

The conditions of detention in police cells must comply with international human rights standards, as stipulated in the Universal Declaration of Human

Rights, the Nelson Mandela Rules and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Police officers acting as custody officers in police stations, by whatever name called, must be specially trained and educated so that they are sufficiently sensitized regarding the standard minimum human rights of detainees. To that effect the NPMD organised several workshops with new recruits in the Mauritius Police Force with a view to sensitize them regarding detainees' human rights, and their professional responsibility in ensuring that same are implemented. They were also informed about the mandate of the NPMD as per the National Preventive Mechanism Act. In 2022, the NPMD organised talks for the benefit of police officers of various departments and units, at Pamplemousses Police Station, Abercrombie Police Station, Ex Sergeant Mess of the Special Mobile Force Vacoas, Police Training School Beau-Bassin, Coast Guard Training School Le Chaland, SSU Training School Line Barracks and Les Casernes Police Training School.

Moreover, when inspecting police cells and Detention Centres so as to ensure that they comply with Minimum Human Rights Standards, the NPMD makes appropriate recommendations based on its observations and findings. These generally include the physical conditions of the cells and the conditions of lighting, heating, ventilation, sanitation and hygiene. The police cells should not have ligature points which may be used for hanging. Regarding sanitary conditions it is important to have regular and continuous water supply. Women detainees ought to be provided with additional sanitary items such as hygienic pads during their detention. The NPMD also recommends that a sufficient number of mattresses ought to be provided for cells in police stations and that the current ones be regularly cleaned or replaced.

Furthermore the NPMD conducts follow-up visits in order to generally monitor conditions of the police detention cells and to ensure that its recommendations are effectively implemented.

In the exercise of its general mandate under Section 4 of the National Preventive Mechanism Act, the NPMD conducted inspections of all the detention centres and visited 47 police stations in the year 2022. Among the issues that were generally highlighted by the NPMD while carrying out inspections of the cells and detention centres, are the following:

2.1 Safety

It is the duty of the police officers to ensure the safe custody of detainees at all times. It is essential therefore that CCTV cameras be operational in all police cells or otherwise so that detainees are under constant watch of the sentry officers. The detainees are also entitled to a minimum of privacy, more specially when they are using the bathroom or the toilet. In January 2022, the NPMD conducted a masking exercise at Piton Detention Centre with the assistance of police officers and technicians delegated by the Commissioner of Police.

2.2 Overcrowded detention cells

Overcrowding is determined by the occupancy capacity ratio of the detention cells. The NPMD recommends that an adequate number of police cells must be available so as to accommodate detainees in humane condition. The opening of the Piton Detention Centre in the Northern Division in January 2022 has been a major step in the right direction. It has indeed helped in preventing the issue of overcrowding in police cells. On 14 November 2022, while conducting inspection at Quatres-Bornes Police Station the NPMD observed that the shower unit was inside the detention cell and had no partitioning. The NPMD recommended that the police cell and the shower unit be separated by a partitioning to ensure the privacy of detainees while taking a shower. Ideally, a single detainee ought to be

kept in one detention cell. Overcrowding also creates ventilation issues, especially in police stations where there are no exercise bays and where detainees can only walk in the cell corridor during exercise time.

Overcrowding also affects the morale and performance of police officers as they cannot cope with the number of detainees under their responsibility.

2.3 Medical and psychological aspects

Detainees who require immediate medical attention ought to be transported to the nearest medical facility. During police custody, the mental condition of detainees is a relevant consideration and that is why, the NPMD emphasizes that detainees be allowed at least half an hour exercise time outside of their cells in the morning and in the afternoon. The NPMD further recommends that the exercise bay should be covered and be sufficiently high for safety and security reasons.

2.4 Sanitary Conditions

Rule 18 of the Mandela Rules stipulates that “prisoners shall be required to keep their person clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness”.

Detainee’s minimum requirements with regard to cleanliness, such as; access to hand washing facilities, shower units and toilets must be provided by relevant Authorities. It affects the dignity of persons in detention. Depriving detainees of such minimum requirements may be construed as cruel, inhumane or degrading treatment or even torture.

While conducting general inspections of police stations in the year 2022, amongst which police stations at Rivière des Anguilles Police Station, Chemin Grenier Police Station, Bel Ombre Police Station, Rose Hill Police Station and Poudre D’or Police Station, the NPMD observed that generally the flushing

system of toilets was not functional. Such sanitary facilities must be operational and toilets must be kept clean at all times. The issue is not only one of health and hygiene but also one of respect for human dignity.

At Barkly Police Station and Pointe aux Cannoniers Police Station, the plumbing system was defective, thus depriving detainees of regular water supply in the detention cells. This may have been caused by damaged pipes, insufficient water pressure or inadequate drainage systems in these police stations. Furthermore, the capacity of the septic tanks was not adequate having due regard to the number of detainees in the cells.

Rule 5 of the Bangkok Rules provides that a place of detention for women detainees ought to have the necessary facilities and materials to meet women's specific hygiene needs, including sanitary towels and regular supply of water, particularly concerning women who are pregnant or are menstruating. The NPMD was satisfied with the conditions of detention at Sodnac Police Station in so far as it adequately meets the needs of female detainees. The NPMD observed that sanitary towels and basic toiletries were provided to detainees in sufficient quantity.

2.5 Ventilation and lighting

A proper ventilation system is crucial in a place of detention as it allows natural air flow, evacuates humidity and prevents foul smell. It is essential that the openings in the detention cells be designed to allow natural air to flow freely. Furthermore, the air extractors ought to be functional at all times. Even areas such as the shower units and toilets need proper ventilation and lighting; not only to provide proper conditions of detention for detainees, but also because it provides a conducive working environment for police officers on duty. The NPMD has recommended that police stations such as Vacoas Police Station, Trou D'eau

Douce Police Station and Bel Air Police Station need to install air extractors inside cell corridors so that the detention cells are properly ventilated.

3. STEPS TO BE TAKEN TO IMPROVE CONDITIONS OF DETENTION IN POLICE CELLS AND DETENTION CENTERS.

The Mauritius police force is in existence for more than 250 years and some stations were designed and built in colonial days and they are mostly obsolete for a modern Mauritius. Efforts have been made to improve the state of police buildings and every year a substantial budget is allocated to the Mauritius Police force for construction of new police stations and maintenance of the old ones.

Recently several police district Detention centres have been built for the smooth running of the police force and for the welfare and improved conditions of detention of detainees.

In many cases, police stations face shortage of staff. The lack of personnel is affecting the daily management of police stations. Police stations are run on a 24-hour basis on shifts. Each shift has to perform several tasks during the tour of duty and sentry of detainees in police cells is one of their duties. Due to lack of staff on shift duties and police stations operating with minimum staff there is no proper control. It is recommended to increase the number of police officers in police stations having police cells for their smooth running and to improve conditions of detention.

3.1 CCTV CAMERA SURVEILLANCE SYSTEM SHOULD BE FIXED IN ALL POLICE CELLS

Nowadays with technology new methods of control of detainees in police cells is being implemented for example the installation of CCTV camera in police cells. With the increase in number of detainees in police cells sometimes cells are overcrowded. The best way to have control and surveillance over detainees is optimal use of CCTV camera.

3.2 HEALTH AND SAFETY ISSUES ARE OF UTMOST IMPORTANCE: RIGHTS AND WELFARE OF DETAINEES

3.2.1 FOOD AND DRINKS:

A detainee in police cells should be given food on time and police should make all arrangements to serve a detainee with either veg or non-veg food or If a detainee is on medical treatment.

3.2.2 FOUL ODOUR / SMELL:

In many police cells which are overcrowded there is bad smell emanating. This is due to dirty police cells where toilets are not flushed. Water is spilled from washroom and cleaning is not done properly. In many police stations there is only one police attendant performing all the task of cleaning the offices, charge room, yards, and cells. More police attendants should be recruited and posted in police stations having cells. Cleaning of police cells should be done twice daily in the morning and afternoon. Police are improving hygiene conditions in police cells.

4. JUVENILE JUSTICE

The Children’s Act 2020 came into operation on 24 January 2022 following its proclamation by the President of the Republic of Mauritius. The new legislation has brought major changes in the sentencing of juvenile offenders.

4.1 CHANGES IN THE LAW

The new Act has more or less consolidated various pieces of legislation, concerning children and repealed the Child Protection Act and the Juvenile Offenders Act. Mauritius is party to the United Nations Convention on the Rights of the Child since 1990 and also party to the African Charter on the Rights and Welfare of the Child. In Part II of the Children’s Act 2020 the “best interest of the child” is the overriding criterion. *“The best interest of a child shall, in respect*

of any matter concerning the child, be paramount and be the primary consideration by any person, Court, institution or other body.”(Sub-Part A 4(1).

Article 40 of the UN Convention, concerning juvenile offenders, provides that “*States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child assuming a constructive role in society.*”

As a complement to the Children’s Act 2020, the Children’s Court Act 2020 was enacted by Parliament in order to establish a specialised Court for children consisting of a Protection Division and a Criminal Division of the Children’s Court. The Criminal Division deals with cases where the child is either a victim, a witness or an offender. The age of criminal responsibility under the Children’s Act 2020 has been set at 14 years. The overall environment of the Court is designed to be child-friendly so that the child does not feel intimidated by the usual austere court environment. The child can be accompanied either by a parent or by an appropriate adult where circumstances so require. Provision has also been made for the child victim to give evidence/testify through video link so that he/she does not have to face the adult accused.

4.2 JUVENILE DETENTION

Before the coming into force of the Children’s Act 2020 a minor could under the Juvenile Offenders Act either face the charge of being an “*Uncontrollable juvenile*” with around eight types of proscribed conduct which could result in the detention of minors at the Rehabilitation Youth Centre (RYC) until the age of 18 or where the minor is found guilty of having committed an offence, the latter could face a non-custodial sentence or a custodial sentence

resulting in his detention at the Correctional Youth Centre (CYC). However the minor cannot be kept at the CYC post the age of 18.

Regarding “Uncontrollable Juveniles”, the parent or guardian simply made a statement under oath before the Magistrate of the Juvenile court to the effect that he is unable to control the juvenile and desires him to be sent to the industrial school until the age of 18 or less. The court would generally make an order to place the minor at the RYC on the ground that the latter is a “Child beyond control”. The term “industrial school” is the name given to the Rehabilitation Youth Centre following the RYC Regulations 1936. Under the Reform Institutions Act, the RYC falls under the administrative control of the Mauritius Prisons Service.

Under the new law the term “Child beyond Control” has been replaced by “Child with Serious Behavioural Concerns” (SBC) which also refers to minors whose conduct is proscribed by law. Under the new law, minors are not automatically taken to court but may be directed by the police or the parents to the Mauritius Probation and Aftercare Services (MPAS), which must try to find an out-of-court resolution within 21 days. It may seek the assistance of professionals like psychologists or social workers. If unsuccessful, the matter is brought before the Magistrate of the Protection Division of the Children’s Court. The Magistrate shall conduct a hearing and determine whether there are SBCs to be dealt with. Under the new law, the Magistrate has a range of options in terms of preventive intervention order and resort to place mentioning an institution as the last resort. In such cases, the child may be placed in a Probation Hostel for boys or the Probation Home for Girls, under the supervision of the MPAS, as provided by the Probation of Offenders Act. These institutions are not places of detention as such and do not fall under the Reform Institutions Act as the children inmates are allowed to go to school. If the child is not removed from his usual

household, the prevention intervention order would require a probation officer to apply an individualised supervision plan based on the specific needs of the child.

In the event that a minor is found guilty of a criminal offence before the Criminal Division of the Children’s Court, the latter is not automatically sentenced and ordered to be sent to the CYC. Firstly, no minor under the age of 14 shall be prosecuted. If the minor is 14 or above, the Director of Public Prosecutions (DPP) now has a wider discretion under the new law. The best interests of the juvenile may be best served by not prosecuting the latter or the DPP may order the discontinuance of the criminal proceedings against the juvenile (Children’s Act 2020, Section 55).

This measure is consistent with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), adopted by the UN General Assembly Resolution 40/33 on 29 November 1985, whereby *“Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases”*. This Rule defines its scope and application in Rule 11(b): *“The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority”*.

Before the coming into effect of the Children’s Act 2020 and the Children’s Court Act 2020 the population in the CYC and the RYC has already gone down considerably as indicated hereunder as in Table 1. By the end of 2022, it stood at 5 and 1 for the RYC girls and boys respectively, while there were 8 inmates at the CYC. Magistrates of the new Children’s Court often refer to the UN Convention on the Rights of the Child, to which Mauritius is a party and would generally exercise their discretion with a view to offer a second chance to the convicted minors so that the latter can mend their ways.

TABLE 1**Juveniles admitted to Rehabilitation Youth Centre by sex, Republic of Mauritius, 2018 - 2021**

Detainees	Number											
	2018			2019			2020			2021		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Convicts	10	16	26	19	9	28	7	11	18	5	4	9
Remand	50	46	96	59	47	106	20	30	50	12	19	31
Total	60	62	122	78	56	134	27	41	68	17	23	40

Juveniles admitted to Rehabilitation Youth Centre by type of offences and sex, Republic of Mauritius, 2018 - 2021

Offences	Number											
	2018			2019			2020			2021		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Theft/Burglary/Robbery	0	0	0	1	0	1	0	0	0	0	0	0
Children /juveniles beyond control	10	16	26	18	9	27	7	11	18	5	4	9
Other	0	0	0	0	0	0	0	0	0	0	0	0
Total	10	16	26	19	9	28	7	11	18	5	4	9

*0 for Nil***Offenders sentenced with probation orders, Republic of Mauritius, 2018 - 2021**

Offenders	Number											
	2018			2019			2020			2021		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Adult	186	42	228	154	29	183	57	19	76	38	7	45
Juvenile	18	1	19	10	0	10	2	0	2	6	0	6
Total	204	43	247	164	29	193	59	19	78	44	7	51

Juveniles in Correctional Youth Centre, Republic of Mauritius, 2018 - 2021

Detainees	Number			
	2018	2019	2020	2021
Daily average	32	27	29	20
Convicts	5	2	4	2
Remand	27	25	25	18
Admission	154	164	162	123
Convicts	27	15	17	18
Remand	127	149	145	105

Juveniles admitted to Correctional Youth Centre by type of offences, Republic of Mauritius, 2018 - 2021

Offences	Number			
	2018	2019	2020	2021
Sexual offences	0	0	1	0
Theft/Burglary/Robbery	25	12	12	17
Other	2	3	4	1
Total	27	15	17	18

*0 for Nil**Source: Statistics Mauritius*

5. REHABILITATION YOUTH CENTRE (BOYS & GIRLS)

The NPMD effected visits to the Rehabilitation Youth Centres (RYC) (Boys & Girls), in order to assess the conditions of detention thereat. In the light of its findings and observations, the following recommendations were made by the NPMD:

- (i) Inmates from the RYC Boys and Girls, in collaboration with the Open Prison for Women and/or Central Prison, could use the open spaces in the yards for gardening, under the supervision of prison officers.
- (ii) The swimming sessions at Serge Alfred Swimming Pool Beau-Bassin ought to be resumed for the inmates of the RYC Boys and Girls.
- (iii) Volleyball and badminton rackets and other sporting paraphernalia ought to be provided to the inmates of the RYC Girls, so that the inmates can practice sports of their choice.

The inmates are now able to practice indoor sports and as far as the swimming sessions are concerned, same will be provided to the inmates once renovations work have been completed at Serge Alfred Swimming Pool Beau-Bassin. The Ministry of Youth Empowerment, Sports and Recreation is supervising the project.

During the year 2022 the buildings that accommodate the RYC Boys and RYC Girls have undergone major renovation. The toilets and bathrooms have been upgraded. The doors of the dormitories as well as the window panes have been replaced. Protective grills have been installed over all the windows so as to enhance the security and safety of the inmates. The buildings have been fully repainted while the children have decorated the walls. The meals for inmates which were formerly prepared at the New Wing Prison are now prepared at the Female Open Prison, which is just next door and it has been noted now that there is less food wastage. The classrooms in the building which is used as a school has

also been renovated and a proper aluminium separation has been installed to enable primary and secondary classes to be held simultaneously, in the Girls' section. For the first time, a girl inmate succeeded in Grade 9, for the National Certificate of Examination with 24 units. She was promoted to Grade 10 and was admitted at the Loreto Convent School Rose-Hill and was subsequently, transferred to the Probation Home for girls in Phoenix, in order to enable her to continue her secondary studies in more favourable conditions.

The staff at the RYC consists of 19 women officers, 26 male officers, 4 teachers, 2 psychologists and 1 Occupational therapist. Most of the inmates were following vocational training courses with a view to facilitate their rehabilitation and re-integration in mainstream society after their discharge from the RYC. The possibility of giving further training to these officers to work in Probation Homes which are not intended to be detention centres as the RYC, may be considered.

As at date, it may be too early to make an assessment of the coming into effect of the Children's Act 2020 and the Children's Court Act 2020. On the other hand, the media have reported a number of incidents with minors in placement following court orders. This may indicate that more policy changes might be necessary to cater for the needs of children in conflict with law. The MPAS has been entrusted with additional responsibilities, at the initial stage, before the matter is referred to the court in case of failure. It has also the responsibility after adjudication to execute the court order which often includes the imposition of a Probation Order over a certain period, accompanied by Pro-Social Skills training and sometimes the placement of the minor in its Probation Home or Hostel which was previously used only to foster children placed for safety.

6. CORRECTIONAL YOUTH CENTRE (BOYS)

The NPMD visited the Correctional Youth Centre Boys (CYC), so as to assess the general conditions of detention thereat. During the visit, the CYC Girls was unoccupied. The NPMD made the following recommendations for CYC Boys:

- (i) The side area of the association yard should be covered with transparent and waterproof tarpaulin sheets for better protection from strong winds and rain.
- (ii) A secondary school teacher should be posted full time so that the inmates are able to prepare for the National Certificate (NCE) Examination.

As at date, the NPMD has been informed that the above recommendations made for CYC Boys are under consideration at the level of the Mauritius Prison Service.

7. COMPARATIVE ANALYSIS

7.1. THE NELSON MANDELA RULES AND THE MAURITIUS PRISON STANDING ORDERS

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 17 December 2015- Resolution of the United Nations General Assembly are considered as “soft laws” which means they are not legally binding. National law takes precedence. However, the UN General Assembly which represents the international community has adopted them as universally minimum standards. A practical application of the Mandela Rules enables countries to strengthen prison management with a view to ensure the secure, safe and humane custody of detainees.

It is to be noted that the Mauritius Prison has 104 Standing Orders, whilst the Mandela Rules have 122 rules covering all aspects of prison management and outline the agreed minimum standards of treatment of prisoners, whether pre-trial or convicted.

7.2 MAIN TOPICS ADDRESSED IN BOTH DOCUMENTS

The Prison Standing Orders consist of rules which are similar to the Mandela Rules. However, they are written in a more specific manner in order to address the situation in Mauritian prisons. The list of the Prison Standing Orders consists of topics such as searching, detainee's accommodation, health and cleanliness in prisons, clothing and bedding of detainees, classification and segregation of detainees, disciplinary control and defaulters, visits and communication, detainees on remand or awaiting trial, education, extra remission amongst others.

The Mandela Rules contain expanded principles in nine thematic areas namely; respect for prisoners' dignity and value as human beings, the provision of medical and health services, disciplinary action and punishment, investigations of deaths in custody and allegations of torture, protection of vulnerable groups, access to legal representation, complaints and independent inspections, the replacement of outdated terminology and training of staff to implement the United Nations Standard Minimum Rules for the Treatment of Prisoners.

7.3 BELOW ARE SOME EXAMPLES OF ISSUES WHICH ARE SEEN IN BOTH THE MANDELA RULES AND PRISON STANDING ORDERS:

- (i) Medical screening [Rules 30, 34] A healthcare professional must examine every detainee as soon as possible after arrival. The Rules provide that this initial examination should not only assess healthcare needs and give treatment but also identify any psychological or other stress and any signs

of ill-treatment, which should be documented and reported to the competent authority.

- (ii) Prison Standing Order No. 26 mentions about the medical care and sick leaves of detainees.
- (iii) Categorization [Rule 11] certain groups of prisoners must be housed separately as a means of protection and to facilitate adequate individual treatment. This applies to men and women, pre-trial and convicted prisoners, children and adults. As per Standing Order No. 15, the detainees are classified as per categories A, B, C and D. According to these categorizations, remand detainees are separated from convicted detainees.
- (iv) Hygiene [Rules 15, 16, 18-21] Prison must have clean bathroom facilities in the interests of dignity and hygiene. Access to water, toilet items (including sanitary towels for women), adequate clothing and bedding must also be provided.
- (v) Food and water [Rules 22, 35, 42, 43] Prisoners must be provided with nutritious food of wholesome quality and also drinking water whenever they need it. Food and water cannot be restricted as a disciplinary sanction and must be provided without exception.
- (vi) Prison Standing Order No. 10 mentions about health and cleanliness in prisons and Standing Order No. 12 about clothing and bedding of detainees.
- (vii) Solitary confinement [Rules 43-46] Given its devastating effect on physical and mental health, the Rules stipulate that solitary confinement should only be used in exceptional cases, as a last resort, for as short a time as possible, after authorization by a competent authority, and subject to independent review. Indefinite and prolonged solitary confinement (of more than 15 days) is prohibited entirely. For some groups, e.g. pregnant or breast-feeding women, any use of solitary confinement is prohibited.

The Rules define solitary confinement as confinement for more than 22 hours per day without meaningful human contact. Interpretation of ‘meaningful human contact’ should recognize the suffering that any person will experience if isolated from and deprived of contact with other human beings.

The Prison Standing Order No. 15 mentions about segregation in prisons. The aims and objectives of this Standing Order is to enhance security, good order, discipline, and training by proper categorization of the detainees upon reception. Hence, it defines the different categories of detainees into A, B, C and D.

7.4 IMPLEMENTATION OF THE MANDELA RULES:

States must be encouraged to adopt the Mandela Rules as reference for improvement in the prison system and policy reforms. For instance, in Europe with the new progressive provisions of the Mandela Rules adopted in 2015, some provisions of the European Prison Rules (EPR), a guideline which regulates prison management in the region, were lagging behind the improved international standards. The EPR was revised and adopted by the Council of Europe’s Committee of Ministers in July 2020. Most of the revised rules are now aligned with the Mandela Rules and provide greater protection for prisoners. One of the key developments in the latest version of EPR is related to solitary confinement and it was guided by the Mandela Rules. Recently, in Thailand, collaboration with the Thailand Institute of Justice has enabled the Prison Service to implement Mandela Rules in prisons. Mandela Rules E-Learning course has been implemented to assist officers and practitioners.

Similarities between the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) and the Prison Standing Orders:

Rules	United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)	Prison Standing Orders	Standing Orders
Rule 50	Searches of prisoners and cells	Search of detainee	Standing Order 5
Rule 54 Rule 58	Information to and complaints by prisoners. Contact with the outside world	Visits and Communications	Standing Order 47
Rules 24-35 Rule 109	Health-care services Prisoners with mental disabilities and/or health conditions	Medical	Standing Order 26
Rules 96-103	Work	Employment of detainee	Standing Order 16
Rules 19-21	Clothing and Bedding	Clothing and Bedding	Standing Order 12
Rule 64	Books	Education Educational Classes and Teaching Staff.	Standing Order 52 Standing Order 82
Rule 65	Religion	Religious Instruction	Standing Order 51
Rules 111- 120	Prisoners under arrest or awaiting trial	Detainees on Remand or Awaiting Trial	Standing Order 48
Rule 22	Food	Dietary of detainees	Standing Order 48
Rule 11 Rules 93-94	Separation of categories Classification and individualization	Classification and Segregation of detainees	Standing Order 15

8. STATISTICS VISITS AND COMPLAINTS: JANUARY 2022 TO DECEMBER 2022

	No. of visits	No. of complaints	Resolved	Ongoing
Prisons	149	95	81	14
Police Cells	49	1	1	
Detention Centres	8	1	1	
RYC/CYC	4			
Brown Sequard Mental Health Care Centre (High Security Units)	2			
Total	212	97	83	14

9. NATURE OF COMPLAINTS: JANUARY 2022 TO DECEMBER 2022

Nature of Complaints	No. of Complaints	Complaints Received
Conditions of detention	45	<ul style="list-style-type: none"> • Allegation(s) of assault • Food • Material conditions • Transfers to other prisons • Personal Hygiene • Disciplinary Procedure • Contacts with the outside world (visits and telephone conversations)
Miscellaneous	47	<ul style="list-style-type: none"> • Medical assistance • Status of case/delay in police enquiries • Access to education • Time spent on remand • Civil marriage in prison
Petition	1	<ul style="list-style-type: none"> • Reduction of sentence
Legal	4	<ul style="list-style-type: none"> • Legal aid

10. DETAINEES IN PRISONS

10.1. Age group (with a breakdown over and under 65 years of age) as at 16.02.2023

	Convicted	Remand
18 – 21 years	54	86
22 – 25 years	145	185
26 – 30 years	242	283
31 – 35 years	204	211
36 – 50 years	377	341
51 – 60 years	82	47
61 – 65 years	16	10
Over 65 years	12	2
Total	1132	1165

10.2. Gender, Adults & Minors (Remand & Convict) as at 31.12.2022

Gender	Adults		Juvenile (CYCs & RYCs)		Total
	Convicted	Remand	Convicted	Remand	
Male	1058	1078		5 (CYC)	2141
Female	44	114	1 (RYC)		159
Total	1102	1192	1	5	2300

10.3. Local and Foreign Nationals- as at 31.12.2022

Gender	Convicted	Remand	Total
Male	37	93	130
Female	10	60	70
Total	47	153	200

10.4. Nature of Offence- as at 16.02.2023

	Convicted	Remand
Murder / Manslaughter	133	108
Sexual Offence	72	21
Wounds and Blows	27	19
Larceny with violence	54	50
Larceny	581	429
Drunkenness, disorder, Breach of condition of bail	19	18
Drugs	194	433
Swindling, Embezzlement, Forgery	31	61
Arson	1	4
Possession of offensive weapon	2	
Aiding and abetting in the commission of a crime	13	8
Taking part in a riot		
Escaping from legal custody		5
Procuring prostitutes		
Dealing with offensive weapon	1	
Looting		
Sequestration	4	1
Giving instructions to commit crime		7
Endangering safe navigation of a ship		1
TOTAL	1132	1165

10.5. Length of Sentence (Convicted) - as at 16.02.2023

Less than one month	42
01 month – 03 months	128
04 months – 06 months	126
07 months – 12 months	129
13 months – 19 months	104
20 months – 23 months	13
2 years – 3 years	219
4 years – 5 years	107
Over 05 years	264
TOTAL	1132

CHAPTER VI

RODRIGUES

A delegation from the National Human Rights Commission (NHRC) proceeded on an official mission to Rodrigues from 27 September to 30 September 2022.

Aims

The delegation had three specific aims in undertaking the visit to Rodrigues which are as hereunder:

- To set up an antenna in Rodrigues;
- To sensitise officers of different grades/civil servants and NGO members on the NHRC's mandate
- To visit the Pointe la Gueule Prison and the Rehabilitation Youth Centre of Baie Aux Huitres to take stock of the inmates' conditions.

The setting up of an antenna in Rodrigues.

The Chief Commissioner welcomed the project of having an antenna of the National Human Rights Commission in Rodrigues. He informed that the Rodrigues Regional Assembly may take the charge of the officer to be recruited.

The Island Chief Executive informed that he had already identified a location to house the branch of the National Human Rights Commission, but it needs some renovation.

Furthermore, it was proposed that the National Human Rights Commission may contact the Ministry of Finance, Economic Planning and Development to look into the possibility of recruiting the officer through the "Service to Mauritius" Scheme. In fact, the Rodrigues Regional Assembly will be recruiting 11 officers on this scheme shortly and it may recruit one officer for the NHRC.

Courtesy Call on the Divisional Commander Rodrigues

The Divisional Commander of the Police in Rodrigues informed that the staff consists of about 500 police officers including the Special Mobile force and there are six police stations in Rodrigues. The Northern division comprises Port-Mathurin, Grand-Montagne, Petit Gabriel while the Southern division consists of Plaine Corail, La Ferme and Rivière Cocos police stations.

Other issues were discussed, mainly noise and air pollution, road traffic offences, teenage pregnancy and domestic violence and the distinction between the functions of the Human Rights Commission and those of the Independent Police Complaints Commission.

TALKS

Talks at Police Headquarters and the Central Administration, Port Mathurin

The audience comprised of civil servants from the Commission of Health and Social Security. Commission for Labour and Chief Commissioner's Office and Police Officers from the Police Head Quarters, Port Mathurin, La Ferme, Grande Montagne, Petit Gabriel and Plaine Corail Police Stations and the National Coast Guard

They were sensitised on the work and mandate of the NHRC and its Divisions and on the procedure and avenues to lodge a complaint. Following a general introduction on human rights, the fundamental rights as enshrined in Chapter II of the Constitution were outlined and explained.

During the session, the audience raised a number of questions on property laws and rights, on the matrimonial regimes and legal problems pertaining to inheritance. A number of issues were also put forward by the audience, primarily in relation to neighbourhood problems, noise pollution and access to public

transport. Due note was taken of these issues. Participants were advised and directed to relevant institutions according to their needs.

Talk to NGO members and students from La Ferme College, Songes College and Marechal College

The talk was geared on human rights and emphasis was laid on children rights such as the right to education and freedom of expression, protection from all forms of abuse and discrimination. Students were explained the key provisions of the Children's Act 2020, including *inter alia* corporal punishment, bullying and harassment, various forms of exploitation, marriage at 18 and child under 14 not being held criminally responsible. The audience was also sensitised on the work and mandate of the NHRC and its two divisions.

In addition, emphasis was laid on their responsibilities and the need to respect the rights of other citizens, in particular the rights of vulnerable groups such as the elderly and persons with disabilities. The importance of behaving responsibly at school, at home, in public places and on social media was also highlighted.

VISIT TO POINTE LA GUEULE PRISON

Pointe La Gueule Prison, the only prison in Rodrigues was established in 1963, covers an area of 16 acres. It can accommodate a maximum of 75 detainees. It consists of a male and female wing and is manned by 34 members.

As at 28.09.22, there were 11 convicted and 22 remand detainees who were detained at the male wing while 1 remand detainee was detained at the female wing. Some of the male detainees are aged between 18 to 24 years and have been mostly involved in drugs and larceny cases.

Convicted detainees wore orange coloured uniform while remand detainees wore green coloured uniform.

Convicted and remand detainees are currently detained together. However, they will be lodged separately with the opening of an annexed new building in December 2022.

A. Videoconference room

The delegation visited the room where it was observed that the remand detainees appeared quietly in turn before the District Magistrate via videoconference. We commend this measure as detainees do not have to travel to the District Court.

The prison was properly maintained and kept scrupulously clean.

B. Dormitory

The delegation visited one dormitory which is occupied by a maximum of 8 detainees. There is enough ventilation in the dormitory. The bathing and shower installations are adequate, with proper running water supply.

Every detainee is provided with a separate bed, and with separate and sufficient bedding which is kept in good order and changed often enough to ensure its cleanliness.

Detainees are not allowed to wear their own clothing and are provided with an outfit suitable for the climate and adequate to keep them in good health. All clothing are clean and kept in proper condition.

A laundry room has been set up with all the necessary equipment to cater for the washing of the detainees' clothes and bedding.

C. Kitchen and food

The kitchen is kept in a hygienic condition. The lunch was prepared by one cook and two helpers who were remand detainees.

Lunch comprised of one protein soup, three vegetables and rougaille thon. Their cups and plates were very clean. The food was of nutritional value adequate for

health and strength, of wholesome quality and well prepared and served. The weekly menu is sent to the health department to be vetted by a nutritionist. The food is tasted by a principal prison yard officer before being served to detainees. Drinking water is available to every detainee whenever he needs it. It is to be highlighted that all the vegetables and eggs are locally produced in the backyard of the prison.

D. Recreational activities, exercise, and sport

Detainees can perform Taiichi and play football. Detainees can watch television, listen to the radio and play domino and carom. They also receive weekly music lessons.

E.1 Educational and vocational training

Educators teach English and French twice a week to the detainees. Literacy and numeracy classes are carried out by two staff of NGOs twice a week.

SMEs training is available once a week to convicted detainees only so that they can set up their own business once they leave the prison.

Sewing classes are also given to detainees.

E.2 Books

The prison has a bookshelf containing both recreational and instructional books, and detainees are encouraged to make full use of the books. Only one shelf was full of books. The NHRC requested the Island Chief Executive to make available more books, musical instruments, and paint. We were informed that the prison will receive 500 books from the Rotary Club shortly.

Both convicted and remand detainees can work and receive earnings. They typically work in prison-support jobs like cooking, cleaning, running the laundry, or performing maintenance chores.

As for farming, convicted inmates may do field work, raise livestock, or help maintain farm equipment. Convicted detainees are also involved in welding and masonry.

E. Medical Services

A medical officer visits the prison once a week. The delegation has been informed that a sub medical unit will be established soon in the prison. A nursing officer will be available on a 24-hour basis.

F. Visits

Detainees are allowed under strict supervision to communicate with their family and friends, by receiving visits twice a month.

A detainee of good conduct is eligible for an additional visit by his family.

G. Recommendations

1. Appointment of a welfare officer to assist the detainees. Discussions and communications were ongoing with the office of the Island Chief Executive and a welfare officer would be made available shortly;
2. The services of a psychologist should be retained in the prison in order to curb violent impulses of inmates and to manage any suicidal tendencies of inmates. The psychologist would assist in the diagnosis and treatment of mental disorders of the detainees;
3. Provision of adequate lighting in the dormitories as the light was dim during daytime and
4. Introduction of a Detainee Admission Form, which includes all the background information (food allergy, smoking, drugs, health condition) about a detainee. The Officer in Charge welcomed the recommendation and pointed out that the Detainee Admission Form will be implemented shortly.

Visit to the Rehabilitation Youth Centre of Rodrigues

On 28 September 2022, the delegation visited the Rehabilitation Youth Centre (RYC) of Rodrigues which was set up in 2018 and is located at Fond La Bonté, Baie aux Huîtres. The delegation was welcomed by Mr Azie Prison Officer, who explained that six Prison Officers from Pointe La Gueule including him have been seconded for the rehabilitation of the residents and they work on a rotational basis. They have received special training and are assigned duties on a specific scheme.

Mr Azie informed that at present there are no inmates at the RYC. He pointed out that from January till September, there was only one resident who stayed for the month of August only. When interviewed about the significant drop out of inmates and why the RYC was unoccupied, the Prison Officer stated that the decrease is due to the implementation of the Children's Act 2020. Magistrates are more judicious in sending children to the RYC as a punishment.

Residents at the RYC typically range in age from 13 to 18 years. They are mostly residents over whom parents no longer have any authority (child beyond control). When these children are admitted to the RYC, a separate file bearing all their details is assigned for them. Thereafter, psychological support/follow up is provided to them.

Likewise, they were also informed that the RYC provides a whole panoply of activities to ease the re-integration of the residents in the community. These include academic programmes, sports and artistic programmes including the participation in various national/international sports competitions. A resident was given the opportunity to compete in International Judo Competitions.

Girls inmates are transferred to the RYC of Mauritius. He however, pointed out that most girls on their release from RYC Mauritius, being from Rodrigues the girls face significant social adaptation issues. With no way of contacting their

families or affording a return trip, they often get caught up in a vicious cycle of failed social integration, reoffending, conviction, and social rejection.

With a view to maintaining girls in the cultural environment of Rodrigues, a girl's center is under construction adjacent to the boy's premises and will be operational very shortly. The establishment of the centre will address the issue. Girls will be provided with pro-social support networks and services.

The building comprises nine rooms with annexed lavatories (maximum occupancy is for 12 boys), a common bathroom with running water, laundry, an administrative block, and a workshop. The rooms were neat, well organised and the paint coating was fresh.

Interview on the Radio – Rodrigues FM –MBC – 30 September 2022

The delegation spoke on the work and mandate of the NHRC and its divisions and on the procedure and avenues to lodge a complaint. Examples were given on the types of complaints at the level of the Human Rights Division of the NHRC. Emphasis was laid on environmental issues such as noise pollution and waste disposal. We also discussed on the issue of tardy declaration of birth and sensitised the audience on the importance of timely birth registration. A midwife responded to point out that midwives always emphasise the importance of timely birth registration when assisting in a delivery. The work of the midwives has been commended.

The audience was also informed on the key provisions of the Children's Act 2020, the legal age to marry which is 18, on the adverse impact of teenage pregnancy on human rights including sexual and reproductive health and rights, the right to education and the age of criminal responsibility.

**TALKS BY THE NATIONAL HUMAN RIGHTS COMMISSION TO
PROMOTE HUMAN RIGHTS**

	Event/Organiser	Subject Matter
1.	Capacity Building event on Human Rights, NAFCO St Esprit College	(i) Functions of the HRD (ii) Impact of the Covid-19 on Human Rights
2.	Ministry of Social Integration, Social Security and National Solidarity	Disability Mainstreaming
3.	Institute for Judicial and Legal Studies (IJLS)	International Human Rights Law
4.	Collectif Arc-en-Ciel (CAEC)	Human Rights of LGBTI people
5.	Avipro Ltd	Sexual Harassment in the workplace
6.	Avipro Ltd	Sexual Harassment in the workplace
7.	University of Technology	The Role of the National Human Rights Commission in combatting Trafficking in Persons in Mauritius
8.	Police Training School Vacoas	Human Rights
9.	Police Training School- Le Chaland	Human Rights
10.	National Aids Secretariat	Human Rights, Stigma and Discrimination

11.	National Aids Secretariat	Human Rights, Stigma and Discrimination
12.	Rodrigues 1. National Coast Guard 2. Police Officers 3. Prisons Officers 4. NGOs	Human Rights and Functions of the HRD and NPMD
13.	Ministry of Youth Empowerment, Sports and Recreation	Human Rights and Youth
14.	Senior Citizens Council	Human Rights and elderly persons
15.	Ministry of Youth Empowerment, Sports, and Recreation	Human Rights and Youth
16.	Collectif Arc-en-Ciel CAEC	Human Rights and LGBTI persons
17.	Northern Police District Headquarters	Human Rights and Domestic Violence
18.	Awareness session in the context of Human Rights Day 2022 Venue: National Women's Council, Phoenix	The Universal Declaration of Human Rights Human Rights Day 2022 theme: "Dignity, Freedom, and Justice for All" The rights of women
19.	Human Rights Day 2022 – Event	Introduction on Human Rights

	organised by Ministry of Gender Equality and Family Welfare.	Human Rights in Mauritius Human Rights and women
20.	Special Mobile Force - Vacoas	Human Rights and the Role of Police Officers
21.	Pamplemousses Police Station	Human Rights and the Role of Police Officers
22.	University of Technology	History and issue surrounding Human Rights and challenges of the Republic of Mauritius in the context
23.	University of Technology	Workshop to promote safe and equal rights for all human beings
24.	Ministry of Gender Equality and Family Welfare	Seminar on Human Rights and Women's Rights
25.	Mayflower College	Human Rights and Civic Education
26.	Bambous Social Welfare Centre	Human Rights and Women emancipation
27.	Young Queer Alliance	Challenges faced by LGBTQIA+ persons in family settings
28.	MITD Clairfonds, Vacoas	Youth and Human Rights
29.	Polytechnic Mauritius, Mt Blanche	Youth and Human Rights
30.	St Francois Xavier centre	Youth and Human Rights
31.	Prisons Training School	Workshop organised in the context of the Human Rights Day 2022

United Nations

A/HRC/52/31/Add.1



General Assembly

Distr.: General
30 January 2023

Original: English

Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Mauritius

Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh^{*}, ^{}**

Summary

In the present report, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh, explores issues relating to the sale and sexual exploitation of children in Mauritius in the light of international human rights norms and standards. On the basis of the information gathered prior to, during and after her visit, the Special Rapporteur highlights legislative initiatives, the institutional framework and child protection policies implemented to combat and prevent the phenomena, as well as the measures taken to provide care for and ensure the recovery and reintegration of child victims. The Special Rapporteur makes recommendations to strengthen efforts to prevent and eradicate the sale and sexual exploitation of children.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

** Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



IV. Conclusions and recommendations

A. Conclusions

116. The visit of the Special Rapporteur came at a unique time, against the backdrop of the recently promulgated legislation on child rights, which effectively has changed the child protection landscape by creating new and increased responsibilities for virtually all child protection actors.

117. With the new child protection framework in place, there is an undeniable need to develop regulations and guidelines on the new responsibilities of the various actors in a cohesive and collaborative manner, to avoid duplications, clarifying the steps and responsibilities from early detection to the recovery and social integration of children, and encouraging coordination and information-sharing, followed by adequate monitoring and evaluation. Specialized training and capacity-building for professionals working with children is key to effectiveness in detecting, investigating and prosecuting perpetrators and breaking the cycle of impunity.

118. Equally important are: tackling the root causes and the risk factors that make children vulnerable and put them at risk of sexual abuse and exploitation; ensuring adequate protection care, recovery and reintegration, provided through a holistic and multidisciplinary team of professionals; and ensuring targeted awareness-raising campaigns to curb the culture of silence surrounding child sexual abuse and exploitation.

B. Recommendations

119. On the basis of the above findings, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations to the Government of Mauritius:

Legislative, institutional and policy framework

(a) Ensure the effective implementation of the Children's Act, the Children's Court Act, the Child Sex Offender Register Act, the Cybersecurity and Cybercrime Act and the Combating of Trafficking in Persons Act;

(b) Formulate a comprehensive child protection strategy for the effective implementation of the Children's Act, by adopting the necessary directives, standard operating procedures, regulations and guidelines to coordinate interventions for the prevention of sale and sexual exploitation of children. Reinforce reporting mechanisms, ensure island-wide targeted awareness-raising campaigns, allocate adequate resources, and put in place monitoring and evaluation mechanisms to measure the progress;

(c) Ensure full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by including all forms of the sale and sexual exploitation of children as separate crimes in the Criminal Code, distinct from child trafficking;

(d) Accelerate efforts to finalize and enact the Adoption Act, and set up an independent body to oversee and monitor adoption processes, in accordance with the Hague Convention on the Civil Aspects of International Child Abduction;

(e) Introduce legally binding provisions to ensure better coordination among the various child protection actors, ministries and service providers, strengthen the victim referral mechanism, and ensure the comprehensive rehabilitation and reintegration of child victims through the provision of adequate, multidisciplinary services.

Investigations, prosecutions and sanctions

(f) Take measures to strengthen the investigation and prosecution of cases of sexual abuse and exploitation of children under the fast-track procedure and ensure that perpetrators are punished with sanctions commensurate with the gravity of the crimes;

(g) Undertake capacity-building of law enforcement officers on the effective detection, investigation and prosecution of crimes of the sale and sexual exploitation of children, and ensure that investigations and prosecutions are carried out by specialized and trained investigators, prosecutors and forensic experts in a child-friendly environment;

(h) Establish Children's Courts across the country to ensure expeditious hearings of cases involving child victims of sexual abuse and exploitation;

(i) Ensure the prosecution and conviction of all intermediaries in the tourism and entertainment industries, and at every level of the supply chain;

(j) Regularly update information on child victims, while respecting their right to privacy, and on travelling sex offenders, sharing information on the latter with overseas law enforcement agencies;

(k) Strengthen the specialized unit within the police dealing with child sexual abuse cases, including by building their capacity to recognize children who are at risk and in need of special protection, special counselling skills and techniques, childfriendly interviewing and referral support services;

(l) Strengthen the cybercrime unit by providing specialized training on how to tackle child sexual abuse material online; strengthen its investigative techniques on how to monitor encrypted paedophile networks, and detect, report and refer child sexual abuse cases for follow-up; and increase international cooperation and mutual legal assistance in cybercrime matters. Prevention and eradication of the sale and sexual exploitation of children;

(m) Conduct targeted awareness-raising programmes and community-based and educational programmes, with the involvement of children, victims and survivors and members of the community, and put in place monitoring and evaluation mechanisms to measure the progress;

(n) Conduct comprehensive research on the prevalence and the scope of the phenomena, including mapping of the underlying causes of the demand and risk factors, with a view to informing an evidence-based, targeted preventive and awarenessraising strategy. Ensure that socioeconomic services for children at risk and their families are available and accessible;

(o) Ensure the effective implementation of the Combating of Trafficking in Persons Act, including by strengthening capacity to recognize and detect victims of trafficking for the purpose of sale and sexual exploitation and to refer them, ensuring timely prosecution and conviction of perpetrators, and by analysing and addressing the underlying root causes and devising programmes to protect vulnerable children;

(p) Take measures to ensure that the Child Development Unit is appropriately structured and resourced, with adequately trained personnel, and has a comprehensive plan of action to effectively prevent and combat the sale and sexual exploitation of children;

(q) Finalize the establishment of a centralized database to systematically collect disaggregated data on the crimes of sale and sexual exploitation of children and child trafficking, including on the number of complaints, investigations, prosecutions, and sentences handed down;

- (r) Ensure mandatory, comprehensive sex education in the school curriculum, including information on the definition, scope and various manifestations of sexual abuse and exploitation. Train teachers and conduct awareness-raising and comprehensive age-appropriate sex education tailored to the ethnically diverse and multicultural society;
- (s) Take measures to protect the right of the child to privacy, and respect for their dignity through ethical reporting by the media, and take measures to address the stigmatization of victims of sexual abuse and exploitation;
- (t) Continue island-wide awareness-raising among the general public on the newly enacted laws and regulations and intensify specialized capacity-building for all professionals working with children, including the police, prosecutors, judges, teachers, the media, health workers, social workers, personnel working in all forms of alternative care, and migration authorities;
- (u) Invest in the training of caregivers, social workers and probation officers to detect and to recognize signs of sexual abuse and exploitation, and refer victims to relevant child protection services;
- (v) Monitor the activities of the entertainment and tourism industries, to detect and report cases of sexual exploitation of children and to ensure the compliance of the private sector with the Guiding Principles on Business and Human Rights, the Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;
- (w) Ensure that the formal and informal sectors of the travel and tourism industry and Internet service providers are aware of the provisions criminalizing the organization or promotion of or assistance in the sexual exploitation of children, and that they have a legal obligation to report online grooming and suspected cases of sexual exploitation of children;
- (x) Ensure easy access to child-sensitive reporting and referral mechanisms, paying due consideration to strict confidentiality, and respect for dignity and privacy, allowing victims to report abuse without fear of intimidation, stigma or revictimization;
- (y) Establish regular monitoring and evaluation frameworks to assess the impact of various preventive interventions, including awareness-raising and capacitybuilding activities;
- (z) Provide adequate budgetary allocations distributed across the islands to ensure the effective implementation of the new Children's Act and bridge geographic disparities across the country.

Care, recovery and reintegration of child victims

- (aa) Provide appropriate facilities and adequate human, technical and financial resources and adequate training to carers of children and personnel in child residential care institutions to ensure the quality of the rehabilitative services and the recovery and social reintegration of child victims in institutional care;
- (bb) Ensure the availability of safe, dedicated and decentralized shelters for child victims of sexual exploitation, and ensure that they are properly funded, and equipped with adequate means of communication and transportation, and staffed by trained personnel, and that they are able to offer comprehensive care, rehabilitation and reintegration services;
- (cc) Evaluate the accessibility and the quality of the existing services and their impact on care, recovery and reintegration, and establish effective mechanisms to ensure regular follow-up of the child through long-term specialized medical, psychological and reintegration care and services. Cooperation and partnership

(dd) Strengthen the central role, authority and resources of the Child Development Unit and the Child Services Coordinating Panel in coordinating and overseeing child protection policy and the delivery of services, including the follow-up to cases;

(ee) Work closely with non-governmental organizations and service providers working to detect, receive and refer cases of sexual abuse and exploitation of children, including in hard-to-reach areas and in so-called pockets of poverty, and ensure their sufficient State funding;

(ff) Strengthen the meaningful participation of children by consulting with them and integrating their views and experiences when devising policies and programmes on matters affecting their lives;

(gg) Expand bilateral, regional and international agreements and partnerships with other countries of origin, transit and destination in order to prevent and combat the sale and sexual exploitation of children, including crimes facilitated by information and communication technologies and trafficking networks;

(hh) Strengthen cooperation with United Nations agencies and solicit the incountry support of UNICEF;

(ii) Work closely with the Office of the Ombudsperson for Children, read its reports and act on its recommendations;

(jj) Adopt, and, in collaboration with development partners, implement measures necessary to achieve targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals.

United Nations

CRC/C/MUS/CO/6-7



Convention on the Rights of the Child

Distr.: General
23 February 2023

Original: English

Committee on the Rights of the Child

Concluding observations on the combined sixth and seventh periodic reports of Mauritius*

I. Introduction

1. The Committee considered the combined sixth and seventh periodic reports of Mauritius¹ at its 2672nd and 2673rd meetings,² held on 17 and 18 January 2023, and adopted the present concluding observations at its 2698th meeting,³ held on 3 February 2023.

2. The Committee welcomes the submission of the sixth and seventh periodic reports of the State party under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the enhanced statutory protections for children through the adoption of the Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offenders Register Act 2020, all of which were adopted on 15 November 2020.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the attention of the State party to the recommendations concerning the following areas, in respect of which urgent measures must be taken: child abuse, violence and neglect of children (para. 23), sexual exploitation and abuse of children (para. 25), children deprived

* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

¹ [CRC/C/MUS/6-7](#).

² [CRC/C/SR.2672](#) and [CRC/C/SR.2673](#).

³ [CRC/C/SR.2698](#).



of a family environment (para. 28), children with disabilities (para. 32), adolescent health (para. 35) and administration of child justice (para. 44).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

6. **The Committee notes with appreciation the adoption of the Children's Act 2020 and recommends that the State party:**

(a) **Strengthen the effective implementation of its legislation in compliance with the Convention, the Optional Protocols on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as well as its efforts to raise public awareness about new legislative developments;**

(b) **Develop a child-rights impact assessment procedure for national legislation and policies relevant to children.**

Comprehensive policy and strategy

7. **The Committee recommends that the State party renew the National Child Protection Strategy and Action Plan (2014–2022), ensuring that it encompasses all areas covered by the Convention, and that it support its implementation through the provision of sufficient human, technical and financial resources and a clear assignment of responsibilities in order to ensure coordination with the envisaged Ten-Year Strategic Plan for Children and the planned update of the National Human Rights Action Plan 2012–2020.**

Coordination

8. **The Committee recalls its previous recommendation⁴ and urges the State party to reinforce the Child Services Coordination Panel, established through the Children's Act 2020, by ensuring it has sufficient authority, adequate resources and a clear mandate to coordinate all activities regarding the implementation of the Convention and to minimize overlap with the activities of the National Children's Council, the Ministry of Gender Equality and Family Welfare and the National Human Rights Monitoring Committee.**

Allocation of resources

9. **The Committee recalls its general comment No. 19 (2016) on public budgeting for the realization of children's rights and its previous recommendation⁵ and recommends that the State party set up a budgeting process that includes a child-rights perspective, specifies clear allocations for children to the relevant sectors and agencies and includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by:**

⁴ CRC/C/MUS/CO/3-5, para. 14.

⁵ Ibid., para. 16.

- (a) **Setting performance targets linking child-related programme goals to budget allocations and actual expenditures to allow monitoring of the outcomes and the impacts on children, including those in vulnerable situations;**
- (b) **Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;**
- (c) **Using budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed;**
- (d) **Ensuring that the fluctuation or reduction in budget allocations for the delivery of services does not reduce the existing level of enjoyment of children's rights;**
- (e) **Strengthening audits to increase transparency and accountability with regard to public expenditures across all sectors and adopting measures to eradicate corruption and reduce irregular expenditures in order to mobilize the maximum available resources for the implementation of the rights of the child.**

Data collection

10. **The Committee notes the efforts of the State party to collect data in different areas and, with reference to its general comment No. 5 (2003) on general measures of implementation and recalling its previous recommendation,⁶ recommends that the State party expedite the establishment of the common data platform to also collect disaggregated data on the situation of children with special protection needs, including children with HIV, children with disabilities, children in alternative care, children living in street situations, child victims of neglect, violence or abuse, including sexual exploitation and trafficking, and children in conflict with the law.**

Independent monitoring

11. **The Committee recalls its previous recommendation⁷ and further recommends that the Ombudsperson for Children's Office assess the effectiveness of its communication plan (2016–2023) to promote children's awareness of their right to file complaints and to revise them accordingly, ensuring that complaint procedures are accessible, confidential and child-friendly.**

Dissemination, awareness-raising and training

12. **The Committee recommends that the State party promote the active involvement of children in public outreach activities, including in measures targeting parents, social workers, teachers and law enforcement officials, and encourage the media to ensure sensitivity to children's rights in programming and the inclusion of children in the development of such programmes.**

Cooperation with civil society

13. **The Committee recommends that the State party establish a mechanism to systematically involve civil society organizations working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.**

Children's rights and the business sector

14. **The Committee is concerned that, while tourism constitutes one of the main pillars of the economy of the State party, it has not yet adopted effective measures to protect children from violations of their rights arising from tourism activities. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

⁶ Ibid., para. 18.

⁷ Ibid., para. 20.

(a) Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the territory of the State party, especially in the tourism industry;

(b) Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;

(c) Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the Global Code of Ethics for Tourism adopted by the World Tourism Organization among travel agents and entities active in the tourism industry;

(d) Strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. Definition of the child (art. 1)

15. The Committee notes with appreciation the revised definition of the child in the Children's Act 2020 as any person under the age of 18 and the repeal of articles 145 to 148 of the Civil Code permitting exceptions to marriage under age 18. It recommends that the State party:

(a) Ensure the implementation and monitoring of the prohibition against child marriage, including by sanctioning those officiating child marriages;

(b) Undertake awareness-raising programmes to increase support for and understanding of the definition of the child as every person below the age of 18.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

16. The Committee, taking note of the non-discrimination principle enshrined in the Children's Act 2020 and in Sustainable Development Goal targets 5. 1 and 10.3, recommends that the State party:

(a) Address disparities in access to all social services for children in marginalized and disadvantaged situations, in particular children living in street situations, children who are victims of violence and abuse, including sexual violence, children using drugs, children deprived of a family environment, children with disabilities and children in the child justice system, and regularly evaluate their enjoyment of their rights;

(b) Take special measures to improve the living conditions of Chagossian children by ensuring their effective access to food security, health care, education, housing, water, sanitation and social services and ensure regular and systematic monitoring and impact assessment of the measures taken;

(c) Publicize the work of the Equal Opportunities Commission and encourage reporting of cases of discrimination by children, particularly those in marginalized and disadvantaged situations.

Best interests of the child

17. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right, also enshrined in the Children's Act 2020, is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on

children, including by building the capacity of all relevant persons in authority, particularly judges, educators and social workers, to determine the best interests of the child in every area and to give their interests due weight as a primary consideration.

Respect for the views of the child

18. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous recommendation⁸ and further recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing the guardian ad litem programme under section 66 of the Children's Act 2020;

(b) Ensure that information on child-related laws and policies are available in child-friendly language;

(c) Ensure that all relevant professionals engaging with and for children, including teachers, health-care providers, social workers and justice sector personnel, systematically receive appropriate training on the right of children to be heard and have their opinion taken into account, in accordance with their age and maturity.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration, nationality and statelessness

19. Taking note of Sustainable Development Goal target 16.9, the Committee strongly urges the State party to:

(a) Strengthen birth registration processes, including as a preventive measure against trafficking and sale of children, by, inter alia: (i) facilitating sharing of hospital records with the civil status offices; and (ii) adequately resourcing the Child Development Unit of the Ministry of Gender Equality and Family Welfare in effectively implementing its mandate to facilitate issuance of birth certificates, also in cases of the tardy declaration of births;

(b) Ensure the issuance of birth certificates for all children born in its territory immediately after their birth, regardless of the immigration status of the children or their parents, including those who have expressed an intention to apply for asylum and those who are undocumented;

(c) Establish a national mechanism for the determination of statelessness, including legal safeguards to grant nationality at birth to children born in the country or adopted by women who would otherwise be stateless;

(d) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

Right to privacy

20. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Strengthen implementation of the legislative provisions in place to protect the privacy of children, including by developing additional regulations and safeguarding policies for the media and the digital environment;

(b) Ensure that media, and other relevant professionals are appropriately trained on such regulations and policies and apply deterrent sanctions for violations of children's right to privacy.

⁸ Ibid., para. 32.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

21. While noting with appreciation the explicit prohibition of corporal punishment in all settings in the Children's Act 2020, the Committee recalls its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and recommends that the State party:

(a) Strengthen legislative implementation by enhancing awareness-raising campaigns and parenting education programmes, including for professionals working with and for children, to promote attitudinal change within the family and the community, with a view to eradicating the practice of corporal punishment;

(b) Establish protocols and procedures for action when corporal punishment takes place, including the provision of child-friendly complaint mechanisms, particularly in schools and alternative care facilities, ensuring safe and confidential reporting and the due sanctioning of perpetrators.

Child abuse, violence and neglect of children

22. The Committee welcomes the measures taken to combat violence, abuse and neglect of children, including legal reforms that broaden the recognition of acts that trigger protection under the Protection from Domestic Violence Act of 1997, increase the support provided to child victims through the Integrated Support Centre and create programmes to support children's reintegration in the family home. However, the Committee is deeply concerned about:

(a) The reportedly ineffective response to cases of domestic violence, including interventions by officers of the Child Development Unit;

(b) Children's lack of awareness of how to seek assistance and the protection services available to them;

(c) The retraumatization of child victims resulting from the insufficient application of a child-rights victim-centred approach by first responders, including law enforcement personnel;

(d) The lack of research and inadequate collection of disaggregated data on the prevalence of violence, abuse and neglect of children, both in the home and in institutions, and of information about the sanctions imposed for violations of legislation prohibiting abuse and domestic violence against children.

23. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal targets 16.1 and 16.2, the Committee recalls its previous recommendation⁹ and further urges the State party to:

(a) Strengthen the response to reports of violence, abuse and neglect of children, including by increasing the number of trained first responders and ensuring their availability 24 hours a day, seven days a week, and by formalizing coordination and collaboration with the health and law enforcement sectors, with the aim of ensuring a unified approach to support services for child victims;

(b) Finalize the renewed National Child Protection Strategy and Action Plan (2014–2022), ensuring that it also addresses child safety in the digital environment, prioritizes marginalized and disadvantaged children, allocates adequate resources for its implementation and defines clear lines of responsibility for its implementing partners;

⁹ Ibid., para. 40.

(c) **Ensure that children are informed of and encouraged to access child-friendly complaint mechanisms for the confidential reporting of all forms of violence and abuse and the assistance and protection services available to them;**

(d) **Develop child-based protocols on dealing with child victims of violence, abuse and neglect, including for children involved in armed conflicts, and train professionals, including police, social workers, health-care workers, teachers and prosecutors, on their use;**

(e) **Ensure the issuance of emergency protection orders issued under section 36 of the Children's Act 2020 and the Protection from Domestic Violence Act 1997 for all appropriate cases of child victims of violence;**

(f) **Undertake all appropriate measures to address child marriage and raise awareness among children, parents, professionals and wider society;**

(g) **Implement the Residential Care Institutions for Children Regulations 2022 through the allocation of human, technical and financial resources so that its objectives to care, protect and rehabilitate child victims of violence may be realized, including the provision of sufficient, well-equipped shelters, and to ensure the non-interruption of schooling;**

(h) **Build the capacity of inspectors required to identify cases of abuse, violence and neglect of children in charitable institutions and private homes;**

(i) **Strengthen awareness-raising on bullying against and among children, including in schools, placing special focus on cyberbullying;**

(j) **Strengthen the Domestic Violence Information System to include data on violence against children, ensuring that the data is disaggregated by age, sex, disability, geographical location, nationality and socioeconomic background, as well as information on the outcome of reported incidents, and share such data among relevant stakeholders in the development and evaluation of strategies and programmes to address violence against children.**

Sexual exploitation and abuse

24. The Committee notes with appreciation the adoption of the Child Sex Offenders Register Act 2020 and the establishment of the specialized Children's Court to hear cases involving sexual offences against children. However, the Committee remains deeply concerned about:

(a) The high level of sexual exploitation and abuse of children, including in the context of travel and tourism, prostitution and through online sexual abuse material, the significant underreporting and investigation of such cases and the lack of disaggregated data collected on its prevalence, its different manifestations and its treatment through the criminal justice system;

(b) The absence of provisions in law to explicitly sanction the sexual exploitation of children in travel and tourism and to provide compensation for child victims of sexual exploitation in general;

(c) The lack of coordination and communication among governmental institutions, in cooperation with civil society, to provide effective multisectoral and holistic support for child victims of sexual abuse, including adequate protection and rehabilitation services.

25. **Taking note of Sustainable Development Goal targets 5.2, 16.1 and 16.2, the Committee urges the State party to:**

(a) **Formulate policies, strategies and legislation to raise awareness of, detect, prohibit and punish offences and activities relating to the sexual exploitation and abuse of children in the context of travel and tourism, including by targeting service providers in that sector;**

(b) **Ensure that all perpetrators of offences related the sale of children, child prostitution and child pornography are prosecuted and duly sanctioned and undertake**

all appropriate measures to increase the awareness of such crimes among children and parents and in society at large, with the aim of preventing those crimes and ensuring their early detection;

(c) Establish a systematic and comprehensive collection of reliable and disaggregated data on the incidence of child sexual abuse and sexual exploitation and its different manifestations, including data on reported cases and their outcomes through the justice system;

(d) Strengthen the professional capacity and improve the software tools to detect and investigate child sexual abuse and exploitation online and promote training for parents and teachers about online risks and the risks associated with sexting;

(e) Promote accessible, confidential, child-friendly and effective channels for reporting all forms of sexual exploitation and abuse and encourage children to make use of them;

(f) Mandate the Child Services Coordination Panel to foster regular cooperation within government agencies and with civil society in order to provide multisectoral remedies and comprehensive support for child victims of sexual abuse and exploitation, including through the establishment of a one-stop resource centre staffed by specialized professionals providing, inter alia, child-friendly forensic interviews, psychological therapy and social integration assistance, as well as follow-up measures and the provision of continual support;

(g) Facilitate the access of child victims to restitution measures, including compensation.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

26. The Committee recommends that the State party:

(a) Strengthen the National Parental Empowerment Programme, ensuring that it encourages and promotes the role of both parents in the upbringing of children, promotes positive, non-violent and participatory forms of child-rearing and discipline and has reach across the State party, including targeting families of children in marginalized and disadvantaged situations;

(b) Systemize capacity-building in the roles of judicial and administrative decision-makers to undertake assessments of the best interests of the child, ensuring that the views of children are taken into consideration, with particular attention to child custody cases that arise in the context of polygamous and/or unregistered religious marriages.

Children deprived of a family environment

27. While noting the State party's efforts to support family-based care options, including the increased financial allowance paid to foster parents, the Committee is concerned about:

(a) The insufficient resources dedicated to child rescue and protection services, including the training of personnel, social workers and foster care families;

(b) The inadequate monitoring of care and the lack of individual care plans, including in the review of placements in residential care institutions, rehabilitation youth centres and probation hostels, noting reports of neglect, deprivation and abuse of children in those facilities;

(c) The lack of information about children living in alternative care arrangements, the reasons for their placement, their access to specialized services and the outcomes for children reintegrated into their biological families and those who have left care.

28. Drawing the attention of the State party to the Guidelines for the Alternative Care of Children,¹⁰ the Committee recommends that the State party:

(a) Increase resources for and strengthen the capacity of professionals working with families and children, in particular social workers and other child protection service providers, and of foster care parents in order to ensure family-based care responses and enhance awareness of the rights and needs of children deprived of a family environment;

(b) Establish quality standards for all alternative care settings, ensure the periodic review of the placement of children in foster care and residential care institutions, rehabilitation youth centres and probation hostels and monitor the quality of care therein;

(c) Ensure the availability of accessible and child-friendly channels for reporting, monitoring and remedying neglect, violence and/or abuse of children in care;

(d) Ensure adequate support for children leaving care through the development of community-based services and supported independent living arrangements, including appropriate and affordable housing options, vocational training and job-market entry opportunities, and the provision of social, recreational, sports and leisure facilities;

(e) Collect data on the situation of children who are deprived of a family environment and the services provided to them, including those who have left care.

Adoption

29. Highlighting the importance of regulating adoption processes as a measure to prevent the sale, trafficking and exploitation of children, the Committee recalls its previous recommendation¹¹ and further recommends that the State party:

(a) Finalize the draft Adoption Bill, ensuring that it mandates an independent body empowered to facilitate and monitor all adoptions, including ensuring that any adoption, domestic or international, is in accordance with the best interests of the child;

(b) Establish a register of children, including those with special needs, who are eligible for adoption and of identified and screened adoptive parents.

Children of incarcerated parents

30. The Committee recommends that the State party:

(a) Strengthen the capacity of the judiciary to undertake an assessment of the best interests of the child when sentencing their caregivers, also including the systematic consideration of alternatives to incarceration;

(b) Ensure that children living with incarcerated caregivers have access to adequate early childhood education, nutrition and health services, enjoy the right to play and are visited regularly by social workers;

(c) Protect and ensure the visitation rights of the children of incarcerated parents, including by increasing the frequency and duration of visits, also providing adequate and child-friendly meeting premises;

(d) Undertake a study on the situation of children of incarcerated parents and share the study's findings among relevant departments for use in the formulation of programmes aimed at providing support to such children, including psychological and social support and benefits.

¹⁰ General Assembly resolution 64/142, annex.

¹¹ [CRC/C/MUS/CO/3-5](#), para. 46.

G. Children with disabilities (art. 23)

31. The Committee welcomes the particular focus given to children with disabilities in the Children's Act 2020 and the Children's Court Act 2020. However, the Committee is concerned about:

- (a) The lack of a legal framework based on the human rights model of disability to advance the rights of children with disabilities;
- (b) Negative attitudes and discrimination against children with disabilities that hamper access to family support, education, health and social services and participation in matters concerning them;
- (c) The lack of social and community-based services and family support, as well as the lack of clarity and accessibility with regard to the receipt of basic invalidity pensions and carers' allowances to enable parents to care for their children;
- (d) The insufficient number of inclusive schools, which has resulted in a disproportionate number of children with disabilities leaving school without a certificate;
- (e) The lack of access to early screening and intervention with regard to developmental disabilities.

32. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based model of disability, to set up a comprehensive strategy for the inclusion of children with disabilities and to:**

- (a) **Urgently finalize the protection and welfare of persons with disabilities bill, thus ensuring meaningful consultation of children with disabilities in developing legislation grounded in a human rights-based approach to disability that is responsive to the need to protect and promote the rights of children with disabilities;**
- (b) **Strengthen training for all relevant professionals engaging with and for children, including teachers, health-care providers, social workers and justice sector personnel, on the rights of children with disabilities, including their right to express their views on matters affecting them and to have their views taken into account;**
- (c) **Strengthen the implementation of the Special Education Needs Authority Act 2018 to ensure that all children with disabilities have access to inclusive education in mainstream schools and that all schools are equipped with specialized teachers and professionals and provide individual support, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;**
- (d) **Strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in their family environment, including by increasing the availability of early care, home nursing and relief services, providing timely and adequate socioeconomic support to all children with disabilities and improving outreach to parents about the services available;**
- (e) **Assess the impact of the community-based rehabilitation programmes for persons with disabilities, evaluate, in particular, the reach and appropriateness of health and rehabilitation services for children with disabilities and revise the programmes accordingly.**

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

33. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal targets 3.2, 3.4 and 3.8, the Committee recommends that the State party:**

(a) **Ensure better health outcomes for children, including by disseminating basic health information to children and their parents to increase their awareness of and access to basic health services, including mental health services;**

(b) **Pursue its efforts to further reduce neonatal, infant, under-5 and maternal mortality rates, including by adequately resourcing the National Framework to improve Maternal Newborn Health (2019), ensuring that it prioritizes the availability of quality prenatal and postnatal services and facilities;**

(c) **Strengthen mental health services and programmes for children, including by implementing the preventive measures under the Health Sector Strategic Plan 2020–2024, ensuring that the number of child psychologists and psychiatrists is sufficient to meet children’s mental health needs, and that such services and programmes are delivered in a timely manner, without stigmatization.**

Adolescent health

34. The Committee notes with concern;

(a) The insufficient provision of sexuality education in schools, restricted access to contraception, the persistently high rate of adolescent pregnancy, the prevalence of unsafe abortion and the high rates of maternal mortality;

(b) That early prevention efforts against HIV infections, including mother-to-child transmission, are hindered by stigmatization and discrimination;

(c) The increasingly detrimental effect that drug and alcohol abuse is having on the health of adolescents.

35. **Recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and taking note of Sustainable Development Goal targets 3.1, 3.3, 3.5, 3.7 and 5.6, the Committee recalls its previous recommendation,¹² those of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women and further recommends that the State party:**

(a) **Decriminalize abortion in all circumstances to ensure that no adolescent seeking or who has undergone an abortion or anyone assisting her can be criminally prosecuted and/or liable to imprisonment;**

(b) **Facilitate access to safe abortion and post-abortion care services for adolescent girls in accordance with the Criminal Code (Amendment) Act 2012, which amended section 235 of the Code and introduced a new section 235A, which legalizes abortion in certain circumstances, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(c) **Empower adolescents to make responsible decisions on sexual relationships by ensuring, inter alia, that all girls and boys, including those who are out of school, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;**

(d) **Ensure that the National HIV Action Plan for the period 2023–2027, is harmonized with policies promoting the sexual and reproductive health of adolescents, with a view to ensuring that adolescents have access to confidential HIV testing and counselling services, without the need for parental consent, and that professionals providing such services fully respect the rights of adolescents to privacy and non-discrimination;**

(e) **Review the National Drug Control Master Plan (2019-2023) to ensure that it addresses the use of drugs by children and is used to develop a protocol for the early**

¹² Ibid., para. 54.

identification and adequate referral of adolescents requiring treatment, ensuring that such treatment is accessible and child friendly.

Impact of climate change on the rights of the child

36. Taking note of Sustainable Development Goal targets 1.5 and 13.b, the Committee recalls its previous recommendation¹³ and further recommends that the State party involve children in its implementation of the Climate Change Act 2020 and in renewed climate change adaptation and mitigation strategies and action plans, in particular in addressing children's food, water and energy insecurity, and also ensure synergies with the impact assessment and claims mechanisms established by the Environment Protection Act 2002.

Standard of living

37. Taking note of Sustainable Development Goal targets 1.2 and 1.3, the Committee recommends that the State party:

(a) Strengthen the capacities of professionals in the social assistance sector, including the Social Integration Division of the Ministry of Social Integration, Social Security and National Solidarity, to effectively implement, monitor and evaluate the measures taken to support children living in poverty, including under the Social Integration and Empowerment Act 2016 and the Marshall plan against poverty of 2016, with a view to ensuring that such measures are comprehensive and follow a child rights-based approach;

(b) Prioritize the delivery of child-related social protection programmes, including the provision of conditional cash transfers and social housing allocations to Creole families and families of children with disabilities to address their disproportionate vulnerability to poverty.

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

38. Taking note of Sustainable Development Goal targets 4.1, 4.5, 4.6, 4.a and 4.c, the Committee recommends that the State party:

(a) Ensure that its policy of compulsory education applies without discrimination, including to children who lack birth registration and those who are non-citizens;

(b) Strengthen the enrolment and retention in school of all children for the duration of compulsory education in the State party, with special attention to those in marginalized and disadvantaged situations, including girls, migrant children, children with disabilities, Creole children, Chagossian children, LGBTI children and children in street situations, including by:

(i) Collecting and analysing disaggregated data on children of school-going age who are not in school, identifying both those who have never been enrolled and those who have dropped out, with a view to addressing identified trends through targeted measures;

(ii) Increasing the number of educational social workers conducting home visits to identify out of school children and to inform parents of the legal requirement of compulsory education in Mauritius without exception;

(c) Ensure that adolescent girls who are pregnant or have given birth are supported and assisted in continuing their education in mainstream schools and support

¹³ Ibid., para. 58.

services during pregnancy and childbirth and postnatal care, guaranteeing parenting support and promoting equally shared parenting.

J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

39. Recalling the joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration and joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, the Committee recommends that the State party:

- (a) Develop legislation and regulations to address the needs of refugee and asylum-seeking children and children with irregular status, including with regard to their reception, care and processes for regularization;
- (b) Apply the principle of non-refoulement to children in need of international protection and ensure that they receive age-appropriate information and legal advice about their rights, asylum procedures and requirements for documentation, that their best interests are given primary consideration in all asylum processes and that their views are heard, taken into account and given due weight;
- (c) Guarantee all children, regardless of their migration status in the State party, cost-free access to basic social services, including health and education, on an equal basis as citizens;
- (d) Consider ratifying the 1951 Convention relating to the Status of Refugees, and the 1967 Protocol relating to the Status of Refugees.

Economic exploitation, including child labour

40. Taking note of Sustainable Development Goal target 8.7, the Committee recommends that the State party:

- (a) Conduct awareness-raising activities among businesses and within the travel and tourism industry on the prevention of the exploitation of children, including child labour, and the implementation of the provision of the Workers' Rights Act 2019 stipulating age 16 as the minimum age of employment and imposing sanctions for its contravention;
- (b) Build the capacity of employers, workers and law enforcement authorities to identify children who are victims of exploitation or trafficking and refer them to appropriate assistance and protection services.

Children in street situations

41. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendation¹⁴ and further recommends that the State party:

- (a) Regularly assess the number of children in street situations, finalize its comprehensive strategy on street children and its action plan to address the root causes of their situations and increase the number of qualified social workers attending to these children in order to facilitate their access to food, education, health, housing, alternative care options and legal support;

¹⁴ Ibid., para. 68.

(b) **Sanction any violation of the rights of children in street situations, including by law enforcement authorities, ensuring they are not subjected to ill-treatment, abuse or arbitrary detention.**

Sale, trafficking and abduction

42. **Taking note of Sustainable Development Goal target 8.7, the Committee recommends that the State party:**

(a) **Ensure that the National Action Plan to Combat Trafficking in Persons 2022–2026 considers the specific needs of child victims and prioritizes the allocation of resources to the provision of holistic and multidisciplinary services for their care, rehabilitation and reintegration, including shelter, psychological support and legal assistance;**

(b) **Strengthen the capacity of relevant authorities, including labour inspectors, law enforcement and border management authorities and staff of judicial and front-line services, to identify and refer child victims of trafficking to assistance and protection services, investigate and prosecute all cases of trafficking of children and bring perpetrators to justice, while ensuring that prosecutions are victim-centred, child-friendly and gender-sensitive.**

Administration of child justice

43. The Committee welcomes the strengthening of the specific protections for children in contact with the justice system, including through the adoption of the Children’s Court Act 2020, the raising of the age of criminal responsibility to age 14 by the Children’s Act 2020 and the repeal of the Juvenile Offenders Act 1935. It is however seriously concerned that:

(a) There is no established time limit for pretrial detention;

(b) According to section 42 (4) of the Children’s Act 2020, the District Magistrate dealing with criminal matters has the discretion, upon an application made by the police or parents, to remove children considered to have serious behavioural concerns from their home and to place them in an institution;

(c) Children are reportedly often tried in the absence of their legal representatives or guardians.

44. **With reference to its general comment No. 24 (2019) on children’s rights in the child justice system and the United Nations global study on children deprived of liberty,¹⁵ the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Limit the duration of pretrial detention by law, ensure that the circumstances under which such a time limit can exceptionally be extended is clearly defined in law and the regular review of pretrial detention and amend article 4 (b) (ii) of the Bail Act 1999, according to which a court can refuse bail for a child “for his own welfare”;**

(b) **Amend the Children’s Act 2020, which allows a district magistrate to deprive children of liberty for behavioural reasons, and instead strengthen the social support provided to children and their families and, where appropriate, ensure referral to the care and protection system;**

(c) **Pursuant to the Children’s Act 2020, facilitate applications for legal assistance to children within the criminal justice system as defendants, victims or witnesses to ensure that no child is without qualified and independent representation;**

(d) **In assessments made by probations officers for the application of non-judicial measures for children accused of criminal offences, promote probation, bail,**

¹⁵ [A/74/136](#).

mediation, counselling or community service and develop and fund programmes to support those measures;

(e) Ensure that the detention of children is used as a measure of last resort and for the shortest possible time and that it is reviewed on a regular basis, with a view to withdrawing it;

(f) Build the capacity of all law enforcement actors, including police, prosecutors and judges, with regard to the protections in the Children's Act 2020 and the Children's Court Act 2020 in order to ensure that child criminal justice procedures are respected without exception.

K. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

45. The Committee recommends that the State party ratify the Optional Protocol to the Convention on a communications procedure, which it signed in 2012.

L. Ratification of international human rights instruments

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party, namely, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

47. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the involvement of children in armed conflict and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, its reports on which have been overdue since 14 March 2009 and 14 July 2013, respectively.

M. Cooperation with regional bodies

48. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

IV. Implementation and reporting

A. Follow-up and dissemination

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations are fully implemented and that a child-friendly version is widely disseminated and made easily accessible for children, including those in the most disadvantaged situations. The Committee also recommends that the combined sixth and seventh periodic reports under the simplified reporting procedure and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

50. The Committee recommends that the State party strengthen the national mechanism for reporting and follow-up and ensure that its secretariat, hosted by the Human Rights Division of the Ministry of Foreign Affairs, Regional Integration and International Trade, has adequate human, technical and financial resources to effectively coordinate and prepare reports for submission to international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of recommendations from all human rights mechanisms, including the use of the national recommendations tracking database. The Committee emphasizes that the national mechanism for reporting and follow-up should be adequately and continuously supported by dedicated staff drawn from various government ministries and should have the capacity to consult systematically with the National Human Rights Commission of Mauritius, the Ombudsperson for Children and civil society.

C. Next report

51. The Committee will establish and communicate the due date of the combined eighth and ninth periodic reports of the State party, in line with a future predictable reporting calendar, based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should not exceed 21,200 words.¹⁶ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

¹⁶ General Assembly resolution 68/268, para. 16.