



NATIONAL HUMAN RIGHTS COMMISSION

MAURITIUS

ANNUAL REPORT 2023

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**NATIONAL HUMAN RIGHTS COMMISSION
EBENE - MAURITIUS**

29 March 2024

**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 2023 to 31 December 2023, to be transmitted to the National Assembly.

Yours faithfully,

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

NATIONAL HUMAN RIGHTS COMMISSION
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CHAPTER I

1. INTRODUCTION

The United States Declaration of Independence drafted by Thomas Jefferson contained the following words –

“We hold these truths to be sacred and undeniable; that all men are created equal and independent, that from that equal creation they derive rights inherent and inalienable among which are the preservation of life and the pursuit of happiness”

The last three words were not included in the Constitution of the United States.

It is now recognised that the pursuit of happiness is the ultimate goal in the respect for human rights. Whether it is in the Millennium Development Goals or the Sustainable Development Goals the objective is to achieve the utmost wellbeing of people not in material wealth but in the sense that people feel at ease in the country where they live and that nobody is left behind. For the celebration of the 75th Anniversary of the Universal Declaration of Human Rights in 2023 the themes were Dignity, Freedom and Justice for All. The Human Rights 75 Initiative focuses on Universality, Progress and Engagement.

The World is coming more and more to accept the universal nature of human rights. In some quarters there may be some resistance in accepting that there are Universal values for humanity and that some customs are outdated. However, there is progress in accepting gender equality, rejecting child marriage, a new approach to sexual and reproductive rights in spite of the setback in the United States reversing *Roe .v Wade* as well as a better understanding of the rights of LGBTI persons.

Mauritius has actively participated in this path to universality with amendments to the Civil Code to achieve gender equality, in banning sex discrimination in the

Constitution, in combating gender based violence, in legalising abortion under specific circumstances, in abolishing child marriage, in introducing the age of criminal responsibility, in abolishing corporal punishment, in making torture a criminal offence under all circumstances, in making education compulsory to the age of 14 as well providing free education from pre-primary level to tertiary level, in providing free health services to the whole population, in recognising that there should be no discrimination against LGBTI persons, in protecting workers' rights while introducing a minimum wage and in acknowledging the contribution of older persons in building a better future for the country by providing them with an adequate pension.

Among the Goals of Human Rights 75 we find the following

- Building a strong constituency for human rights, especially among young people,
- Celebrating the diversity, strengths and achievements of human rights voices striving to address today's global challenges.

Mauritius is a country of European migrants from colonial days and later populated by people from Africa and Asia who were victims of trafficking whether through the Slave trade or the importation of indentured labour.

Decolonisation after the Second World War was later followed by globalisation in terms of movement of people around the world and in terms of a global economy where upturns and downturns in the economic situation has repercussions in all countries. Influenced by climate change, poverty and internal strife migrants and refugees have strived to move to greener pastures from the South to Northern countries. Some may say that this was a long term result of colonialism which was a move from North to South. In fact in a recent book entitled

“Colonialism – A Moral Reckoning”

Nigel Biggar, Regius Professor Emeritus of Moral and Pastoral Theology at the University of Oxford has sought to prove that Colonialism did benefit the world at large and that people from former colonies aspire to have a way of life that obtains in former colonial powers.

There are also movements of people in South to South countries which offer better opportunities for work and from where migrant workers can send money back home to their impoverished families.

In this context Mauritius seeks to combat modern slavery where a number of migrant workers are lulled into coming to work in Mauritius by dishonest recruiting agents who charge them heavy commissions and sometimes leave them bonded in the employment of dishonest employers.

1.1. HISTORY OF NHRC

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 like the Public Service Commission.

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. Nevertheless, 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 centres, police cells, Correctional Youth Centres, mental hospitals), to ensure that conditions of detention are in line with United Nations standards.

In its early days the NHRC also dealt with complaints against the Police and with sex discrimination. Those two mandates have now been transferred to the Independent Police Complaints Commission and to the Equal Opportunities Commission respectively.

The NHRC has since 2002 been accredited by the Global Alliance of National Human Rights Institutions (GANHRI) based in Geneva as a Status 'A' human rights institution which abides by the Paris Principles. It is also a member of the Network of African National Human Rights Institutions (NANHRI), of the Commonwealth Forum of National Human Rights Institutions (CFNHRI) and of the Association Française des Commissions Nationales des Droits de L'Homme (AFCNDH).

CHAPTER II

PROMOTION OF HUMAN RIGHTS

The National Human Rights Commission has as mandate the promotion of Human Rights and does not confine itself to the mission of protection which constitute dealing with grievances. As such considerable attention is devoted to human rights generally such as those covered in this Chapter.

2.1. THE DRUGS PROBLEM

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 is 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.

Consideration could be given to the setting up of a Drugs Court for speedy trials of drugs traffickers who are tried under the Dangerous Drugs Act. Police enquiries in drugs cases should be put on a fast track.

The Drugs Court would also work in close collaboration with the DUAP. This would result in a decrease of the number of drugs offenders sent to prison.

2.2. 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 roof. 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, show it is one of the preminent forms of violence.

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.

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*” (hope) 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. Over 1000 cases of domestic violence have been reported for the year 2023.

Education is vital in dealing with the issue of gender-based violence.

The National Human Rights Commission, the Ministry of Gender Equality and Family Welfare and the Police conduct awareness-raising campaigns in order to sensitise different sections of the population on their rights, to help them understand the root causes of violence and on the support which can be sought if they experience violence. It is recommended that pre-marital counselling and/or couple therapy for intimate partner violence shall be introduced on a large scale with the assistance of NGOs. This could be included in the new Protection from Domestic Violence Act to be enacted by Parliament

2.3. THE PROBLEM OF DELAYS IN POLICE ENQUIRIES

Police enquiring officers should work in groups or in organized enquiry panels at police stations level and District Headquarters level to increase efficiency. Better supervision to be exercised by officers of higher rank. 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. More lectures, seminars, workshops should be organized for different agencies such as State Law Office/Office of the Director of Public Prosecutions, Forensic Science Laboratory, 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 are needed.

- More enquiring officers must be trained to speed up investigation;
- Specialised investigations unit must be set up;
- Courses should be delivered on the issue of reasonable suspicion;
- Enquiries in case of foreign detainees must be expedited;
- In addition, there should be less reliance on obtaining confessions.

2.4. PRISONS

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. 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 considered when a detainee is convicted. However, trials must not be unduly delayed due to protracted enquiries.

The NHRC summons police officers to find out why 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.

2.5. THE NELSON MANDELA RULES

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 ensuring 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 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. 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. It is recommended that the Prisons Regulations must be updated and that Nelson Mandela Rules must be domesticated in Mauritius.

2.6. SENTENCING GUIDELINES

The NHRC has recommended that the Supreme Court should consider issuing guidelines on sentencing. Sentences are very heavy for drugs offences but have not proved to be a fully effective deterrent to discourage drug traffickers. Furthermore, the majority of the prison population consists of drug offenders. It is suspected that some convicted detainees may still be engaged in drug

trafficking. Long sentences also mean that a number of detainees attain old age in prison and have to be provided with additional health care. It is expected that the Parole Board will become more proactive in releasing detainees on parole after examining the record of the detainees in prison and all the surrounding circumstances as well as the conditions regarding the environment in which the detainee will be released.

2.7. REMISSION OF SENTENCE

The NHRC has consistently advocated that drugs offenders could be granted a partial remission of their sentence if they are of good conduct in prison and if they have reacted positively to rehabilitation programmes.

The recent report of a Consultant on issues of rehabilitation should be given serious consideration. As the same time, there is urgent need to have more psychologists working in prison.

2.8. THE CONSTITUTION OF MAURITIUS AND MAIN PROVISIONS OF LAWS IN KREOL

The official language in Mauritius for the enactment of Laws and Regulations is English. As legislation can be quite complex in some cases, there is a dire need to make them more accessible to the population at large which is more used to Kreol, the local vernacular language is readily understood and used by everybody. A summary of each important piece of legislation should be published in Kreol to explain their purport and thus ensure that members of the public will comply with such laws. Kreol is now being taught in schools and at the University. It is recommended that the Constitution of Mauritius, our Supreme Law, should also be translated in Kreol for the benefit of one and all.

2.9. PREVENTION OF TORTURE

Section 7 of the Constitution of Mauritius (our Supreme Law) clearly states that the protection from inhuman treatment falls under the fundamental rights and freedoms of the individual.

“No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.”

Mauritius has ratified the Convention against Torture which enunciates as follows

1. *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*
2. *No exceptional circumstances whatsoever, whether a state public emergency, may be invoked as a justification of torture.*
3. *An order from a superior officer or a public authority may not be invoked as a justification of torture.*

There exists a strict prohibition of torture which cannot be justified in any circumstance whatsoever as no derogation from this right is mentioned in the Constitution.

In Section 78 of the Criminal Code The State in Mauritius has adopted the definition of torture in Article 1 of the Convention Against Torture.

The term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Section 78 – Criminal Code Torture by public official

(1) Subject to subsection (3), where –

(a) any person who is a public official, or is otherwise acting in an official capacity; or

(b) any person, at the instigation of, or with the acquiescence of, a public official or a person otherwise acting in an official capacity

intentionally inflicts severe pain or suffering, whether physical or mental, on any other person –

(i) to obtain a confession or other information from that other person, or a third person;

(ii) to punish that other person for an act which that other person or a third person has committed, or is suspected of having committed;

(iii) to intimidate or coerce that other person or a third person; or

(iv) for any reason based on discrimination of any kind,

he shall commit the offence of torture and shall, on conviction, be liable to a fine not exceeding 150,000 rupees and to imprisonment for a term not exceeding 10 years.

Torture is sometimes used by Enquiring Officers to extract a confession from a suspect when an offence has been committed. It is the fastest way to proceed in an enquiry especially where little or no evidence is available on the identity of the perpetrator of the offence. This may be challenged in Court on the procedure of the voir dire to render the confession in the statement of the Accused inadmissible. Another method used by the defence is to challenge the weight of the confession. In Mauritius relatively few challenges have been successful in Court since the Accused may have little evidence to prove that he had been tortured unless there is medical evidence of wounds or marks of violence on his

body soon after he gave his statement. There are also allegations of the use on electric shocks as a method of torture.

There may be cases where torture is used to extract information from a person who allegedly has knowledge of the implication of a suspect in the commission of an offence. Such instances are few. Methods used here may be more of a mental nature than physical. For example, A person may be taken to a lonely place at night and threatened with harm if he does not reveal information on events relevant to the occurrence.

Another form of mental torture is the prolonged detention of a suspect in a cell where conditions are harsh, such as lack of light or ventilation or hygiene or the presence of bugs. Objection to the release on bail of a suspect may also serve to get him to confess to an offence. In Mauritius the practice of lodging a provisional charge against a suspect and keeping him in detention while the police enquiry is still ongoing may serve to obtain an admission from the suspect. Denial of medical care, sleep deprivation or prolonged solitary confinement are akin to torture. Threatening a suspect that if he does not confess to an offence his relatives will be arrested or beaten is also a form of moral torture.

Causing a person to undress completely may also be considered as torture if this is used to humiliate him. The police justify this procedure on the ground that a suspect must be thoroughly searched before he is placed in a police cell.

Some allegations are made by detainees in prison that they are tortured. Prisons require a great deal of discipline and mutual respect between prison officers and detainees. Should this mutual relationship be breached the situation may deteriorate and result in punishment of detainees. However the use of physical force to control detainees is not the solution. The procedure provided for in the Reform Institutions Act is that the Board of Visitors should adjudicate on aggravated prison defaults after having heard the parties involved.

It has been proposed that to avoid any possibility that a suspect could be subjected to torture the law should be amended on the lines of the Police and Criminal Evidence Act in England. A custody officer would be in charge of the suspect from the time of arrest. This would also ensure that a suspect has access to a lawyer and may receive visits from family members and communicate with them. Although this is already provided for in our Constitution, this provision is violated in cases of torture.

It is imperative that enquiring officers should look for evidence, whether it is eyewitnesses or of a scientific nature to pursue their investigation.

It is also the duty of the State to establish procedural safeguards for investigation and to have a mechanism to monitor treatment of a suspect.

Should an act of torture has been committed by a public official, the perpetrator must be brought to justice to clear any impression of impunity.

The best way to prevent torture is to ensure that members of the Police are trained in methods of investigation and sensitized to the prohibition of inhuman treatment as torture is an attack on a person's humanity and dignity.

The Méndez Principles on Effective Interviewing for Investigators and Informative Gathering named after Juan Méndez, Former Special Rapporteur on Torture were drafted by experts in the fields of interviewing, law enforcement, criminal investigations, national security, military intelligence, psychology, criminology and Human Rights to deal with risks of intimidation, use of force and torture during questioning. The Principles lay emphases on the presumption of innocence inscribed in the Bill of Rights, especially the International Covenant on Civil and Political Rights and many Constitutions in the world, as well as the right to silence whereby the burden of proving the guilt of a suspect lies on the Prosecution.

International law enshrines the following progressively evolving specific standards relevant to ensuring that persons are not subjected to torture or other ill-treatment or to other absolutely prohibited practices, such as enforced disappearances and extra-judicial executions:

- a. *The use of force during arrest or apprehension and custody is only permitted when strictly necessary and only if other means remain ineffective or without any promise of achieving the intended result. It must be lawful, proportionate, for a legitimate objective and always respect the right to life.*
- b. *The use of less-lethal weapons should always be carefully evaluated and controlled. Firearms must not be used, except when strictly necessary for a legitimate purpose and only when less extreme means are insufficient to achieve these objectives.*
- c. *The use of corporal punishment and devices such as chains, leg irons, and electric stun belts is inherently painful and/or degrading and is always prohibited.*
- d. *Instruments and techniques of restraint can only be used as a matter of last resort; they must be based on an individual risk assessment; they must be the least intrusive possible to achieve legitimate security aims; their use should be regulated by law and recorded –they must never be used as punishment and removed as soon as they are no longer necessary.*
- e. *The systematic compilation and maintenance of up-to-date official registers and records of all persons deprived of liberty.*
- f. *The use of solitary confinement must be strictly regulated by law. It must be used only in exceptional cases as a last resort, for as short a time as possible, and only pursuant to the authorisation by a competent authority. It can never exceed 15 consecutive days and is prohibited with respect to*

persons with psychosocial disabilities, children, and pregnant or breast-feeding women.

The Principles insist on the following safeguards:

The authorities must ensure the effective implementation of the following safeguards throughout the interview process:

- a. Right to information about rights*
- b. Right to remain silent*
- c. Right to information about the reasons for arrest and any charges at the time of the arrest*
- d. Access to interpretation*
- e. Right to notify a relative or third party of one's detention*
- f. Right of access to a lawyer, including through legal aid*
- g. Right of access to a doctor and an independent medical examination*
- h. Right to contact with the outside world*
- i. Registration of persons held in detention*
- j. Full recording of the interview*
- k. Right to review and sign the interview record*
- l. Right to be brought promptly before a judge or other judicial authority*
- m. Access to effective and independent complaints mechanisms and oversight.*

The drafters of the Principles advise that States incorporate the Principles into domestic law, training techniques, procedures and practices.

In Mauritius the police are trained in the observance of human rights and taught to use force only when necessary and in a proportionate manner. The National Human Rights Commission in workshops for the Police insists on the prevention of torture and the necessity to obtain accurate and reliable information during interviews of suspects.

Kyiv-Copenhagen Outcome Declaration

Torture and Other Ill-Treatment: The role of National Human Rights

Institutions

At a meeting of the Global Alliance of National Human Rights Institutions in Copenhagen in November 2023, a common roadmap was developed in light of the growing concerns of torture and ill-treatment globally. Such initiative may be achieved through the complementary roles of National Human Rights Institutions (NHRI) and specially the National Preventive Mechanisms (NPMs).

Practical guidelines and actions were agreed by more than 80 NHRIs from all regions to address the issue of prevention of torture by supporting key guidelines of the Nelson Mandela Rules, the Bangkok Rules, the Istanbul Protocol and the Mendez Principles, which are useful tools for NHRIs and NPMs.

The National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) in Mauritius is following most of the good practices stipulated in the Kyiv-Copenhagen Declaration. The NPMD acts as a control mechanism against torture through cooperation with international bodies, such as the Sub Committee on the Prevention of Torture (SPT), the Association for the Prevention of Torture (APT), the Global Alliance of National Human Rights Institutions (GANHRI), amongst others.

Monitoring places of detention, regular visits to prevent reprisal, reporting and follow-up on recommendations made to relevant bodies form part of the primary objectives of the NPMD in Mauritius. The NPMD also conducts continuous awareness raising activities with the Mauritius Prison Service, the Mauritius Police Force and other relevant authorities. During sensitization campaigns and workshops conducted by the NPMD, law enforcement authorities will be encouraged to apply Copenhagen Guidelines to avoid torture.

The Declaration also focuses on the vital need to pay attention to groups of persons experiencing situations of vulnerability. In Mauritius, the vulnerable groups in detention are mainly women, young inmates at the Rehabilitation Centre and Correctional Youth Centre and foreign detainees. The NPMD ensures that foreign detainees benefit from legal advice and assistance. Their conditions of detention are also regularly examined during visits in prisons.

As per its mandate, the NPMD in Mauritius undertakes to apply the good practices, in compliance with the Paris Principles, whether at the promotion, protection, prevention and cooperation levels. Civil society and Prison officers are sensitized on the rights of detainees.

The Kyiv-Copenhagen Declaration is at Annex II

2.10. NATIONAL CONTACT POINT UNDER OECD GUIDELINES OF MULTINATIONAL ENTERPRISES ON RESPONSIBLE BUSINESS CONDUCT

Following an amendment to the Economic Development Board Act in 2023 the Minister of Finance made Regulations to set up a National Contact Point to raise awareness of the OECD Guidelines.

The Regulations provide for the setting up of an Expert Panel and an Advisory Panel

The Expert Panel is empowered to deal with grievances alleging the contravention of the Guidelines while the Advisory Panel would advise the National Contact Point on how to promote awareness of the Guidelines.

The topics covered relate to

- Human Rights

- Employment and Industrial Relations
- Environment
- Combating bribery and other forms of corruption
- Consumer Interests
- Science, Technology and Innovation
- Competition
- Taxation

The National Human Rights Commission is one of the members of the Advisory Panel together with representatives of various Ministries concerned with the above mentioned topics and other institutions like the University of Mauritius, the Independent Commission Against Corruption, the Competition Commission as well as representatives of the private sector, the trade unions and civil society.

The OECD Guidelines complement the United Nations Guiding Principles on Business and Human Rights and the International Labour Organisations, Tripartite Declaration on Multinational Enterprises and Social Policy

The Guidelines also deal with the following issues

- Principles of Corporate Governance
- Corporate disclosure and reporting
- Climate mitigation and adaptation
- Biodiversity
- Circular economy
- Animal Welfare
- Sale, development, licensing and use of technology
- Data governance
- Digital Security

All the abovementioned issues are closely linked with Human Rights as they impact the rights of people especially economic and social rights.

The right to a clean environment has now been recognised by the United Nations as a human right.

Multinational enterprises by virtue of their immense influence and financial strength can influence the lives of populations in countries where they operate. For example, where they engage in deforestation they disturb the life of indigenous peoples.

To satisfy the criteria of responsible business conduct companies must carry out due diligence “to identify, prevent, mitigate and account on actual and potential adverse impacts in their own operations, supply chains and other business relationships”.

Furthermore they must put a stop to these impacts and participate in remediation where applicable.

One example of supply chains is in the Garment and footwear sector where there may be exploitation of imported labor or child labor. Some countries are now enacting Modern Slavery Legislation to counter this.

The OECD Guiding Principles also encourage Governments to take steps to require companies to engage in responsible business conduct and to provide access to remedies.

The National Human Rights Commission in its campaign to promote human rights already addresses issues like the protection of the environment, the banning of human trafficking, the rights of workers and the necessity for gender equality in the workplace.

The introduction of a National Action plan in relation to Business and Human Rights in Mauritius

Background

Businesses greatly contribute to the enjoyment of human rights by promoting economic growth, offering employment opportunities, and investing in community initiatives like constructing schools and cultural centers. Through corporate social responsibility, they enhance access to essential services such as education, healthcare, and infrastructure, thereby improving overall quality of life and advancing socio-economic rights.

The UN Human Right Council (UNHRC) has encouraged responsible business conduct that respects human rights and seeks to prevent or, at least, remedy certain negative impacts. In 2011, the Human Rights Council endorsed the Guiding Principles on Business and Human Rights, outlining the 'Protect, Respect and Remedy' Framework. The first pillar focuses on States' duty to protect against human rights abuses, the second focuses on corporate responsibility to respect human rights and the third focuses on victims' right to access effective remedy. The UNHRC also established in 2011 the UN Working Group on Business and Human Rights (UNWG), which works to “promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights”.

The UNWG has strongly urged States to adopt National Action Plans (NAP) on Business and Human Rights (BHR) which form an effective platform for the implementation of the Guiding principles.

In Africa countries like Uganda, Kenya, and Nigeria have each developed NAPs aimed at curbing human rights abuses by businesses, encouraging responsible investment, meeting international obligations, and promoting sustainable development.

What is a NAP?

National Action Plans are policy documents through which States articulate priorities and actions that they intend to adopt to support the implementation of international and domestic obligations with respect to specific policy areas.

In relation to BHR, a NAP is defined as an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights.

NAPs strategies should, in the first instance, provide answers as to how States plan to implement their human rights obligations. When implementing their duty to protect under the UNGPs, States will also need to clarify the ways in which they expect business enterprises to discharge their responsibilities and provide effective access to remedy to victims of human rights violations and abuses arising from business- related activities”.

The Climate of Business and Human Rights in Mauritius

Mauritius has demonstrated a firm commitment to upholding human rights principles through various measures. These include the establishment of institutions such as the National Human Rights Commission, which addresses human rights violations, and the Equal Opportunities Commission, which works towards combating workplace discrimination. Additionally, the Commission for Conciliation and Mediation, operating under the Ministry of Labour, facilitates mediation between employers and employees.

Furthermore, Mauritius has enacted laws, regulations, and policies aimed at safeguarding workers' rights and protection, as evidenced by the Workers’ Rights Act and the Occupational Health and Safety Act. The country has also adopted the Code of Corporate Governance and introduced a scorecard as a quantitative tool to measure compliance with corporate governance standards.

It is important to note that the Code is not legally binding upon companies and lacks provisions addressing environmental concerns, gender based discrimination, people with disabilities and other pressing issues. Therefore, the adoption of NAP on BHR would offer significant advantages for Mauritius. It would not only enhance the country's reputation but it will also foster a favourable business climate by addressing these gaps and promoting responsible conduct.

The Development of the NAP and thematic areas of focus

The development of a NAP on BHR involves a multi-stakeholder approach including Government agencies, businesses, Civil society organisations, affected communities and other relevant stakeholders to ensure that the NAP reflects the diverse perspectives and concerns of all relevant parties.

The cornerstone of formulating the NAP lies in the identification of priority areas. It is essential to recognise that each country's approach to business and human rights will vary significantly, contingent upon its unique social, economic, and political context. Therefore, pinpointing these priority areas requires a thorough understanding of the specific challenges and opportunities within each nation.

Factors such as the prevalence of certain industries, the level of Government regulation, the state of human rights protections, and the existing corporate practices all play a crucial role in shaping these priorities. Consequently, a tailored approach is necessary to address the most pressing issues effectively. In Mauritius, potential priority areas could encompass, though are not restricted to, the following.

a) Protection of Marginalised Groups: Migrant Workers and Women

Migrant workers constitute an important segment of Mauritius' labour force. However, they frequently encounter precarious working conditions, exploitation, and discrimination. Notably, Mauritius has yet to ratify the International Convention on the Protection of Migrant Workers. Prioritising the rights of migrant workers entails the enactment of robust labour laws, ensuring equitable wages, facilitating access to healthcare, and establishing avenues for legal recourse in instances of abuse or exploitation.

Moreover, gender equality remains a pressing issue, necessitating concerted efforts to ensure parity in pay and opportunities. The NAP could actively promote gender equality, support women entrepreneurs, and implement measures to prevent and address gender-based violence and sexual harassment in workplaces.

b) Climate Change Mitigation and Pollution Control

Mauritius, like many island nations, is particularly vulnerable to the adverse impacts of climate change, including sea-level rise, extreme weather events, and coastal erosion. Industrial activities and pollution from businesses pose significant threats to the environment and public health. Prioritising climate change mitigation and pollution control involves transitioning towards renewable energy sources, reducing carbon emissions, enhancing waste management practices, and enforcing environmental regulations to minimize pollution from industrial activities; and

c) **Promoting a Sustainable Blue Economy**

Given Mauritius' extensive maritime territory and rich marine biodiversity, there is immense potential to harness the benefits of a sustainable blue economy. Unsustainable exploitation of marine resources, overfishing, habitat destruction, and pollution jeopardise the health of marine ecosystems and the livelihoods of coastal communities. Prioritising a sustainable blue economy entails implementing marine conservation measures, promoting sustainable fisheries management, fostering eco-friendly tourism practices, investing in renewable energy technologies such as offshore wind and wave energy, and enhancing marine spatial planning to ensure the responsible and equitable use of ocean resources.

The National Action Plan and the National Contact Point

Mauritius has already established a National Contact Point for Responsible Business Conduct (NCP) under the Economic Development Board Act. It is primarily aimed at promoting the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines) and most importantly providing a grievance mechanism to victims. It is essential to note that the NCP primarily focuses on multinational enterprises, leaving out a significant portion of domestic and small and medium-sized enterprises (SMEs) prevalent in Mauritius.

Still the OECD Guidelines explicitly state that they do not intend to introduce differentiation or special treatment between multinational, Small, and Medium-sized enterprises (SME's) or domestic enterprises. Both multinational and domestic/SME's enterprises are expected to adhere to the same standards of conduct outlined in the guidelines wherever relevant.

Therefore, the introduction of the NAP will go beyond the scope of the NCP by providing specific guidance tailored to the needs and capacities of businesses

regarding their role in upholding human rights. This approach will acknowledge the diversity within the business community in Mauritius and recognise that businesses may face unique challenges in implementing human rights due diligence processes and accessing remedy mechanisms.

Nevertheless, the NCP and NAP can work hand in hand to ensure that victims of business-related human rights abuses have access to effective grievance mechanisms and remedies. While the NCP focuses on specific cases involving multinational enterprises, the NAP provides overarching guidance and support for addressing human rights challenges across the entire business community. By aligning their efforts and coordinating actions, these mechanisms can reinforce each other's impact and contribute to a more robust framework for protecting and promoting human rights in the context of business activities.

The role of the National Human Rights Commission (NHRC) in advancing business and human rights

The NHRC has been instrumental in advancing the agenda of business and human rights within the country, regardless of the existence of a NAP on BHR. Recognising the significance of this issue, the NHRC has actively engaged in numerous workshops, webinars, and discussions, both locally and internationally. These engagements have been pivotal in enhancing the NHRC's understanding and capacity to address human rights issues in business practices. Furthermore, the NHRC plays a crucial role as a representative on the Advisory Panel of the National Contact Point thereby providing valuable insights and recommendations.

Benefits for Mauritius

The benefits of adopting a National Action Plan (NAP) on Business and Human Rights in Mauritius are substantial. Through dialogue, collaboration, and concerted efforts with the Business Community, Mauritius can showcase its dedication to promoting responsible business conduct, safeguarding human rights, and advancing sustainable development. Implementing a NAP on BHR would not only elevate Mauritius' standing as a responsible global participant but also contribute significantly to the well-being and dignity of its citizens and communities. It is crucial for Mauritius to seize this opportunity and take decisive steps towards developing and executing a NAP on BHR.

2.11. WOMEN'S SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

The Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) have both affirmed that women's right to health includes their sexual and reproductive health.

Women's sexual and reproductive health affects a number of human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination.

States have a responsibility to ensure these rights are upheld. Reproductive healthcare services and facilities should be adequate, accessible, and non-discriminatory. These services should be of high quality, affordable, and readily available to all women, regardless of their background or circumstances. States are required to adopt appropriate legislative, administrative, budgetary, judicial, promotional, and other measures to enable full enjoyment of rights including those associated with sexual and reproductive health. States must, for instance, provide for sexual and reproductive health care and adopt related national health policy and/or a related national health plan, covering both the public and private

sectors. The State must take active measures to deliver reproductive health services, including contraceptive services and to provide these in a manner that respects women's dignity, exercise of choice and autonomy. Ensuring these rights for women is essential in order to achieve gender equality.

Violations of women's sexual and reproductive health include *inter alia*:

- denial of access to services that only women require;
- poor quality services;
- subjecting women's access to services to third party authorisation;
- early marriage; and
- child pregnancy.

The French parliamentarians have recently voted to enshrine the right to abortion in their Constitution. It had been argued that the [right to abortion](#) needed full constitutional protection. France has thus become the first country in the world to clearly protect the right to terminate a pregnancy in its Constitution.

The **CEDAW Committee's General Recommendation 24** recommends that States prioritise the "prevention of unwanted pregnancy through family planning and sex education."

The **Committee on Economic Social and Cultural Rights** has in its **General Comment 14** explained that the provision of maternal health services is comparable to a core obligation which cannot be derogated from under any circumstance, and that States have the immediate obligation to take deliberate, concrete, and targeted steps towards fulfilling the right to health in the context of pregnancy and childbirth.

Mauritius has adopted a National Sexual and Reproductive Health Implementation Plan 2022 – 2027 which highlights its priorities and approach to

improving the sexual and reproductive health of the citizens. This Action focuses on measures in order to improve the system delivery for sexual and reproductive health care services, create awareness targeting several audience groups and addressing the needs of vulnerable groups.

Section 235 of the Criminal Code criminalises the unlawful termination of pregnancy in any form whatsoever. The Criminal Code was amended in 2012 to provide for the termination of pregnancy in specified circumstances, namely:

- in cases where the mother's life is endangered;
- in cases where medical diagnosis indicates that the continued pregnancy may lead to permanent injury to the physical and mental health of the mother;
- in cases of severe malformation of the foetus which will affect its viability and compatibility with life, as assessed by appropriate specialists;
- In cases where the pregnancy has not exceeded its 14th week and results from a case of rape, sexual intercourse with a female under the age of 16 years or sexual intercourse with a specified person which has been reported to the police or a medical practitioner.

By virtue of the Children's Act, the legal age of marriage in Mauritius is now 18. Child marriage is considered as a violation of human rights. It not only threatens the lives and future of girls and young women worldwide but also jeopardises their rights to education, their sexual and reproductive health amongst other rights making them more vulnerable to violence, discrimination, and abuse.

In 2018, the CEDAW Committee published its Concluding Observations on the eighth periodic Report of Mauritius.

It recommended that Mauritius should “include in school curricula mandatory, age-appropriate, evidence based and scientifically accurate education for girls and boys on sexual and reproductive health and rights that covers responsible sexual behaviour, that dismantles the social taboo of menstruation and that is free of discriminatory gender stereotypes.”

The National Human Rights Commission has been actively engaged in conducting awareness-raising campaigns on the issue in social welfare centres, women centres, youth centres and schools.

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

In October 2023, the Supreme Court in Mauritius held that section 250(1) of the Criminal Code in so far as it criminalises sexual relations between consenting adults of the same sex, is unconstitutional and in breach of section 16 of the Constitution in so far as it prohibits consensual acts of sodomy between consenting male adults in private. Section 16 should accordingly be read so as to exclude such consensual acts from the ambit of section 250(1). This landmark decision unequivocally indicates that the rights of LGBTI persons should be respected and protected. Mr. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity stated that *"This ruling tells gay, lesbian and bisexual, trans and other gender-diverse people living in Mauritius that they are in a country in which their dignity is valued and protected under the rule of law."* He also added that *"Criminalising homosexuality and other forms of sexual and gender diversity is at the origin of much violence, discrimination, and social exclusion. It also violates international human rights law."*

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.

2.13. RIGHTS OF OLDER PERSONS

The human rights and fundamental freedoms of older persons should be respected and protected, including full respect for their dignity, beliefs, needs, privacy, and the right to make decisions about their care and the quality of their lives.

In Mauritius, several measures have been implemented for the welfare of older persons including *inter alia* a non-contributory universal pension for people who are 60 years and above, free public transport services, free health care services and specialised geriatric sessions in all health centres.

The NHRC regularly organises awareness raising sessions to different sections of the population on the rights of older persons in order to foster respect and hinder abuse. Topics which are discussed during those sessions include the right to dignity, autonomy and education, protection from elderly abuse, legal rights of older persons in Mauritius, succession, and inheritance laws in Mauritius. In addition, the NHRC has published a brochure on the rights of older persons in Mauritius for wide dissemination among the general public.

The Open-Ended Working Group on Ageing (OEWGA) set up by the United Nations General Assembly aims to strengthen the human rights of older persons.

The key objectives of the OEWGA are to:

- Identify loopholes in the existing international framework for protecting the rights of older people.
- Discuss solutions to address these gaps.
- Consider establishing new human rights instruments specifically for older persons.

The OEWGA is working to produce a Convention on the Rights of Older persons. Members of the OEWGA meet annually to discuss key thematic issues. The 13th session of the OEWGA which was held in April 2023, specifically addressed two primary issues pertaining to the human rights of older persons namely:

- Right to Health and Access to Health Services; and
- Social Inclusion

These focus areas highlight the importance of ensuring that older people have access to quality healthcare and on their right to participation in society.

The NHRC sends its contributions to the OEWGA.

2.14. RIGHTS OF PERSONS WITH DISABILITIES

Persons with disabilities are entitled to the same fundamental human rights as everyone else. The UN Convention on the Rights of Persons with Disabilities (CRPD), to which Mauritius is a party, sets out the framework for the protection and promotion of the rights of persons with disabilities. It emphasises the principles of non-discrimination, accessibility, inclusion, and the respect for inherent dignity.

The Protection and Promotion of the Rights of Persons with Disabilities Bill has been introduced in the Parliament of Mauritius in December 2023. The primary objective of the Bill is to give better effect to the provisions of the CRPD, with a view to eliminate discrimination against persons with disabilities.

The NHRC has organised several sensitisation campaigns on the rights of persons with disabilities in 2023, in collaboration with the Disability Unit of the Ministry of Social Security, the National Council for the Rehabilitation of Disabled Persons and NGOs. During these informative sessions, the audience was sensitised on various issues including *inter alia* the legal framework for the protection of persons with disabilities in Mauritius, the functions of the NHRC and other human rights institutions in Mauritius.

In addition, the audience was made aware of the key provisions of the CRPD, namely equality and non-discrimination, accessibility and mobility, independence and inclusiveness, access to justice, education, employment as well as participation in cultural life, recreation, and sports. Discussions were also held on the challenges faced by persons with disabilities in Mauritius, with the active participation of the audience during the sessions.

2.15. RIGHTS OF THE CHILD: THE BEST INTERESTS OF THE CHILD

The best interests of the child is a fundamental principle enshrined in the UN Convention on the Rights of the Child (“CRC”) and the African Charter on the Rights and Welfare of the Child (“ACRWC”), both of which have been signed and ratified by Mauritius.

According to Article 3(1) of the CRC: *‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’* Article 4 of ACRWC provides that in all actions concerning the child, undertaken by any person or authority, the best interests of the child is the primary consideration.

The best interests of the child principle has implications on the following:

- The elaboration of all implementation measures taken by states;
- Individual decisions made by judicial or administrative authorities;
- Decisions made by civil society organisations and the private sector, which provide services concerning or impacting on children; and
- Actions undertaken by persons working with and for children, including parents and caregivers.

The guidelines on child-friendly justice adopted by the Council of Europe provide that in assessing the best interests of the children involved in a particular matter, the following should be duly considered:

- their views and opinions;
- all other rights of the child, such as the right to dignity, liberty and equal treatment should be respected at all times; and
- a comprehensive approach should be adopted by all relevant authorities so as to take due account of all interests at stake, including psychological and physical well-being and legal, social, and economic interests of the child.

The best interests of the child principle has been domesticated in Mauritius by the Children's Act. Section 4 of the Act provides that the best interests of a child shall be paramount and the primary consideration in any matter concerning the child, by any person, court, institution, or other body. Section 5 of the Act further reinforces the principle by requiring consideration of the child's views in matters affecting them, considering their evolving capacities.

Prior to the enactment of the Children's Act, the best interests principle could not be considered as a legal principle which was 'paramount' and given 'primary consideration.' However, Courts have always applied the best interests principle

in custody cases, cases involving juvenile offenders and child victims and in matters where the protection of the child was considered.

The best interests of the child principle thus acts as a cornerstone in ensuring that children's rights are upheld and protected for their overall well-being and development.

Child and juvenile Offenders

Article 37 of the CRC provides that the “*arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.*” The CRC thus recognises child offenders as in need of greater protection by its inclusion of Article 37 and in Article 40, which makes provision for their right to a fair trial. Section 50 of the Children's Act provides that a child under 14 years suspected of having committed an offence shall not be detained by the police. Instead, an enquiry shall be conducted. The matter would then be referred to the Probation and After Care Services for assessment.

A report is prepared by the Probation officer to meet the specific needs of the child which will (a) specify the objectives to be achieved for the child and the period within which they shall be achieved, (b) contain details of the services to be provided to the child and specify the person or organisation that shall provide those services; and (c) state the responsibilities of the child and the parent of the child, or such other responsible adult as may be specified in the plan.

In relation to children above 14 years section 57(1) of the Children's Act provides “*Subject to any other enactment, the detention of a juvenile who has been arrested upon reasonable suspicion of having committed a criminal offence shall, as far as possible, be imposed only as a measure of last resort.*” They are referred to the Probation and After Care Services for assessment. The report of the Probation

officer will assist the Magistrate to decide as to the detention of the juvenile where there is police objection to his release.

In cases where the Director of Public Prosecutions considers that instead of prosecuting a juvenile for an offence or that criminal proceedings against a juvenile be discontinued, the matter is referred to the Probation and Aftercare services for an assessment. When the Probation Officer makes an assessment to the effect that it would be in the best interests of the juvenile to be enrolled in a diversion programme rather than being prosecuted or criminal proceedings being continued against him, the Director of Public Prosecutions may offer the juvenile the opportunity to enrol in such a programme.

The National Preventive Mechanism of the NHRC ensures that children are not arrested and kept in custody for longer than necessary.

2.16. MAURITIUS AND CLIMATE CHANGE: ENSURING THE RIGHT TO A SAFE ENVIRONMENT

Introduction

International law recognizes the fundamental human right to a healthy environment, emphasizing a global commitment to addressing environmental challenges and fostering balance. The connection between this right and climate change underscores the imperative to protect the environment as a basic human right, mitigating climate change's impact and promoting resilience for all.

Mauritius' Environmental Risk and Vulnerability to Natural Disasters

Mauritius, ranked as the 7th most at-risk country among 171 nations for natural disasters, faces exacerbated challenges due to its unpreparedness for these events. The recent surge in adverse weather in the Southwest Indian Ocean necessitates a careful examination of potential links to climate change and its associated

implications. The alarming shift in Mauritius' climate is marked by increasing temperatures, accelerated sea-level rise, coastal erosion, and coral bleaching, surpassing the rates observed in other regions. Islands, including Mauritius, are particularly vulnerable to the impacts of climate change due to their susceptibility to severe weather conditions and limited size.

The Mauritian government has issued a stark warning, projecting a 16 cm rise in sea levels by 2050 and a substantial 49 cm by 2100, emphasizing the gravity of the situation as a matter of life and death. Climate change is already manifesting in increased floods, posing significant economic and societal challenges. Anticipated climate changes for Mauritius encompass reduced annual rainfall, more overall precipitation, intense summer heat, stronger tropical cyclones, and larger coastal waves. Furthermore, the escalating absorption of CO₂ emissions by oceans is elevating sea temperatures, particularly threatening Small Island Developing Countries. This rising heat contributes to the degradation of coastal coral reefs, impacting both livelihoods and the vital tourism sector. The adverse effects of climate change are also severely affecting local wildlife in Mauritius. Proactive measures and international collaboration are imperative to address these imminent challenges.

Strategic Initiatives Addressing the Challenges Posed by Climate Change

Combating climate change involves reducing fossil fuel extraction, transitioning to renewable energy, promoting electric vehicles, and prioritizing reforestation.

Mauritius: Navigating environmental policies for global sustainability:

Mauritius prioritizes global sustainability through wildlife protection, renewable energy transition, and waste management enhancements. This involves safeguarding endangered species, promoting solar and wind energy, and combating plastic pollution. The country actively participates in international

agreements, including the United Nations Framework Convention on Climate Change (UNFCCC) and The Convention on Biological Diversity (CBD), to reinforce its commitment to environmental stewardship.

1. Mauritius' Endeavour: Pioneering Eco-conscious infrastructure for a sustainable future.

Mauritius is spearheading environmental initiatives, emphasizing solar and wind energy use, constructing eco-friendly buildings, enhancing public transportation, and implementing improved waste management. The country's commitment to water conservation includes recycling and rainwater collection. In an effort to combat plastic pollution, Mauritius implemented the Environment Protection (Control of Single Use Plastic Products) Regulations 2020. This legislation targets specific non-biodegradable single-use plastics, restricting their import, manufacture, sale, and use. Commonly used items like cutlery, plates, cups, straws, and takeaway food container lids are included. The regulations were strengthened in April 2021 to encompass certain non-biodegradable single-use plastics used in packaging, demonstrating Mauritius' ongoing commitment to achieving a "Zero Plastic by 2030" goal.

2. Preserving and Restoring Biodiversity: Mauritius' unique Ecosystem

Mauritius, celebrated for its biodiversity, safeguards its natural heritage through conservation projects. Focused on protecting endemic species and marine life, the country regulates coastal development and promotes sustainable fishing. Faced with the threat of coastal erosion, Mauritius is actively restoring mangrove ecosystems. Recognizing their vital role, the government supports initiatives like "20,000 Mangroves Strong." These efforts see mangroves planted strategically to act as natural barriers. By absorbing wave energy, they lessen the impact on shorelines, thereby protecting coastal infrastructure and communities from erosion. Sensitization campaigns underscore the importance of biodiversity,

encouraging proactive conservation for a harmonious balance between ecosystems and local communities.

3. Fostering Sustainability: Mauritius' endeavour in promoting agriculture and maritime economy

Mauritius promotes sustainable farming, exemplified by the Organic Agriculture Project reducing chemical pesticide use. Precision agriculture, including drone monitoring and smart irrigation, ensures crop diversity with minimal environmental impact. Mauritius is encouraging food production through initiatives like subsidies, farmer training, and promoting sustainable practices. Emphasizing sustainable fishing, the Rodrigues Ocean Eco-project showcases innovative research for marine ecosystem preservation and fisheries sustainability.

4. Mauritius' commitment to Global climate change initiatives

Mauritius actively engages in international climate agreements, exemplified by its commitment to the Paris Agreement and self-imposed targets for carbon reduction. Mauritius showcases significant achievements in environmental protection and sustainable development, evident in biodiversity conservation, renewable energy initiatives, and eco-friendly infrastructure projects. Recognizing the threat of flooding, Mauritius is continuously improving its drainage infrastructure. This is crucial for mitigating the risks associated with heavy rainfall and flash floods. Additionally, to combat pollution from its rapidly growing vehicle population (approaching 600,000), the island nation is actively promoting the adoption of electric cars. This shift towards electric vehicles aims to reduce greenhouse gas emissions and create a cleaner environment for Mauritius.

The National Human Rights Commission in its mandate to promote human rights lays emphasis on its campaign about the need for the public to keep our beaches

and environment clean from solid waste, for adults to teach children about the importance of preserving our environment, not just to promote tourism but for a healthy living in a safe environment and for preserving the natural beauty of our small island for future generations.

2.17. AI'S IMPACT ON HUMAN RIGHTS

The rapid development of Artificial Intelligence (AI) demands a re-evaluation of its impact on human rights. The complex relationship between AI and our fundamental rights, requires an ethical approach that ensures AI development protects human dignity and values. While AI offers potential benefits, it also raises concerns about privacy.

AI is rapidly expanding its reach, offering tangible solutions to pressing challenges in the realm of right to health;

1. AI analyzes medical scans with superhuman accuracy, leading to earlier disease detection, personalized treatment plans (e.g., BlueDot's early identification of COVID-19 spread), and even predicted outcomes.
2. AI-powered surgical robots like the da Vinci system assist surgeons with greater precision and minimize invasiveness, improving patient recovery.
3. Additionally, AI chat-bots and virtual assistants are offering accessible and personalized mental health support, reducing stigma and making therapy more readily available.

Mauritius is steadily reaping rewards from such progress. The significance of AI in promoting environmental sustainability cannot be overstated, particularly through applications such as:

1. Modeling weather patterns, for instance, forecasting the precise path of cyclones, which is achieved with a high level of precision.
2. Protection of the Environment by optimizing energy use.

3. In education, AI-powered tutors personalize learning for individuals, improving outcomes especially for marginalized communities.
4. AI helps analyze data to provide credit access to underserved populations. Additionally, AI boosts economies by increasing productivity and efficiency. AI-powered robots perform repetitive tasks in various industries, from manufacturing (e.g., robotic arms assisting with assembly) to logistics (e.g., autonomous robots in warehouses). Mauritian textile companies are apparently losing competitiveness due to rising wages. This suggests that automation might be an attractive option for them to stay competitive.
5. In an effort to bolster public safety, Mauritius has launched a "Safe City Project" utilizing a network of over 2,700 intelligent video surveillance cameras. These cameras, strategically placed in public areas, major roads, and traffic centers, aim to deter criminal activity, improve police response times, and aid investigations. The Mauritius Police Force has reported success in identifying over 100 cases requiring investigation through this camera network.

2.18. MENTAL HEALTH AND HUMAN RIGHTS

The increasing awareness of mental health as a crucial issue in public health has resulted in a greater acknowledgement of its significance as a top priority and an essential imperative for the well-being of all individuals. Today, mental health disorders are a significant global concern, affecting 10–15% of the world population and exerting a considerable impact on global rates of morbidity and mortality (WHO, 2017). These disorders contribute to 32% of years spent disabled, underscoring their substantial role in the global disease burden.

Recent years have seen a notable surge in mental health issues, evidenced by increases in substance use disorders, suicides, and feelings of loneliness. The

ongoing COVID-19 pandemic has intensified these challenges, highlighting the urgent need for a comprehensive understanding and effective response to mental health issues on a global scale. Compounding this issue is a shortage of approximately 4.5 million mental healthcare practitioners worldwide.

Statistics for Mauritius

When looking at the Mauritian landscape, the latest data from the Health Statistics Report (2022) shows that 8,173 individuals sought initial treatment for mental and behavioural disorders in 2022. At the same time, 4,122 patients who had been admitted were released in 2022.

Promoting a global advocacy for a Human Rights approach

Amidst these challenges, global organisations like the World Health Organisation (WHO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and other stakeholders are actively promoting a mental health approach that prioritises human rights. This viewpoint is in line with the global framework for human rights, particularly demonstrated by the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD promotes a shift from conventional biomedical approaches towards a framework that prioritises individual empowerment, independence, and inclusion within the community.

The Mental Health and Human Rights Publication: Objectives and Scope

A joint initiative by the WHO and OHCHR produced a document in October 2023 called "Mental Health, Human Rights, and Legislation: Guidance and Practice" (referred to as "the Guidance"). This document has been carefully designed to provide guidance to countries in developing, revising, or implementing legislation concerning mental health. The main goal is to guarantee that mental health policies, systems, services, and programmes align with internationally

recognised human rights standards, specifically those outlined in the CRPD. The Guidance suggests the incorporation of mental health considerations into more comprehensive legislative frameworks, discouraging the development of specific mental health laws.

(i) Target Audience and Relevance

The Guidance acknowledges the importance of inclusivity, understanding that it takes a joint endeavour to reform mental health services. It is aimed at legislators, policy-makers, and professionals who are engaged in the development of mental health laws and the provision of care. In addition, the document has the potential to be useful for a wide range of stakeholders. This includes entities within the United Nations, government officials, individuals with mental health conditions and psychosocial disabilities, professional associations, family members, civil society organisations, groups representing individuals with disabilities, humanitarian workers, community-based organisations, faith-based organisations, researchers, academics, and members of the media.

(ii) Investigation into mental health services and the protection of individual rights

The connection between mental health and human rights has emerged as a critical issue in the field of public health. Legislative reforms pertaining to mental health are being implemented on a global scale, emphasising the urgency of rectifying the deficiencies in existing legal systems. Neglecting the wider socioeconomic factors only serves to perpetuate discriminatory practices and violations of basic human rights within mental health facilities.

There have been notable changes in psychiatric services during the last few years. The old Lunacy Act of 1906 has been replaced by the Mental Health Care Act of 1998, introducing voluntary care for psychiatric patients. The amendments to the

law, in conjunction with the National Strategic Plan for Mental Health, have set specific goals for the mental health sector. One promising approach to consider is to encourage collaborations between the public and private sectors, especially for the rehabilitation and relocation of long-stay patients. The Mental Health Care Act was amended in 2019 to include the creation of a Mental Health Commission set up to deal with complaints.

Key recommendations for enhancing our mental health services with a focus on Human Rights

- 1) **Advocating for Legislative Reforms:** Promote the importance of comprehensive legislative reforms that prioritise the protection of human rights and address the socioeconomic factors that affect mental well-being.
- 2) **Capacity Building:** Support training programmes for mental health professionals, policymakers, and service providers to improve their knowledge of principles related to the rights of individuals.
- 3) **Promoting Community Engagement:** Encourage active participation and cooperation within mental health initiatives to provide services that are culturally sensitive and inclusive.
- 4) **Promoting the Integration of Mental Health into General Health Services:** Encourage the incorporation of mental health considerations into general health services to combat stigma and provide comprehensive care.
- 5) **Promoting Public Awareness:** Initiate campaigns to address social stigma and raise awareness about the principles of human rights in mental health.

- 6) **Monitoring and Evaluation Mechanisms:** Implement strong monitoring and evaluation mechanisms for mental health services, guaranteeing compliance with standards of human rights.
- 7) **Research and Data Collection:** Assist in research initiatives that examine the connection between mental health and the protection of individual rights, offering evidence-based insights to inform the development of policies.
- 8) **Promote collaboration:** Foster regional and international cooperation and the exchange of knowledge to tackle shared obstacles in the implementation of mental health services based on human rights.
- 9) **Programmes for Empowerment:** Establish initiatives that prioritise the development of skills, self-advocacy, and resilience for individuals dealing with mental health conditions.

Individuals and organisations can play a part in promoting mental health services that are rooted in human rights principles. Mauritius also needs to aim to create specialised care units for specific mental health issues by age and gender so that appropriate care is provided to individuals in need. Therefore, adequate training and resources need to be provided in line with international best practices as part of the continuous professional development of mental health professionals.

2.19. CHILDREN WITH SERIOUS BEHAVIOURAL CONCERNS

In the past the Probation Office and Aftercare Services (POAS) were mostly concerned with offenders within the legal framework of the Probation of Offenders Act and “Uncontrollable Juveniles” were committed to the RYC for care. In Section 41 of the Children’s Act 2020, the role of diverting the “Child with Serious Behavioural Concerns” (CSBC) from the formal court process, has

been entrusted to the Probation Office and Aftercare Services, following court decision.

Most young people who come into conflict with the law are struggling with multiple social and economic issues in their homes and/or communities. These issues range from being on the streets as a result of poverty and/or family dysfunction to coping with peer pressure in relation to risk-taking such as minor theft and substance abuse.

Sections 41 and 42 of the Children's Act describe the mechanism of identification and dealing with Children with Serious Behavioural Concerns. There are many criteria to be exhibited by the child including the extent, seriousness, frequency of the concerned behavior before an application can be made to the probation officer for parenting support intervention (PSI). It is to be noted that there can be a difference of appreciation between the parent and the probation officer.

The latter must conduct a psycho-social assessment of the child and of his parents, then draw a PSI plan, visit the parents twice and complete the whole process within 21 days to be able to give a certificate of success or failure, labelling at the same time the misbehavior as severe in case of failure. No information is given, in the certificate, on the actual or possible causes of the failure of the PSI, which may range from the definition of acceptable norms for the child to non-participation of the parents. A new level is then reached in the way to tackle the issue. In the case where the PSI was unsuccessful it is up to the Magistrate of the Protection Division of the Children's Court to issue a preventive intervention order, while considering the best interests of the child. The Magistrate may decide either to keep the child in his usual household or order that the child be placed in an institution under the responsibility of the Probation Office. There is a risk that due to the similarity of exhibited behaviors, children in need of protection be labelled as offender within such a short investigation and be directed to the wrong path of rehabilitation.

The lack of psychologists at the POAS and possibilities for referral concerning mental health issues makes it more difficult to differentiate between cases linked to Attention Deficit Activity Disorder (ADHD), Fetal Alcohol Syndrome (FAS) or substance abuse.

Training and Resources

Most probation officers are recruited following studies in social work, as a pre-requisite. As such, their contribution in mitigating or reinforcing committal orders is useful in the adjudication process as the social element which has an important bearing on the behaviour of the child, was taken into account.

Before, it was up to the court to decide about the case of the juvenile offender as soon as the police enquiry was completed, with the input of the Probation Office through its report before and after sentencing. With the new legislation, the importance of the investigation made by the probation officer has become paramount in guiding the court. He has to be holistic in ascertaining the pattern and factors leading to the reprehensible behavior which is a very heavy responsibility to be completed while racing against time.

2.20. HUMAN TRAFFICKING

Victims of trafficking can be of any age, any gender and from anywhere in the world, although female victims represent a bigger percentage in the statistics. Girls are mainly trafficked for sexual exploitation, while boys are used for forced labour. Traffickers target people who are marginalized or in difficult circumstances. Undocumented migrants and people who are in desperate need of employment are vulnerable, particularly to trafficking for forced labour. Victims may be forced or tricked into an exploitative situation which constitutes trafficking after the traffickers use violence, deception or blackmail. Criminals trafficking children target victims from extremely poor households, dysfunctional families or those who are abandoned and have no parental care.

It should be noted that the consent of the victim to human trafficking is irrelevant when the threat of or use of force, deception, coercion, abuse of power or position of vulnerability is used. In the case of children, consent is irrelevant regardless of whether any means were used or not. Traffickers have also integrated technology into their business model at every stage of the process, from recruiting to exploiting victims. Social media is now a common means of approaching potential victims. The United Nations Office on Drugs and Crime (UNODC) has identified two types of strategies, “hunting” involving a trafficker actively pursuing a victim, typically on social media and “fishing”, when perpetrators post job advertisements and wait for potential victims to respond.

In 2023 the Mauritius Parliament enacted amendments to the Combatting of Trafficking in Persons Act 2009. These amendments would allow for a more effective identification and prosecution of cases, better support to victims and the establishment of a more powerful judicial and operational arsenal for the fight against trafficking in persons. In December 2022, a National Action Plan for the period 2022-2026, was approved by the Cabinet Ministers to combat Trafficking. A Trafficking in Persons Unit (TIP) within the police has been set up to investigate cases of human trafficking. Awareness campaigns were organised, focusing on detection of trafficking indicators and reporting of potential crimes against the law.

There are many challenges involved, starting with the identification of victims of human trafficking as they rarely come forward to report traffickers, being often subjected to blackmail. Victims usually encounter with the authorities when they are themselves arrested for unlawful activities committed while being trafficked. Sometimes they may have to endure the judicial process as an accused party before their status is modified to prosecution witness to aim at apprehending and prosecution the real offender. It is henceforth important to provide for their

protection throughout the investigation during which the onus is on the prosecution to gather the elements to trace and charge the initial offender of human trafficking. This aspect has more to do with the training of the law enforcement field officers and prosecutors.

Regarding the few detainees, suspected to be victim of human trafficking, met with during the visit to detention places, the NHRC made a follow-up with the Passport and Immigration Office (PIO) and TIP team as well as the IOM whose mandate is to provide humanitarian assistance to migrants in need.

2.21. SENSITISATION

Talks were conducted in women centres, colleges, Youth Centres, Centres for Elderly persons, Police Training School, Training Unit of the Ministry of Social Security for Persons with Disabilities, City Halls.

Further the Commission had useful interaction with the University of Technology on Human Trafficking. Women fishers whose work had been impacted by the Wakashio oil spill in the South East of the island were briefed about their rights. For International Women's Day the Chairman was invited by the Mauritius Bar Association to address lawyers on discrimination against women.

During a visit from 2 experts from the NGO International Service for Human Rights in Geneva, the National Human Rights Commission (NHRC) participated in the discussion on the protection of the rights of Human Rights Defenders.

For Human Rights Day and the celebration of the 75th anniversary of the Universal Declaration the Chairman addressed lawyers at the Institute of Judicial and Legal Studies and students of the Faculty of Law at the University of Technology.

During the African Conference on LGBT rights held in Mauritius the Chairman addressed the participants on the situation prevailing in Mauritius.

A meeting was held with Probation officers to discuss the important role they have to play with the advent of the Children's Act since they have to enquire and prepare reports on Juveniles offenders and children with serious behavioural concerns to enable authorities to decide whether a matter has to be taken to court or on alternative steps.

The Chairman further addressed participants in a seminar organised by the Ombudsperson for Children on the new Children's Act and the Children's Court Act and on the topic of children in conflict with the law.

A list of activities carried out by the NHRC is at Annex I

CHAPTER III

HUMAN RIGHTS DIVISION

Within the framework of the National Human Rights Commission (NHRC), the Human Rights Division (HRD) holds a pivotal role alongside its counterpart, the National Preventive Mechanism Division (NPMD).

Under the auspices of the Protection of Human Rights Act 1998 (PHRA), the HRD operates with a clear mandate to safeguard and uphold human rights principles. Guided by the deputy chairperson, the HRD's dedicated team comprises two full-time members and two investigators, collectively working to advance the cause of human rights protection and promotion.

A. STATUTORY MANDATE

A.1 Review of criminal convictions by Supreme Court

According to Section 4A of the Protection of Human Rights Act (PHRA), the Human Rights Division (HRD) is authorised to assess applications for the review of criminal convictions. This authority is exercised when individuals convicted of crimes present fresh and compelling evidence, prompting the HRD to refer the case to the Supreme Court for further examination.

A.2 Our functions

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

- To investigate written complaints from individuals alleging violations, present or potential, of their human rights due to the actions or inactions of any person carrying out public duties as mandated by law or in the execution of responsibilities within a public office or institution. Additionally, the HRD may initiate inquiries into such matters if there is reasonable suspicion of such violations.

N.B. The HRD is limited in its ability to investigate complaints, as it cannot examine matters that occurred more than two years prior to the filing of the complaint.

- Initially, the division seeks to resolve complaints through a conciliatory process.

B. OUR WORK

In accordance with Section 4 of the Protection of Human Rights Act (PHRA), the Human Rights Division (HRD) is tasked with investigating complaints that encompass key elements:

- **Allegation of unfair treatment by a Public Body:**

Complaints received by the HRD must involve allegations of unfair treatment by a public body, as defined under Section 2 of the PHRA. This includes governmental entities such as ministries, government departments, local authorities, statutory corporations, as well as any other organisation in which the government holds influence through financial means or policy decisions.

- **Grounds of breaches of Human Rights:**

According to the PHRA, HRD focuses its investigations on breaches of human rights as set out in Chapter II of the constitution. These rights include:

1. Protection of the right to life
2. Protection of the right to personal liberty
3. Protection from slavery and forced labour
4. Protection from inhuman treatment
5. Protection from deprivation of property
6. Protection for privacy of home and other property
7. Provisions to secure protection of law
8. Protection of freedom of conscience
9. Protection of freedom of expression
10. Protection of freedom of assembly and association
11. Protection of freedom to establish schools
12. Protection of freedom of movement
13. Protection from discrimination in the public sector on grounds such as race, caste, place of origin, political opinion, colour, creed, or sex.

B.1 COMPLAINTS PROCEDURE



Opening of the complaint:

- The complaint is initiated.

Preliminary assessment:

- Determine if the complaint falls within our mandate.
- If not, the complaint is not pursued further (subject to meeting key elements as per...)

Information gathering:

- Request relevant information from authorities or individuals involved.

Decision Stage:

- Upon completion of investigation, we either proceed with mediation/ or a hearing or else inform complainant of our decision directly.



Hearing:

If a hearing is necessary:

- Summon parties and request relevant documents (e.g., official documents, permits).
- Parties have the opportunity to present their case and may be represented legally.

Record Keeping:

- Minutes of proceedings are documented.

Decision after hearing:

- A written and reasoned decision is issued, or the complainant is informed accordingly.

Follow up with relevant stakeholders or representatives

- Ask them for an update of the complaint or of any latest developments.



Recommendations:

- Provide recommendations to the Ministry responsible for Human Rights if deemed necessary.

If conciliation fails,

The HRD will;

- (a) where the enquiry discloses a violation of human rights or negligence in the prevention of such violation, refer the matter to —
- (i) the Director of Public Prosecutions where it appears that an offence may have been committed;
 - (ii) the appropriate Service Commission where it appears that disciplinary procedures may be warranted;
 - (iii) to the chief executive officer of the appropriate public body where it appears that disciplinary action is warranted against an employee of a public body who is not within the jurisdiction of a Service Commission;
- (b) recommend the grant of such relief to the complainant or to such other person as the HRD thinks fit;
- (c) Communicate the actions taken to the complainant, if applicable.

If the complaint falls outside our mandate

If the complaint falls outside our mandate, we remain committed to assisting the complainant.

We advise them to seek legal advice and/or direct them to appropriate institutions such as the Equal Opportunities Commission, the Independent Police Commission, the Ombudsman, or the Ombudsperson for Children for further assistance.

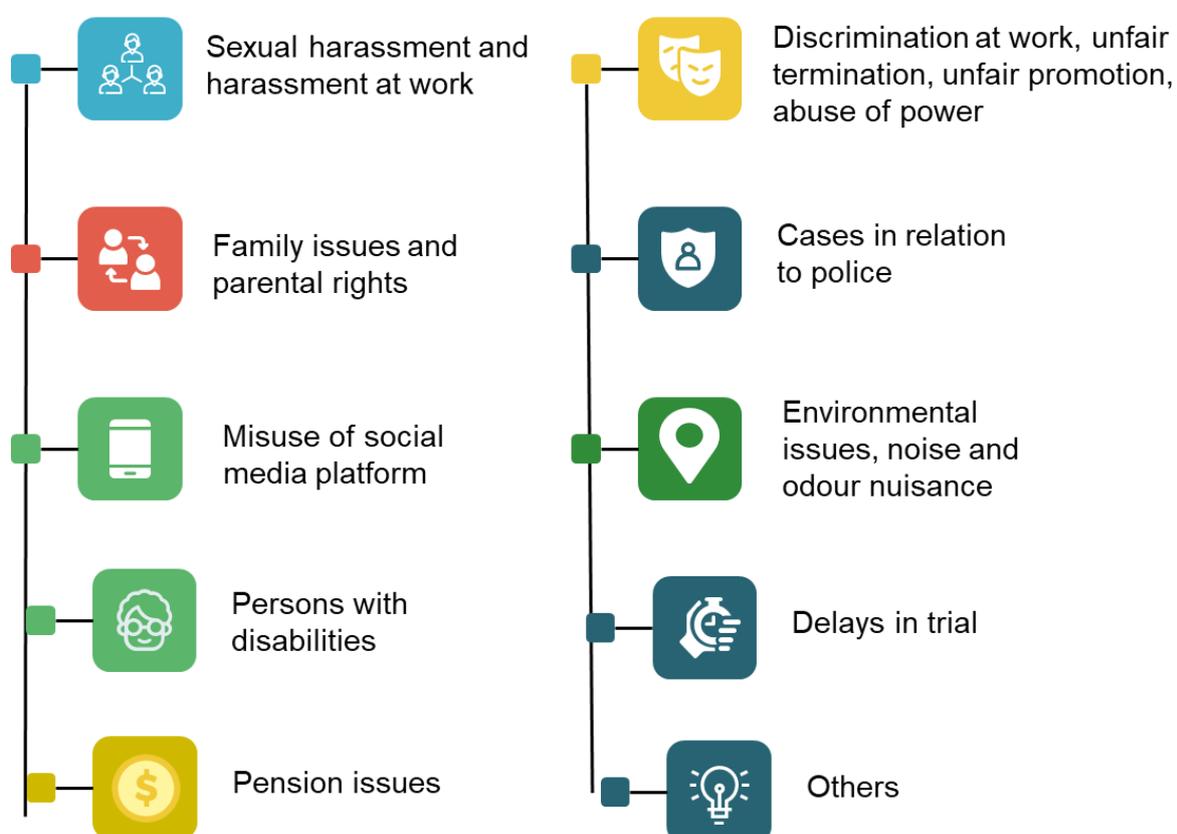
C COMPLAINTS STATISTICS

In the year 2023, the HRD received **193** complaints including 20 anonymous cases.

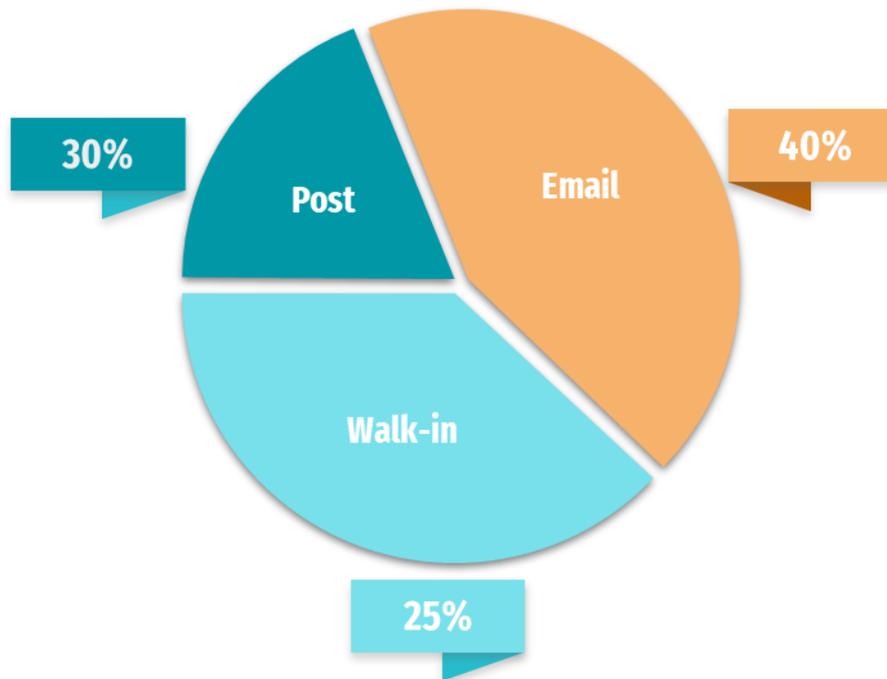
C.1 Categories of complaints

Complaints involving /against	No. of complaints received
Ministry/Department	42
Parastatal bodies	9
Local Government	20
Complaints in relation to Police	12
Delays in police enquires	4
Private disputes	29
Employer/Supervisors/Colleagues	38
Others	19
Anonymous complaints	20
Total	193

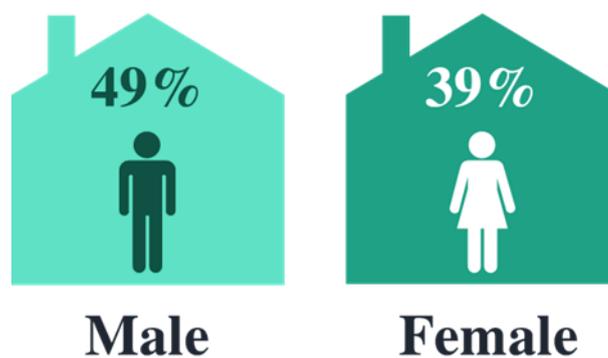
C.2 Nature of Complaints



C.3 Ways complaints contacted the HRD



C.4 Complaints by gender



N.B: 12% of the complaints emanated from the organisations.

C.5 No. of cases investigated by the HRD

Complaints involving /against	No. of complaints investigated
Ministry/Department	35
Parastatal bodies	6
Local Government	19
Complaints in relation to Police	7
Delays in police enquires	3
Private disputes	23
Employer/Supervisors/Colleagues	11
Others	12
Anonymous complaints	8

C.6 Hearings held with different institutions

In the year 2023, the HRD conducted **42** hearings in total.



C.7 Referral of complaints

Complaints involving /against	No. of complaints referred to Authorities/Institutions/Commission/ Organisation
Ministry/Department	7
Parastatal bodies	2
Local Government	1
Complaints in relation to Police	5
Delays in police enquires	-
Private disputes	6
Employer/Supervisors/Colleagues	27
Others	7

C.8 Ongoing cases

Complaints involving /against	Ongoing cases
Ministry/Department	3
Parastatal bodies	2
Local Government	7
Complaints in relation to Police	2
Delays in police enquires	1
Private disputes	-
Employer/Supervisors/Colleagues	-
Others	5

PART II: KEY ACHIEVEMENTS

In 2023, the HRD exhibited its dedication to upholding and promoting human rights through a range of significant initiatives. Here are the highlights of the HRD's key accomplishments during this period:

A Successful advocacy for removal of "Tardy" from birth certificates where there is a tardy declaration of birth

Following extensive collaboration with stakeholders, the HRD submitted a recommendation to the Prime Minister's Office regarding the removal of the term "tardy" from birth certificates. Recognising the significance of this suggestion, the Prime Minister's Office endorsed the elimination of "tardy" from birth certificates, reserving it exclusively for record-keeping purposes.

B Improving efficiency in birth registration

Efforts to address delayed birth declarations in Mauritius have been a focal point, largely managed by the Civil Status Office. Yet, the Human Rights Division (HRD) has pinpointed issues with the cumbersome administrative procedures associated with tardy birth declarations under the law.

The objective has been to introduce a standardised protocol for birth registration, simplifying procedures and guaranteeing prompt registrations.

Positive outcomes:

1. **Stakeholder Collaboration:** The HRD facilitated cooperation among governmental bodies, law enforcement agencies, legal institutions, and relevant ministries, fostering a unified approach to tackle tardy birth declarations.
2. **Streamlined Processes:** Efforts were made to simplify the cumbersome 17-step process involved in birth registration, reducing unresolved cases from 250 to approximately 60.
3. **Enhanced Communication:** Direct communication channels between the Civil Status Office and the Ministry of Gender were improved, ensuring smoother coordination and information sharing.

4. **Innovative Solutions:** Introduction of initiatives such as the establishment of the Red Cell team facilitated faster information exchange and resolution of tardy declaration issues.
5. **Advocacy and information sharing:** Pertaining to the information highway for seamless communication and data sharing.
6. **Gender-Neutral Approaches:** Recommendations were made for a gender-neutral notification system, emphasizing inclusivity and equality in birth registration processes.
7. **Legal Support:** Effective involvement of the Law Society expedited procedures and provided clear guidance to parents, ensuring prompt action when needed.
8. **Cost Reduction:** Lowering costs for stakeholders, including police, civil status officers, hospitals/clinics, etc., eased financial burdens and incentivized compliance with registration requirements.

C Workshops on promoting the Right to Health and life: Empowering civil servants and police force

Workshops were conducted to promote the Right to a Healthy Life, with a focus on empowering civil servants and the police force.

The goal was to enhance participants' awareness of this fundamental human right, as recognised globally. Throughout the sessions, the significance of physical, mental, and social well-being was underscored, emphasising the importance of access to healthcare services, clean environments, and nutritious food.

Despite strides made in advancing this right in Mauritius, challenges like the high prevalence of non-communicable diseases (NCDs) persist, necessitating sustained management efforts and imposing economic burdens. The HRD expressed concerns about these challenges due to their impact on individual well-being and societal health as a whole.

The workshops were designed with specific objectives: to deepen comprehension of the right to a healthy life, identify effective strategies, and promote collaboration among participants. The aim was to empower individuals to make informed decisions about their health and to take proactive steps toward fostering healthy lifestyles within their communities.



D Investigation report: Alleged violation of Constitutional rights

The HRD conducted an inquiry into the complainant's claims of being unlawfully detained and deprived of his personal liberty and freedom of expression.

Regarding the accusation of personal liberty deprivation, the investigation determined that his detention was lawful. He was duly informed of the reasons for his arrest, and his subsequent detention aligned with the provisions outlined in the Road Traffic Act 1992. The conduct of the involved police officers was lawful, and his assertions were found to lack credibility.

Concerning the alleged infringement of freedom of expression, the inquiry concluded that his disruptive behavior during an official function necessitated intervention to restore order. While freedom of expression is a fundamental right, its exercise must be balanced with the rights and interests of others, and restrictions may be imposed to uphold public order.

The investigation found no substantial evidence supporting his allegations of breaches of Constitutional rights and therefore no violation of his Constitutional rights. The actions taken by the authorities were deemed justified and necessary to maintain order during the events in question.

E Recommendations for APEBS Students' Bus Pass Issue:

The HRD has taken steps to address the issue of APEBS students aged 7 to 26 being ineligible for free bus passes due to stringent criteria for student identity cards, as outlined in Government Notice 2016 of the Road Traffic Act 2016. Recognizing the socio-economic impact, the HRD conducted meetings with relevant stakeholders, resulting in recommendations presented to the Ministry of Social Security, National Solidarity, and Reform Institutions. These recommendations include redefining "student" to include APEBS students, proposing amendments to Government notices for inclusion, and defining "student identity card" to certify student status. These measures aim to provide essential benefits and support, such as free travel bus passes, to enhance accessibility and the educational experience for APEBS students.

F Recommendations for reimbursement of taxi expenses for students with disabilities:

To address transportation challenges faced by students with disabilities enrolled in universities and regular schools, we propose the introduction of a reimbursement system for taxi expenses. This system would cover students encountering difficulties accessing regular public transportation, especially those requiring wheelchair accessibility or facing visual impairment, cerebral palsy, or severe autism. Implementing this reimbursement system is vital to ensure that students with disabilities receive necessary support in accessing transportation services, thereby removing barriers and facilitating their pursuit of education without unnecessary hindrances.

PART III: TRANSFORMATIVE IMPACT ON CITIZENS' LIVES

The interventions of the Human Rights Division have had a profound effect on the lives of citizens. Through thorough investigations of complaints and conducting hearings, the HRD has successfully resolved numerous cases, significantly improving the welfare of individuals. Below are some examples of successful cases we have addressed:

A Protection from degrading treatment

The HRD received a complaint from an elderly citizen with a disability, alleging inhumane and degrading treatment at an institution. He expressed dissatisfaction as the priority counter for handicapped persons was non-functional. He felt that he was treated rudely when he brought the matter up.

Upon investigation, it was found that the registration and licensing officer had diligently performed her duties, and the situation arose from a misunderstanding by the complainant. Nonetheless, the HRD recommended improvements to the Road Traffic Commissioner for suggestions included ensuring staff availability at the priority counter, adequate staffing at the branch, and maintaining a consistent staff presence at the priority counter.

Additionally, it was recommended to prominently display a notification outlining necessary documents, including an updated medical certificate, to enhance services.

B Right of access

In a case concerning a complaint against the District Council by Mr. L regarding right of passage, the HRD's intervention proved invaluable. Following a hearing with Council representatives and a subsequent site visit by them, it was discovered that the lane exceeded the size stipulated in the title deed, ensuring ample space for Mr. L's car. The HRD's involvement effectively resolved the dispute, highlighting its ability to mediate and uphold legal provisions, thereby promoting fairness.

C Protection from harassment

The complainant, an elderly woman residing in a troubled neighborhood, faces daily harassment from the respondents. This is due to her reporting numerous drug transactions between the respondents and various clients. To intensify the harassment, the respondents release their dogs to create a mess at her front door and throw garbage into her yard. The complainant reported the incidents to the police, but no action has been taken.

The HRD informed the police about the situation through a letter and even summoned police representatives to provide an update on the complaint. The Commission's correspondence encouraged the police to take action. Despite the complaint, the police conducted an inspection at the location and found no evidence of an offense.

D Protection from discrimination and Right of access

Mrs. T filed a complaint on behalf of her husband, Mr. T, who lost his eyesight following cataract surgery and experienced discrimination at work. After being reassigned, Mr. T was relocated to an inadequately equipped storage space, where his daughter had to clean his workspace. He faced bullying and harassment from colleagues, and efforts by auxiliary officers to assist him were hindered by other staff members.

Furthermore, Mr. T's promotion was delayed due to his disability, and he felt pressured to retire early. Mrs. T sought assistance from the Commission.

Through the intervention of the HRD, remedial actions were reported:

- Mr. T was provided with his own office.
- Arrangements were made for him to conveniently sign the attendance sheet located near his office.
- Requests were submitted to the Human Resource department for special equipment, such as a tablet with voice command or a laptop with Jaws Software.

Additionally, it was advised to prominently display a notification outlining necessary documents, including an updated medical certificate, to enhance services.

E Right to a safe and clean environment

E.1 Nuisance and security concerns at a football ground

Mrs. M.D lodged a complaint with the HRD regarding a football ground causing nuisance and security issues. Despite being enclosed by a metal fence, the insufficient height of the fence allowed balls to enter her premises, posing injury risks.

Mrs. M.D also reported instances of strangers trespassing to retrieve balls, with the disturbance extending to late hours due to fog lights remaining on until around 9:50 pm, affecting her sleep. Despite complaints to the District Council, no action was taken.

During the hearing, site visits confirmed the accessibility of trespassers through an adjoining abandoned plot.

The HRD proposed solutions such as reducing operating hours or locking the ground, though cost implications were acknowledged. Discussions included seeking approval for hour reductions and addressing safety concerns by considering precautionary measures and employing private security measures like security cameras or guard.

E.2 Foul odour from lorries

Facts of the Complaint: The respondent, has been accused of parking his lorries on a piece of abandoned land owned by Mr. Y. The complainants have raised concerns about a foul odour emanating from the lorries, which are utilised for waste transportation.

HRD's Contribution: The HRD played a crucial role in addressing the issue by bringing it to the attention of Mr Y. and facilitating discussions with his representatives. A positive outcome emerged as Mr Y took proactive measures by cleaning the abandoned area, erected signs to discourage illegal dumping, and transformed the neglected land into a more usable state.

The HRD's intervention proved instrumental in prompting Mr Y to rectify the situation, resulting in a cleaner and improved environment.

E.3 Unpleasant odours from scavenging lorries

Mr. Z. lodged a complaint with the HRD regarding the issue of unpleasant odours emanating from scavenging lorries parked near his property. Despite previous complaints to the District Council yielding no remedial action, Mr. Z. sought our intervention.

After convening with council representatives, it was determined that a site inspection was to be conducted in the presence of the directors of the company. The inspection revealed that the company was compliant with all relevant regulations. Furthermore, it was noted that neighbouring properties were shielded by block note fencing, and the company's lorries were parked at a distance from residential areas.

Highlighting the absence of complaints from other neighbours and the recurrent nature of Mr Z.'s grievances, the company's representatives assured the HRD of their strict adherence to regulations. They provided evidence of compliance in the form of a waste carrier licence.

Subsequently, the HRD communicated with Mr Z, notifying him of the scheduled hearing. Additionally, he was advised to contact the Police de L'Environnement if the issue persisted, and encouraged him to gather substantial evidence such as photographs and videos for future reference. This intervention successfully addressed Mr. Z.'s concerns and provided him with avenues for further recourse if needed.

PART IV: COLLABORATIVE INITIATIVES AND PARTNERSHIPS

In 2023, the Human Rights Division (HRD) embarked on several fruitful collaborations with various Non-Governmental organisations (NGOs), underscoring its dedication to advancing human rights causes.

A Collaboration with NGO's

A.1 Lovebridge

Lovebridge, operating under the umbrella of Business Mauritius, is committed to combating poverty in Mauritius.

Through its psychosocial accompaniment program, Lovebridge aims to empower families living in poverty and provide them with a pathway out of their circumstances. Seeking to enhance its outreach, Lovebridge approached the HRD for collaboration.

The HRD organised a workshop for Lovebridge staff on the Children's Act 2020 and conducted sensitisation sessions on Human Rights, and Drug Prevention for the students they support.

A.2 Collectif-Arc-En-Ciel (CAEC)

This NGO advocating for the LGBTQIA+ Community in Mauritius, the Collectif-arc-en-ciel (CAEC) focuses on protecting human rights and combating discrimination based on Gender Identity and sexual orientation.

Recognising the importance of supporting such initiatives, the HRD held productive meetings with CAEC to establish a partnership. Their collaboration culminated in the HRD's participation in the Pan Africa ILGA PAI 6th Regional Conference, where the Chair of the National Human Rights Commission delivered a keynote speech expressing solidarity with the LGBTQIA+ community. Subsequently, a meeting was convened with CAEC members and Jessica Stern, the US Special Envoy to Advance the Human Rights of LGBTQI+ Persons.

A.3 Action for Integral Human Development (AIHD)

A member of the Human Rights Division, conducted a training session on addiction and drug use for psychologists, teachers, and managers from Bureau Éducation Catholique (BEC) colleges at Institut Cardinal Jean Margéot in April 2023. The AIHD aims to promote and enhance the emotional, social, and psychological well-being of individuals.

A.4 Prévention Information Lutte contre le Sida (PILS)

PILS is a globally recognised NGO focusing on key populations in Mauritius and providing care for individuals living with HIV and viral hepatitis. Through its regional and global networks, PILS extends its impact beyond Mauritius.

The HRD collaborated with PILS in providing training session on Human Rights, harm reduction, and addiction for prison officers as part of the ‘Lasante Dabor’ project initiated by PILS, AILES, and KINOUETE in July 2023.

B Collaboration with government agencies

B.1 Ministry of Youth Empowerment, Sports and Recreation

In October 2023, the HRD collaborated with the Ministry of Youth Empowerment, Sports, and Recreation to conduct a training of trainers for officers of this Ministry. The training focused on human rights, leadership, and community development, aiming to enhance the capacity of participants in these vital areas.

B.2 Mauritius Prison Services

Following a request stemming from the Right to Healthy Living workshop held by the HRD in April, the Human Rights Division delivered a lecture on Mental Health and Stress to new recruits of the Mauritius Prison Services. This initiative aimed to provide essential knowledge and support to prison officers in addressing mental health issues within the prison environment.

C Collaboration with Universities

C.1 Curtin University

As a guest lecturer at the Mauritian Campus of Curtin University (Australia), the representative of the HRD delivered two lectures focusing on Human Rights and Mental Health. These lectures aimed to enrich students' understanding of these critical topics and foster dialogue on human rights issues within the academic community.

C.2 Middlesex University

At Middlesex University Mauritius Campus the HRD conducted a talk on Human Rights and Drug Policies, which was also streamed delivered online. This engagement provided students with insights into the intersection of human rights principles and drug policy, encouraging critical thinking and discussion.

D Engagement with vulnerable groups

D.1 Lakaz Lespwar Caritas Solitude

The HRD visited Lakaz Lespwar Solitude, a community-led project focused on poverty alleviation and empowering victims of gender-based violence and children in the Solitude community. During the visit, HRD members interacted with staff, learning about ongoing initiatives and explaining the role of the HRD in supporting such endeavours.

D.2 Visits to care homes

The HRD conducted two visits to care homes in Vacoas and Quatre-Bornes, engaging with elderly individuals to raise awareness of their rights. Interactive sessions with staff and patients covered topics such as safety concerns, societal values, and the adequacy of public infrastructure for the elderly.

D.3 Polyps Children's Club

Partnering with Polyps Children's Club, a non-profit organisation supporting at-risk children, the HRD hosted interactive workshops aimed at empowering children and their families. Through engaging activities, participants explored their fundamental rights and responsibilities, fostering a supportive environment for personal growth and development.

PART V WORKSHOPS EMPOWERING CHANGE

One of the main objective of workshops and seminars is to empower individuals and stakeholders to develop skills and confidence to advocate for their own rights and the rights of others.



SN	VENUE	TITLE
1	Lecture Theatre, Prison Training School, Beau Bassin	Implementation of the Children's Act
2	Municipal Council of Port Louis	National Mechanism for Reporting and Follow-up (NMRF) Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division)
3	Municipal council of Port Louis Town Hall	Celebration of World Day of Social Justice Adam Alliance
4	Swami Vivekananda International Convention Centre, Pailles	International Women's Day 2023
5	Training Unit	Women's Day
6	Conference Room, 10th Floor, One Cathedral Square Building, Port Louis Economic Development Board	Capacity-building Event Responsible Business Conduct and National Contact Points Preparing Mauritius for adherence to the OECD Guidelines for Multinational Enterprises
7	Sir Harilal Vaghjee Hall, Port Louis	Opening of the Conference on Substance Abuse for Countries of the Western Indian Ocean Region
8	Caudan Arts Centre, Port Louis	Renforcement de la Protection des Défenseurs des Droits de L'homme à Maurice
9	Port Louis, Municipal Council	Right to Health and Right to a Healthy Life organised by NHRC

10	Labourdonnais Waterfront Hotel, Port Louis	International Day Against Homophobia, Biphobia, Intersexism and Transphobia Young Queer Alliance Stakeholder Engagement Workshop
12	Conference Room, 8th Floor, Citadelle Mall, Port Louis	Coordination Meeting with facilitators - Training of Trainers for Youth Leadership Training Course
12	Police Training School, Beau Bassin	Right to Health and Right to a Healthy Life organised by NHRC for police officers
13	Caudan Arts Centre, Port Louis	National Addis Ababa Declaration on Population and Development in Africa plus 10 Year Review Report
14	National Women's Council, Phoenix	Right to Health and Right to a Healthy Life organised by NHRC for members of the National Women's Council
15	Victoria Hotel Beachcomber	To discuss regional drug policies, with a focus on maritime trafficking routes and law enforcement strategies to disrupt illicit drug markets. Eastern and Southern Africa Commission on Drugs (ESACD)
16	Caudan Arts Centre, Port Louis	National Drug Secretariat under the aegis of the PMO – National Consultative Forum on Drug Prevention Programme

PART VI INTERNATIONAL CO-OPERATION

International cooperation is crucial for advancing global human rights initiatives by pooling resources, sharing expertise, and coordinating actions to address pressing challenges worldwide.

A Eastern African Commission on Drug Policy, South Africa

The Eastern and Southern Africa Commission on Drugs (ESACD) aims to advocate for informed and effective drug policies.

In February 2023, a member from the HRD was honoured to participate as a panelist, lending his expertise on Drug Policy at the launch event of the ESACD in South Africa.

Subsequently, he was invited to contribute as a panelist at the commission's second meeting held in Mauritius in August 2023, which received support from the Prime Minister's Office.

B Commission de l'océan Indien (C.O.I.), Madagascar

The HRD participated in a Workshop organised by the Commission de l'océan Indien (C.O.I.) in Madagascar. The workshop, focusing on non-violent conflict resolution in the Indian Ocean, took place from May 8th to May 13th, 2023. Participants actively engaged in collaborative work, transcending theoretical discussions to draft a comprehensive chart for conflict prevention, resolution, and peace promotion within the Indian Ocean region.

C Engagement with African Union and NANHRI

Policy Dialogue on AFCFTA Implementation ,Ethiopia

The HRD participated in a policy dialogue from May 15th to 17th, 2023, in Ethiopia. The objective of the event from the African Union (AU) and the Network of African National Human Rights Institutions (NANHRI) was to discuss and advocate for the role of National Human Rights Institutions (NHRIs)

and key stakeholders in implementing the African Continental Free Trade Area (AfCFTA) while ensuring the protection and promotion of human rights. Participants included representatives from NHRIs, AU member states, regional economic communities (RECs), civil society organisations (CSOs), and international partners.

D Participation in NANHRI 14th Biennial Conference, Ghana

The HRD, along with other Human Rights Institutions from across Africa attended the General Assembly of the Network of African National Human Rights Institutions (NANHRI) in Accra, Ghana, from October 17th to 20th, 2023.

The conference focused on the election of the steering committee and discussions on critical issues affecting the governance of the organization and the human rights landscape in Africa. Topics addressed included the intricate relationship between commercial activities and human rights, with an emphasis on promoting responsible business practices aligned with human rights principles continent-wide.

Additionally, discussions delved into the impact of climate change on human rights, exploring challenges and opportunities associated with transitioning to green energy.

E African Business and Human Rights Forum 2023 - “For Africa, From Africa”

ADDIS ABABA, ETHIOPIA

In 2023, the HRD participated in the African Business and Human Rights Forum held in Ethiopia, titled "African Business and Human Rights Forum." This event convened stakeholders namely NHRI, Ministry of Justice, NGO's and others from across Africa to assess progress and address challenges and opportunities in promoting responsible business conduct, human rights, and corporate accountability in the region. The theme, "For Africa, From Africa," underscored the significance of local perspectives and solutions in implementing the UN Guiding Principles on Business and Human Rights (UNGPs) concerning the operationalization of the African Continental Free Trade Area (AfCFTA). Aligned with the AU's 2023 theme, "Accelerating the Implementation of the

AfCFTA," the forum explored the interplay between UNGPs implementation and AfCFTA operationalization. Furthermore, it delved into African experiences and obstacles pertaining to business and human rights, aiming to devise innovative solutions tailored to the continent's unique context. By amplifying African voices and perspectives, the forum underscored the African approach to implementing the UNGPs. These principles, unanimously endorsed by the UN Human Rights Council in 2011, delineate the obligations of states and companies in safeguarding and respecting human rights within business operations, alongside ensuring access to effective remedies for those impacted by such activities.

F Virtual seminars

Staff of HRD enthusiastically participated in virtual webinars organised by International Human Rights Institutions, addressing pivotal topics such as climate change litigation, discrimination eradication, and the advancement of business and human rights. These webinars served as invaluable platforms for the division to glean insights and best practices from counterparts worldwide. Through illuminating presentations, interactive panel discussions, and fruitful knowledge-sharing sessions, the HRD forged robust connections and partnerships, enriching its global network.

The following table illustrates the HRD's active involvement in virtual webinars hosted by International Human Rights Institutions:

Date	Host Institution	Topic
March 15, 2023	International Human Rights Commission	Climate Change Litigation
September 5, 2023	United Nations Human Rights Council	Promotion of Business and Human Rights
November 20, 2023	Amnesty International	Refugee Rights and Protection
December 12, 2023	Human Rights Watch	Role of Technology in Human Rights Advocacy

PART VII: CHALLENGES

As we reflect on the activities and achievements of the HRD over the past year, it is imperative to acknowledge the challenges that have shaped our work. Challenges serve as opportunities for growth and improvement, guiding our efforts to protect and promote human rights for all individuals. We will explore some of the key challenges faced by the HRD in the year 2023 and discuss our strategies for addressing them.

A Anonymous complaints

In 2023, the HRD witnessed a significant rise in anonymous complaints within the employment sector. While these anonymous reports play a crucial role in exposing Human Rights violations, they also present obstacles to investigation and accountability. Often, victims understandably choose anonymity out of fear of retaliation, creating a complex dynamic between their protection and ensuring accountability for perpetrators. Recognising this critical concern, the HRD is actively committed to building trust with victims through comprehensive sensitisation campaigns.

Additionally, the HRD is dedicated to establishing secure and confidential channels for reporting grievances, empowering victims to speak out without fear.

B Misuse of social media platforms

The proliferation of social media platforms, particularly TikTok, has posed another challenge for the HRD. With the advent of technology, privacy violations have become increasingly prevalent, with users exploiting these platforms for malicious purposes. Despite the rise in complaints related to online privacy violations, the HRD faces resource constraints in investigating these cases effectively. It is understood that there is a need to enhance our technological capabilities and collaborate with relevant stakeholders such as the cybercrime unit, the Ministry of Information and Technology (MAURCORS) and the Information and Communication Technologies Authority of Mauritius to address this challenge comprehensively.

C. The evolving landscape of Human Rights concerns

Human rights encompass a diverse array of issues, spanning emerging fields such as Business and Human Rights, and Climate Change. While these matters are of paramount importance, they also pose challenges for training and capacity building among staff. The HRD acknowledges the imperative of adapting to this dynamic human rights landscape and investing in continuous learning and development programs. By bolstering our capacity to address novel and complex human rights challenges, we can adeptly meet the needs of our citizens and uphold our steadfast commitment to safeguarding human rights.

PART VII PROPOSAL FOR FUTURE GOALS

Projects in Development

A. Guide on Human Rights for Public and Private Sector

- Develop a comprehensive guide outlining fundamental human rights principles for civil servants, emphasizing relevant national and international laws and procedures for upholding them in their public service roles.
- Organise workshops aimed at enhancing civil servants' understanding of human rights.
- Facilitate workshops for the private sector to integrate human rights considerations into corporate policies and practices.

B. Workshops on Health and Safety in Buses and Road Transport

- Conduct workshops on health and safety in buses and road transport to address the increase in fatal accidents.
- Organise local human rights workshops in collaboration with grassroots leaders and civil society organizations to empower communities with knowledge about their rights.

C. Sensitisation Campaign on Business Rights and Human Rights

Launch a nationwide awareness campaign on the nexus between human rights and climate change, emphasizing the impact on vulnerable communities and mobilizing individuals and institutions to address climate-induced human rights challenges.

D. Awareness campaign on Human Rights and Climate Change

By raising awareness about human rights violations and the disproportionate impact of climate change on populations, these campaigns highlight the interconnectedness of social justice and environmental sustainability.

Utilising various channels such as media, education programs, and community events, information about individuals' rights to a healthy environment is disseminated. By empowering people to understand their rights and responsibilities in the face of climate change, these initiatives contribute to building a more equitable and resilient society for present and future generations.

E. Maximising Human Rights Advocacy

Strengthen engagement with international human rights mechanisms to leverage expertise and resources in advancing human rights in Mauritius. This includes participation in international conferences and engagement with special rapporteurs and working groups.

ACKNOWLEDGEMENT

“Feeling gratitude and not expressing it is like wrapping a present and not giving it.”

-William Arthur Ward

Above all, we extend heartfelt gratitude to the dedicated staff of the Commission, whose tireless efforts have ensured the smooth daily management of our operations.

The HRD also expresses sincere appreciation to the complainants who entrusted us with their concerns.

Special recognition is extended to the Ministries, parastatal bodies, municipalities, District Councils, and the Police, with whom we collaborated, obtaining vital information.

We commend the unwavering commitment of staff from these organisations who promptly responded to our requests and provided updates on cases.

CHAPTER IV

NATIONAL PREVENTIVE MECHANISM DIVISION

1. GENERAL ROLE AND PURPOSE OF THE NATIONAL PREVENTIVE MECHANISM DIVISION

The NPMD was set up after Mauritius ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) adopted by the United Nations on 18 December 2002. Its main objective is to provide mechanisms for the protection of the basic human rights of persons who are or maybe deprived of their liberty “by virtue of an order given by a public authority or at its instigation or with its acquiescence”.

Additionally, Article 5 of the Universal Declaration of Human Rights and Article 5 of the African Charter on Human Rights and People’s Rights guarantee the right of all persons not to be subjected to torture and other forms of ill-treatment. These forms of abuse underline the notion of the rule of law and respect for the inherent dignity of the human person. Mauritius as a State Party and signatory to such international treaties is bound to give effect to terms thereof.

The purpose and justification of a custodial sentence lawfully imposed by a Court of law after due process is not only to protect society against crime, but also to ensure that while serving sentence the offender undergoes a process of effective rehabilitation, so that after release he/she is able to become a law abiding citizen and has the relevant training and skills to support himself and his family by lawful means.

In the exercise of its statutory mandate, the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) regularly visits places of detention on its own initiative or following complaints made by detainees personally or made on their behalf by third parties. In the light of its findings and

observations made during the course of its investigation(s), recommendations are made and communicated to relevant authorities. It is to be noted that the OPCAT places an obligation on competent/relevant public authorities of State Parties to examine such recommendations made by the NPMD and to implement them to the extent possible, in good faith.

Between 1st January 2023 and December 2023, the NPMD has conducted 326 visits in all penal institutions across Mauritius and Rodrigues.

2. PRISONS

2.1. Visits to Prisons

2.1.1. Central Prison, Beau-Bassin

Unannounced visits were conducted at the prison hospital, which is found in an old building. The NPMD team also interviewed detainees and prison officers on duty at the material time. In the light of its findings and observations made during these visits, the NPMD recommended that medical facilities be made available on spot at Central Prison Beau-Bassin, given that it has about 700-900 inmates. Later, during follow-up visits, the NPMD noted that the above recommendations had been taken into consideration by the Mauritius Prison Service (M.P.S) and works have already started.

Unannounced visits were also conducted at the kitchen of Central Prison Beau-Bassin, so as to ensure that proper hygiene standards are effectively observed. The NPMD recommended that fresh vegetables be stored in a cold room, upon delivery.

The NPMD observed that previous recommendations as regards fencing nets in Block B had already been implemented. The fencing nets were effectively repaired so as to ensure the safety and security of both detainees and prison staff.

2.1.2. Open Prison for Women Beau-Bassin

Operational since 16 December 2015, the Open Prison for Women at Beau-Bassin is designed to accommodate 18 women inmates. The NPMD/NHRC conducted unannounced visits at the Open Prison for Women, in order to assess whether the general conditions of detention thereat were compliant with the United Nations Minimum Standards for the treatment of prisoners. During the above exercise, the NPMD team visited the workshop, where bed sheets, pillows, uniforms and aprons were tailored by the detainees themselves. It was noted that the kitchen, the store room, the dormitories, prayer room and medical unit were more or less clean, properly maintained and well adapted to the needs of the detainees.

In the month of August 2023, the Mauritius Prison Services temporarily converted the Open Prison for Women into a Day-Care Centre. Eligible detainees were only allowed to attend the Day Care Centre for work. During that period, the NPMD received several anonymous complaints from women inmates who felt unsettled by the above decision of the M.P.S as they had been transferred to the Women's Prison Beau-Bassin. The NPMD took up the matter with the M.P.S who reassured the NPMD and the women inmates that the decision was temporary and that the status quo ante will be restored shortly; which was effectively done in November 2023 and all the erstwhile detainees of the Open Prison Beau-Bassin were transferred back to the institution

2.1.3. Women’s Prison Beau-Bassin

The Women’s Prison Beau-Bassin is distinct from the Open Prison for Women Beau-Bassin. During the year 2023, the NPMD conducted several visits at the Women’s Prison Beau-Bassin. During the above exercise, the NPMD visited the kitchen, in order to ascertain that the conditions in which the food was prepared at the Women’s Prison were in accordance with proper hygienic and health standards.

The NPMD also noted that 13 detainees had been given the opportunity to follow training courses certified by the Mauritius Institute of Training and Development (MITD). Such commendable initiatives definitely enhance the rehabilitation process of detainees, thus facilitating their reintegration in mainstream society, after release.

In 2023, the NPMD received complaints from some foreign detainees at the Women’s Prison Beau-Bassin regarding their general conditions of detention and more specifically the prohibitive costs of making phone calls to their relatives. The NPMD intervened on their behalf and their concerns were communicated to the M.P.S and the latter promised to take up the matter with Mauritius Telecom which is the relevant service provider. In the meantime, the frequency of skype calls was increased as well as earnings obtained by detainees.

2.1.4. Petit Verger Prison

Based on its observations and findings made during the visits conducted in 2023 at the Petit Verger Prison, the NPMD communicated its recommendations to the M.P.S for implementation. The above recommendations included the adequate and proper water supply in Yard B and C of the Prison. It was further recommended that urgent repairs be carried out to some of the toilets and bathrooms, in order to avoid health hazards.

2.1.5. Phoenix High Security Prison

In May 2023, the NPMD effected thematic visits at Phoenix High Security Prison, so as to assess whether the general conditions of detention thereat were compliant with the United Nations Minimum Standards for the treatment of prisoners.

Based on its observations and findings, recommendations were made accordingly in order to improve the prevailing conditions of detention; namely (i) a general and thorough cleaning of the prison and the association yards, (ii) water proofing in the ablution areas and association yards, (iii) a library/reading room for the detainees who spend long hours in cells as reading may serve both recreational and rehabilitative purposes and (iv) a specific area ought to be designated in the association yards wherein detainees may wash their clothes.

During subsequent visits, the NPMD noted that some of the above recommendations had already been implemented such as the general and thorough cleaning of the prison and the setting up of a library where detainees can now read and exchange books regularly. As regards the designation of a specific washing area, the recommendation is being seriously considered by the M.P.S and a decision is awaited shortly.

2.1.6. Eastern High Security Prison, Melrose

During the year 2023, the NPMD visited the Eastern High Security Prison on several occasions in order to investigate complaints made by detainees as regards their conditions of detention. It also conducted general visits, so as to assess whether the general conditions of detention therein thereat were in compliance with the United Nations Minimum Standards for the treatment of prisoners and also to ascertain whether the previous recommendations made by the NPMD/NHRC had been effectively implemented.

During the course of a visit effected in August 2023, the NPMD made a thorough assessment of the general sanitary conditions in the kitchen and the bakery. The kitchen prepares approximately 3,200 loaves of bread every day. Generally, the prison prepares and serves white bread. Exceptionally, where whole wheat bread is prescribed to detainees with special medical conditions/issues, same is provided to them by the prison.

The NPMD team inspected the various stages of food preparation and also oversaw the conditions in which meals were served to detainees. They were more or less satisfactory. However, the NPMD recommended that the kitchen equipment and utensils be properly cleaned after use.

2.1.7. Richelieu Open Prison

During a general visit conducted in the month of October 2023, the NPMD noted that all the 68 CCTV cameras at Richelieu Open Prison were operational. Given that it is an open prison, this is crucial in order to ensure the 24/7 surveillance of the prison as a whole and also to detect and prevent any suspicious behaviour(s) within the prison and its surroundings at all times.

The prison has four dormitories and each dormitory can accommodate 26 inmates. At the time of visit, their general conditions were satisfactory. It was also noted that the ablution rooms were clean and well maintained.

Richelieu Open Prison experiments with several rehabilitation programs for the benefit of detainees. For instance, there is a hydroponic farming project which aims at making the prison self-sufficient in vegetables and fruits. It also has a chicken farm of about 4,200 chicks and an average of 2,000 eggs are collected daily. The prison has also started an aquaculture project with 10 fishponds and an apiculture project for the production of honey.

The NPMD encourages the implementation of the above incentives to promote the rehabilitation of detainees. Rehabilitation programs are designed to help the reintegration of prisoners into mainstream society upon release, so that they can lead law-abiding and self-supporting lives. Furthermore, good rehabilitation programs can enhance safety and control measures in the prison environment.

As a general recommendation, the NPMD has recommended that more psychologists be recruited by the Mauritius Prison Service. At present, there is only one prison psychologist on a full time basis and 2 trainee psychologists. The NPMD regularly visits the medical complexes in prisons to ensure that appropriate standards and norms are respected and implemented. Furthermore, the NPMD often interacts with medical staff at the prison headquarters so that it is constantly kept updated as regards relevant projects in prisons. It also provides the NPMD an opportunity to inform the medical staff of any complaints made by detainees which may require their immediate interventions.

The NPMD regularly organises sensitisation campaigns, talks and lectures with the stakeholders in prisons concerning the prevention of torture and ill-treatment. The curriculum also includes relevant legislations and conventions on human rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), the Convention against Torture (CAT), and the Optional Protocol to the Convention against Torture (OPCAT). The mandate and functions of the NPMD are also explained to the relevant stakeholders

2.2. POSITIVE OUTCOME FOLLOWING NPMD’S INTERVENTION

2.2.1. In September 2023, the NPMD intervened on behalf of A.A, who was detained at the Women’s Prison Beau-Bassin. The latter’s medical condition required daily treatment at Victoria Hospital. Given the detainee’s serious medical condition(s), the NPMD together with the Mauritius Prison Service (M.P.S) supported her application for early release on medical grounds and same was accordingly referred to the Commission on the Prerogative of Mercy and the latter remitted the detainee’s remaining sentence and recommended her immediate release.

2.2.2. On 12 May 2023, a foreign detainee at the Women’s Prison Beau-Bassin who had a serious medical condition was awaiting a surgical intervention at Jawaharlal Nehru Hospital Rose-Belle. However, her name was on a long waiting list. The NPMD was able to persuade the M.P.S to intervene on behalf of the detainee. In the month of May 2023, the NPMD was informed by the welfare officer that the surgery had been effectively performed and that the detainee’s medical condition was stable. The detainee is now on her way to a gradual recovery.

2.2.3. In September 2023, the NPMD intervened on behalf of detainee P.P.A, who was detained at the Eastern High Security Prison-Melrose (EHSP). The detainee’s medical condition required daily skin treatment and he had to permanently keep all part of his body covered, in order to avoid direct exposure to the rays of the sun. Following the NPMD’s intervention on behalf of the detainee, the Mauritius Prison Services exceptionally agreed to provide the detainee with long sleeve shirts and the latter was ensured of his daily treatment at Jawaharlal Nehru Hospital, Prison Hospital and by the Visiting Specialist at the EHSP.

2.2.4. Training of prison officers of the Correctional Youth Centre

In May 2023, the NPMD visited the Correctional Youth Centre (CYC), so as to ensure that the conditions of detention thereat are compliant with the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the more so, given that under the provisions of the recently enacted Children's Act 2020, detention of children should be considered as the last resort in the criminal justice system.

In the light of its observations and findings, the following recommendations were made:

- Maintenance of the plumbing system should be effected more regularly in order to avoid health and safety risks;
- Pest control exercises should be carried out more often in order to ensure that a high standard of hygiene is maintained at all times;
- Specialised training should be provided to prison officers working with minors;
- The Mauritius Prisons Service (MPS) and the Probation and Aftercare Service (PAS) ought to work in closer coordination, so as to ensure that decisions are taken in the best interests of the child.

In a genuine attempt to implement the above recommendations, the Mauritius Prisons Service decided to organise a workshop on Management of Juveniles on 16 and 28 November 2023 at the Prison Training School for the benefit of officers working with minors. The NPMD was actively involved in the above workshop by providing competent resource persons to assist in the Human Rights awareness programs.

2.2.5. Rehabilitation through Peer Support Program in prison

During its several visits of the GRNW Remand Prison, in 2023, the NPMD drew the attention of the prison authorities to certain recurring issues concerning conditions of detention in this prison. In spite of regular repairs and maintenance, the general state of the GRNW prison was poor and below standard, thus resulting in many complaints from the detainees. This prison usually houses around 90% of remand detainees and 10% of convicts, the latter usually working in different sections but staying all in one block.

Through close interactions and exchange of views with the prison officers and detainees, the NPMD found that remand prisons usually undergo heavy wear and tear due to the diverse profiles of detainees, the high rate of occupancy in such prisons and the inordinate turnover of detainees. This is often caused by their unruly behavior due to lack of education, anti-social attitudes and lack of respect for authority. Remand detainees do not start the process of rehabilitation, which would allow them to mend their ways. Conversely, the area reserved for convicted detainees is in much better condition.

The NPMD recommended that repairs and maintenance should be carried out simultaneously with the rehabilitation of detainees. Discipline from the very first day of admission as well as close and consistent control may help to reduce cost of maintenance. The re-introduction of the Peer Support Program was also recommended. Well-behaved detainees have been identified and trained as role models for new detainees to emulate. They also provide effective advice during the initial periods of prison life. Taking care and responsibility while using the facilities needs to be constant and consistent, particularly when detainees are on their own.

Such measures would help to improve the general conditions of detention at the GRNW remand prison.

2.3. DEATHS IN PRISONS

In 2023, the Mauritius Prison Service (M.P.S) reported the deaths of detainees whilst in custody. Five detainees were reported to have died of natural causes due to acute pulmonary oedema and leukaemia, whereas two were reported to be cases of suicide by asphyxia due to hanging. When a detainee dies in prison, the M.P.S generally informs the NPMD about such occurrence and communicates relevant medical and post-mortem reports (if available) and a factual report of the incident. The NPMD then conducts its own enquiry and prepares its own report, after investigation. It seeks to identify systematic flaws in the prison administration system, which ought to be addressed and corrected to avoid the recurrence of such incidents in future.

Following the above 2 cases of reported suicide, the NPMD recommended that the Suicide Prevention Committee in prison be reactivated and regular therapy sessions be organised with the collaboration of relevant Non-Governmental Organisations.

2.4. FOREIGN DETAINEES IN PRISONS

Mauritius being an attractive tourist hub, there is an exponential growth in the number of foreigners who travel to Mauritius mostly for business, tourism or to take up employment in Mauritius. However, some of these foreigners seem to be in league with local drug traffickers and act as mules to bring drugs into the country. After initial enquiry by the police, they are provisionally charged with drug dealing and they are remanded to jail pending trial. Generally foreigners whose stay is illegal are detained at le Chaland Retention Centre pending deportation. There are also a few cases where some foreigners face criminal charges for common law offences who are also remanded to jail pending trial. The NPMD constantly draws the

attention of relevant public authorities to the special needs of foreign detainees over and above the normal conditions of detention which would suit local detainees.

Whenever required, the NPMD ensures that foreign detainees benefit from legal advice and assistance. This may include access to legal aid, the involvement of institutions such as relevant foreign embassies and/or consulates. In 2023, the NPMD received several such requests and did its utmost to provide assistance. Some foreign detainees who had been on remand for long periods of time were impatient because they were still awaiting trial and they were keen to have reliable information regarding the status of their case. Some even felt bitter and let down by their legal advisers. In such instances, the NPMD tries to help by obtaining information from the Commissioner of Police and other relevant institutions that could provide some clarity to the detainees.

Sometimes, the NPMD diverts detainees' complaints to other institutions, such as complaints against police to the Independent Police Complaint Commission (IPCC) or some other public body/institution, which may be more concerned with the matter. Relevant information is provided about basic procedures to be followed when approaching such institutions.

Communicating with the outside world is particularly essential for foreign detainees who find themselves isolated in a foreign land. They need to be assisted as regards the cost of communication. Often, the money earned in prison by part time work may not be sufficient to pay for international phone calls. The needful ought to be done so that the cost(s) of making international phone calls are within their means.

In 2023, the NPMD intervened on behalf of foreign detainees at the Women's Prison Beau-Bassin. The NPMD did confirm that the rates of international phone calls made to Madagascar were higher rates as compared to other countries. The NPMD raised

the issue with the Mauritius Prison Service (M.P.S) and the latter promised to take up the matter with Mauritius Telecom, which is the relevant service provider. As a general practice, foreign detainees are allowed one telephone call of ten minutes weekly and a Skype video call of fifteen minutes fortnightly. In the meantime, detainees are advised to have recourse instead to Skype calls.

Foreign detainees are particularly prone to feelings of guilt and helplessness as a result of prolonged and enforced separation from near and dear ones and therefore, medical and healthcare providers need to pay special attention whenever they detect relevant symptoms. Prescription of medication may not always be the proper treatment. Psychological support programmes and counselling sessions may be more relevant and effective in such circumstances. On several occasions, the NPMD has had to intervene on humanitarian grounds and provided counselling to the foreign detainees.

3. POLICE CELLS AND DETENTION CENTRES

3.1. Visits to police stations

3.1.1. Introduction

Pursuant to its general mandate under section 4 of the National Preventive Mechanism Act, The National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) conducted regular visits to Police stations throughout Mauritius and Rodrigues during the year 2023. The above visits were carried out in order to assess whether the general conditions of detention in the cells were in compliance with United Nations Minimum Standards for the treatment of prisoners and also to ascertain whether previous recommendations of the NPMD have been effectively implemented.

Regular monitoring of places of detention is one of the most effective ways of ensuring that torture, ill treatment and other cruel inhuman and degrading treatment

or punishment of detainees do not take place. Torture and ill treatment of persons deprived of their liberty usually take place in Police detention cells where there is an absence of constant public scrutiny and monitoring.

During the year 2023, the NPMD visited seventy-six (76) Police stations throughout Mauritius and Rodrigues. While monitoring places of detention the NPMD looks into all aspects of the general conditions of detention and based on its findings and observations makes recommendations which are communicated to the Commissioner of Police and/or other relevant authorities. The conditions of detention in police cells should comply as far as possible with United Nations Standards for the treatment of prisoners. Awareness campaigns are also carried out by the NPMD for the benefit of Police Officers as part of such an exercise, Police officers were invited to attend awareness programs through talks, lectures and workshops organised by the NPMD at Riviere du Rempart Police Station, Pailles Police Station, Trou D'eau Douce Police Station, Quartier Militaire Police Station, Vacoas Police Station. A meeting was also held with police officers of the Western Division at the NPMD office at Port Louis and a workshop with about seventy five (75) police officers from various police stations was also organised at the Police Training School at Beau Bassin. During the awareness campaigns the police officers were lectured about the NPMD's and its statutory mandate as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), the Convention against Torture (CAT) and the Optional Protocol to the UN Convention against Torture (OPCAT).

The NPMD pays special attention to the physical conditions of the cells, conditions of sanitation and hygiene, lightings and ventilation as well as the availability of medical facilities. The NPMD also conducts follow up visits in order to ensure that

its recommendations are effectively implemented. The above exercise(s) were effectively carried out throughout the year 2023.

The Mauritius Police Force is headed by the Commissioner of Police. For administrative purpose, Mauritius is divided into 8 Police Divisions including Rodrigues and each divisions is headed by a Divisional Commander of Police Stations having Police cells for detention. In 2023, the NPMD visited all the Police cells which were functional in Mauritius and Rodrigues.

DETENTION CELLS IN POLICE STATIONS

The Mauritius Police Force is under the command of the Commissioner of Police as stipulated in Section 71(2) of the Constitution of Mauritius.

For administrative and operational purposes, the Mauritius Police Force is divided into 8 Divisions (including the Island of Rodrigues) namely:

- (i) The Northern Division
- (ii) The Eastern Division
- (iii) The Metropolitan Division (North)
- (iv) The Metropolitan Division (South)
- (v) The Central Division
- (vi) The Southern Division
- (vii) The Western Division
- (viii) Rodrigues Division

Each Division is under the command of a Divisional Commander who generally is a Senior Police Officer not below the rank of Assistant Commissioner of Police.

In each Police Division there are varying number of Police Stations with detention cells wherein suspects are locked up during the initial period of a police enquiry until they are either released on bail/remanded to jail/or released without charge.

The NPMD noted during its regular visits that genuine efforts had been made by the Mauritius Police Force (MPF) to implement the recommendations it had made during the previous year so much so that there is now a significant improvement in the general conditions of detention in most police cells in all Police Divisions throughout Mauritius.

As regards the previous recommendations of the NPMD some of them had not yet been implemented and were delayed on account of procurement procedures and approval of funds allocation, whereas others required such major renovation works that they could not be implemented at such short notice due to financial constraints.

However, the improvement of the physical conditions of detention cannot and should not be considered as a one-off achievement. Such improvements tend to have a short-term effect if there is no regular and constant maintenance of the detention cells and a constant review of protocol and procedures as regards the supervision of the safety, security and general well-being of suspects/detainees whilst in police custody. It is essential that suspects or provisionally accused parties who are in police custody are treated as such by the police, given that at this stage they have not yet been convicted by a court of law and that they benefit from the presumption of innocence. Failure to do so would certainly amount to a violation of the basic human rights of detainees.

In spite of continuous improvement of conditions of detention, the NPMD observed that some issues tend to be recurrent; in some places of detention the NPMD had to intervene because blankets had not been provided to detainees in winter whereas in other cases no signpost setting the rights of detainees had been affixed in a proper and prominent place.

In some cases, it was recommended that urgent repairs be made to the defective flushing systems in the toilets.

There were also cases where the NPMD had to recommend that mattresses be replaced more than once a year in police cells where the frequency of occupation was relatively high and that debugging and pest control exercise(s) be carried out at more regular intervals in order to prevent the proliferation of bugs, pests and rodents.

The NPMD also recommended that exercise bays for use by detainees should be fully covered so that detainees could perform their physical exercise in all weather conditions and that wherever possible the police cells, toilet and shower units and the cells blocks must be cleaned daily by full time attendants so as to maintain reasonable hygienic standards.

Another recurrent issue, year after year concerns the proper ventilation and the flow of fresh air in police cells. It was recommended that air extractors be installed along the cell corridors and that they be properly maintained and kept in good working order at all times, failing which they ought to be repaired or replaced.

Detention cells reserved exclusively for female detainees had distinct gender related issues relating to personal hygiene and privacy and in the light thereof recommendations were made. Such recommendations also included the relocation of CCTV monitors in police stations where such monitors were placed in such a way that Police Officers and members of the public could have a direct view of detainees in their cells. It was further recommended that the monitor and that the CCTV cameras be operated by persons with proper technical competence.

It was also recommended that masking exercises be carried out at some police stations given that in the existing conditions the privacy of detainees might be compromised.

Earlier recommendations made by the NPMD regarding the repainting of police cells, the replacement of Asian style toilets by European style toilets had been mostly implemented.

3.2. DETENTION CENTRES

The National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) visited detention centres on various occasions in the year 2023. Sometimes, visits were conducted in order to investigate complaints by detainees, whereas on other occasions visits were carried out in order to assess whether the general conditions of detention, therein were in compliance with United Nations Minimum Standards for the treatment of prisoners.

3.2.1. The Metropolitan Detention Centre

In the year 2023, the NPMD visited the Metropolitan Detention Centre, popularly known as ‘Alcatraz’, on one occasion. The Detention Centre is found in an old colonial building, wherein the first floor is a wooden structure, which provide a perfect breeding ground for the proliferation of insects/parasites.

However, the implementation of several recommendations previously made by the NPMD in 2022 have significantly improved matters. The NPMD noted that all CCTV cameras in the detention cells and all key areas of the building were operational at the time of visit and the masking of the cameras viewing the shower units and toilets, so as to protect the privacy of the detainees had been successfully done. Three ‘European’ style toilets had replaced the old ones and the detention centre was now provided with continuous and regular water supply. The debugging exercise as previously recommended is continuously being carried out by the Pest Control Unit of the Ministry of Health. Once fortnightly, all the blankets are dry-cleaned and mattresses used by detainees are debugged.

The NPMD also noted that the walls have been freshly painted, the wooden planks had been thoroughly cleaned, the cells had been recently cleaned and debugged, and additional lightbulbs/tubelights had been placed along the corridor of the first floor.

Additionally, wall fans had been installed on the first floor, so that now the place is properly ventilated. The NPMD intends to carry out follow-up visits at regular intervals in order to ensure the proper maintenance of the Metropolitan Detention Centre.

3.2.2. Vacoas Detention Centre

When the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) visited Vacoas Detention Centre in 2023 it noted that the overall conditions of detention in the cells designated for female detainees were more or less compliant with United Nations Minimum Standards for the treatment of prisoners and that the previous recommendations made by the NPMD had been more or less implemented. All cells were recently clean and well maintained.

An air extractor had been installed in order to improve ventilation in the cells designated for female detainees. Moreover, the polycarbonate sheets on the cell doors had been removed thus enabling free flow of fresh air.

It was further noted that previous recommendation regarding ligature points in the washroom had also been implemented, so much so that new water taps in the shower units are now found in lower positions, so as to prevent detainees from using the water taps as ligature points.

Overall, the NPMD was more or less satisfied that the general conditions of detention in both the male and female detention cells had substantially improved and were in line with recommendations made by the NPMD.

3.2.3. Moka Detention Centre

During visits conducted in the month of June 2023 at the Moka Detention Centre, the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) observed that the cells for female detainees were in satisfactory condition and more or less complied with United Nations Minimum Standards for the treatment of prisoners. However, the cells could do with better lighting.

The design and structure of Moka Detention Centre is such that very little sunlight flows inside the building. However, tube lights have been installed along the corridor so that the cells are reasonably well lighted. Moreover, the NPMD noted that its previous recommendations such as the installation of an air extractor to facilitate ventilation had been implemented. All cells, both male and female, and the exercise bay are reasonably well maintained and clean.

3.2.4. Piton Detention Centre

The National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) visited Piton Detention Centre on more than one occasion in 2023. The NPMD noted that all the amenities and infrastructure within the Detention Centre more or less complied with United Nation Minimum Standards for the treatment of prisoners and that the recommendations made by the NPMD had been taken into consideration during the construction of the centre. The Detention Centre is exclusively reserved for male detainees. It has a ground floor and a first floor, each consisting of 12 cells. Each floor has an ablution room, consisting of 4 shower units, 4 European Style toilets and 1 urinal. The NPMD noted that the Detention Centre was generally clean and well maintained.

The NPMD also noted that recommendations that had been communicated to the Commissioner of Police such as changing the positions of the water taps in the ablution room so that they do not serve as potential ligature points and the repair of a damaged cell door, were properly implemented. Additionally, recommendations have been communicated to the Commissioner of Police, regarding the repositioning of the CCTV cameras and the review of the masking exercise so as to ensure the privacy of detainees. The NPMD intends to regularly conduct follow-up visits in order to ensure that the Detention Centre is properly maintained at all times.

3.3. General Recommendation

Hereunder are some of the general recommendations by the NPMD based on its findings and observation.

Training and Education: The NPMD recommends that regular training, seminars and lectures be organised for police officers so that they are sufficiently sensitized about the standard minimum Human Rights and welfare of detainees.

Overcrowding in Police detention cells, Detainee's Safety and CCTV camera surveillance:

It is the duty of the Police to ensure the safety of detainees at all times. The monitoring of conditions of detention in police lockups is important and human rights have to be respected. During its visits to different police stations the NPMD noticed that in several police cells, two or more detainees were detained. This is not a good practice as the safety of detainees is at risk and it is not desirable to have two or more detainees in one individual cell. The NPMD recommends that new detention centres and police cells be made available in the near future to prevent overcrowding and also recommends that a police officer be detailed round the clock to monitor the CCTV camera surveillance system to avoid any untoward incident in police cells.

Sanitary Conditions, Debugging and Pest control, Lighting and Ventilation

The Police detention cells should always be kept in a good sanitary condition. Rule 18 of the United Nations Standard Minimum Rules for the treatment of prisoners (The Nelson Mandela rules) stipulates that “Prisoners shall be required to keep their person’s clean, and to this end they shall be provided with water and with such toilet articles and cleanliness” for that purpose access to toilet and washing facilities and shower units must be provided by the competent authorities. While conducting general inspections of police stations, the NPMD observed that, at Plaine Verte police station the toilet in the detention cells block is found next to the bathroom. This is very unhygienic and definitely not in compliance with the United Nation Minimum Standards for the treatment of prisoners. The NPMD further recommended that detainees should not be kept in the cells for more than twenty four (24) hours pending major infrastructural improvements. The NPMD also recommended that debugging and pest control exercises should be carried out more frequently in order to avoid the proliferation of bugs and rodents. It is also necessary to have a proper ventilation system in police cells allowing natural air flow. Every area in a police cell should have proper ventilation and lighting so as to provide a human condition of detention for detainees. The NPMD has recommended than the detention cells at Riviere du Rempart, Terre Rouge and Vallee Pitot Police stations needs urgent improvement in their ventilation system.

3.4. LE CHALAND RETENTION CENTRE

In 2023, the NPMD team visited the Le Chaland Retention centre which is under the charge of the Passport and Immigration Office (PIO) of the Mauritius Police. The building is found inside Le Chaland Police Complex and has four blocks of dormitory type, where Non-Nationals on illegal stay are retained after court appearance pending their repatriation to their respective countries. The NPMD

observed that the general conditions of detention of the Non-Nationals was satisfactory and most of the detainees prefer to stay in a room with people of same nationality so as to communicate easily. The detainees have to clean their dormitories, toilets and bathrooms on their own as a police attendant from the Passport and Immigration office at the airport comes only twice a week to clean the complex. Finally the NPMD observed that during year 2023 the passport and immigration office arrested eight hundred and seventy-three (**873**) foreigners on illegal stay as per the statistics and they were detained at Le Chaland Retention Centre but there is a shortage of police officers compared to the number of detainees which can constitute a serious security issue.

The NPMD recommended that the Le Chaland Retention Centre should have a police attendant on a permanent basis for cleaning of the building and its compound and also recommended that the ratio of police officers posted at the Le Chaland Retention Centre compared to the number of detainees must be reviewed.

Number of foreigners who were arrested and detained at Le Chaland Retention Centre- January to December 2023

NATIONALITY	NUMBER
American	1
Bangladesh	684
Camerounian	13
Chinese	2
Congolese	9
Egyptian	1
Ghanaian	7
Indian	55

Indonesian	1
Ivory Cost	1
Kenyan	1
Malagasy	24
Nepalese	7
Nigerian	40
Sri Lankan	1
Swiss	1
Tanzanian	21
Uganda	4
TOTAL	873

4. REHABILITATION YOUTH CENTRE (RYC) AND CORRECTIONAL YOUTH CENTRE (CYC)

4.1. REHABILITATION YOUTH CENTRE (RYC)

With the proclamation of the new Children’s Act 2020 and the repeal of the Juvenile Offenders Act 1935, the number of inmates at the Rehabilitation Youth Centre (RYC), has substantially decreased, in 2023, given that under the new law “Uncontrollable Juveniles” are no more sent to the RYC as a matter of course. At the time of visit by the NPMD, the RYC boys was vacant and the RYC girls, had two inmates, including one from Rodrigues. During the year 2023, the two institutions have undergone complete renovation. The dormitories, toilets and shower area have been refurbished, window panes and grills have been repaired. The buildings have received a fresh coat of paint inside and outside’ and are now under

CCTV camera surveillance 24/7. There are about 60 members of staff who are responsible for supervising the inmates and maintaining the place in both RYC (boys) and RYC (girls)

4.2. The Correctional Youth Centre (CYC)

In 2023, the NPMD noted that there were 11 inmates at the time of visit and all of them were on remand. The conditions of detention were found satisfactory in general and more or less compliant with the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). Admission of minor detainees has also decreased during the past few years, given that under the new Children’s Act 2020 (The Act), the age of criminal responsibility triggers as from the age of 14. Furthermore, under the Act, Section 57 the detention of a juvenile is to be imposed only as a measure of last resort.

The following table indicates the decrease in the number of inmates at the CYC:

Juveniles in Correctional Youth Centre, Republic of Mauritius, 2019 - 2022				
Detainees	2019	2020	2021	2022
Daily average	27	29	20	5
Convicts	2	4	2	1
Remand	25	25	18	4
Admission	164	162	123	34
Convicts	15	17	18	3
Remand	149	145	105	31

Source: Statistics Mauritius

There are many safeguards in the new law to prevent the child from experiencing the “harm” of a retributive juvenile court process, as mentioned in Rule No.10.3 of

the Beijing's Rule and make him “*feel that he is the object of [the state's] care and solicitude,*” not that he is under arrest or on trial. Initially, the alleged juvenile offender is assessed by the probation officer before appearing before the Criminal Division of the Children's Court which makes an objective assessment whether the child is in need of care and protection instead thereafter recommends either the release or detention or placement of the child under care. The Director of Public Prosecutions (DPP) may then consider whether to prosecute or discontinue criminal proceedings. Finally, if and when sentenced, the Court may require the probation office to submit a pre-sentence report regarding the best way to deal with the juvenile.

While the juvenile offender is detained at the CYC, it is the responsibility of the Welfare Officer to ensure his /her well-being. The latter plays an important role and is in fact the liaison officer between the children, the parents, the Probation Office and other institutions. He has direct and regular contact with the juvenile offender and acts also as a counsellor in helping the minor to mend his ways. The Welfare Officer and staff needed the required training, resources and the relevant knowledge to deal with juvenile offenders, so as not to delay the process of rehabilitation of the juvenile offenders.

In the light of its findings and observations, the NPMD made the following recommendations:

- repairs and maintenance to be more regularly in order to avoid any occupational health hazards and safety risks
- Regular pest control exercise to be carried out so as, to maintain a minimum standard of hygiene and cleanliness.

- Prison Officers working with minors should be properly trained so that they can effectively deal with issues of discipline, respect for authority and also in matters of conflict resolutions.
- A better collaboration between the Probation Office and the CYC, regarding children in need of assistance care and protection, so that decision are made in the best interests of the child as laid out in the Children's Act 2020 and the UN Convention on the Rights of Children.

5. BROWN SEQUARD MENTAL HEALTH CARE CENTRE

The NPMD also visited the Brown Sequard Mental Health Care Centre (BSMHCC) where detainees with serious mental health/ psychiatric issues are detained. The NPMD has noted that generally persons who are deprived of their liberty for relatively extended periods of time tend to develop mental health pathologies which require specialized care. Unfortunately, such care cannot be provided in General Hospitals/ Medical Centers/ Clinics. The BSMHCC is the only hospital in Mauritius that provides specialised care to those who suffer from mental/ psychiatric pathologies.

Many detainees suffer from insomnia, stress, worry, fatigue, depression and irritability. Women are more likely than men to have neurotic symptoms. Remand detainees of either gender report neurotic symptoms more frequently than convicted detainees. However, it is to be noted that in the 'open prisons' detainees are less prone to mental/ psychological/ psychiatric pathologies and such complaints are rare.

The disciplinary regime governing daily life inside prison and the general prison environment may sometimes negatively impact the mental health and emotional

stability of the detainees. The fact of having been deprived of one's liberties and having to now wear the prison uniform has a detrimental impact on one's self esteem and often contribute towards the deterioration of one's mental/ emotional balance. Prisoners with psychological/ mental psychiatric issues, often develop suicidal tendencies. Such cases are referred to BSMHCC, where specially trained staffs provide appropriate care and treatment under the strict supervision of trained psychiatrists/ doctors/ specialists. At BSMHCC detainees are given the same kind of treatment and care as general patients, but they are interned in high security wards for obvious reasons and for their own safety.

6. INTERNATIONAL REPORT(S) AND SUBMISSION(S):

6.1. Association for the Prevention of Torture (APT) call for submission on issues and good practices in prison management

In November 2023, the UN Special Rapporteur on Torture through the APT requested the NPMD for submissions on issues relating to good practices in prison management, including pre-trial detention.

In the light of the above, the NPMD submitted a report highlighting pertinent issues relating to pre-trial detention in Mauritius. Such issues included, inter alia, the conditions of remand detainees at Grand River North West Remand Prison, the Earning Scheme for remand detainees who elect to work on a rotation basis and the training programs offered by the Mauritius Institute of Training and Development (MITD) duly approved and recognised by the Mauritius Qualifications Authority (MQA). This goes a long way in allowing detainees in general, to develop relevant skills which can be helpful upon release. In fact the NPMD had recommended that pre-release prisons such as Petit Verger and Riche Lieu Open Prison offer more vocational and training courses to detainees.

The right to health in prison is also given due consideration and to that effect workshops are regularly organised involving relevant NGOs such as Prevention Information Lutte contre le Sida (PILS), Kinouété, Aide-Info-Liberté-Espoir-Solidarité (AILES) and Prison Health Officers.

Rule 24 of the UN Standard Minimum Rules for the Treatment of Detainees stresses the importance of proper health care in prisons and the NPMD ensures that same is effectively done, without discrimination. The NPMD regularly interacts with the prison medical staff and receives information as regards the new projects in prisons. The medical staff is also informed of the complaint(s) made by detainees that may require urgent/immediate attention.

6.2. NPM Global Report on women in prison

In June 2023, the NPMD participated in an event organised by the APT in collaboration with all the National Preventive Mechanism worldwide, called the Global Report on Women in Prison. The stated aim of this initiative was to produce a global report on women in prison and to enhance the use of gender-responsive alternatives to detention. In its input, the NPMD conveyed all relevant information concerning the general conditions of women detainees in Mauritius. Such information include the risks of ill-treatment and gender sensitive issues that are specific to the needs of women detainees, such as body searches carried out on women detainees. The NPMD also addressed issues such as the effectiveness of solitary confinement and segregation as disciplinary measures. The issue of access to mental health care was also addressed.

7. STATISTICS

7.1. Nature of complaints: January 2023 to December 2023

Nature of Complaints	No. of Complaints	Complaints Received
Conditions of detention	59	<ul style="list-style-type: none"> • Allegation(s) of assault • Food • Material conditions • Transfer to other prisons • Personal hygiene • Contacts with outside world (visits and telephone conversations)
Miscellaneous	53	<ul style="list-style-type: none"> • Medical assistance • Status of case • Access to education • Time spent on remand
Petition	4	<ul style="list-style-type: none"> • Reduction of sentence
Legal	1	<ul style="list-style-type: none"> • Legal aid
TOTAL	117	

7.2. Visits to places of detention and Complaints: January 2023 to December 2023

	No. of visits	No. of complaints	Resolved	Ongoing
Prisons	228	116	113	3
Police Cells	76			
Detention Centres	9	1	1	
RYC/CYC	3			
Brown Sequad Mental Health Care Centre (High Security Units)	6			
TOTAL	326	117	114	3

7.3. Detainees in Prison**Age group of detainees - January 2023 to December 2023****MALE**

	Convicted	Remand
18 – 21 years	314	414
22 – 25 years	900	1011
26 – 30 years	1255	1353
31 – 35 years	963	959
36 – 50 years	1083	1163
51 – 60 years	124	135
61 – 65 years	26	25
Over 65 years	14	12
Total	4679	5072

FEMALE

	Convicted	Remand
18 – 21 years	13	17
22 – 25 years	20	36
26 – 30 years	52	56
31 – 35 years	41	37
36 – 50 years	31	52
51 – 60 years	08	10
61 – 65 years	-	1
Over 65 years	1	-
Total	166	209

7.4. Adults & Minor detainees (Remand & Convict) –January 2023 to December 2023

Gender	Adults		Juvenile (CYCs)		Total
	convicted	Remand	Convicted	Remand	
Male	4679	5072	2	20	9773
Female	166	209	-	-	375
Total	4845	5281	2	20	10148

7.5. Foreign Nationals - January 2023 to December 2023

Gender	Convicted	Remand	Total
Male	25	83	108
Female	5	19	24
Total	30	102	132

7.6. Length of sentence – January 2023 to December 2023

	MALE	FEMALE
Less than 1 month	1700	55
01 month – 03 months	1468	61
04 months – 06 months	689	17
07 months – 12 months	490	11
13 months – 19 months	104	04
20 months – 23 months	07	-
2 years – 3 years	139	08

4 years – 5 years	32	-
Over 5 years	50	10
TOTAL	4679	166

7.7. Nature of offence - January 2023 to December 2023

MALE

	Convicted	Remand
Murder / Manslaughter	19	57
Sexual offence	34	78
Wounds & blows	69	101
Larceny with violence	58	85
Larceny	2983	2853
Drunkenness, disorder, breach of condition of bail	998	822
Drugs	356	954
Swindling, Embezzlement, Forgery	71	69
Arson	2	13
Possession of offensive weapon	10	8
Aiding and abetting in the commission of a crime	59	16
Taking part in a riot	1	1
Escaping from legal custody	6	8
Procuring prostitutes	0	0
Dealing in offensive weapon	0	0
Looting	0	0
Sequestration	6	6

Giving instruction to commit crime	6	0
Endangering safe navigation of ship	1	1
TOTAL	4679	5072

FEMALE

	Convicted	Remand
Murder / Manslaughter	-	-
Sexual offence	4	5
Wounds & blows	4	1
Larceny with violence	8	7
Larceny	92	74
Drunkenness, disorder, breach of condition of bail	18	20
Drugs	23	61
Swindling, Embezzlement, Forgery	9	32
Arson	-	-
Possession of offensive weapon	-	1
Aiding and abetting in the commission of a crime	6	4
Taking part in a riot	-	-
Escaping from legal custody	1	-
Procuring prostitutes	-	1
Dealing in offensive weapon	-	1
Looting	-	1
Sequestration	-	1
Giving instruction to commit crime	1	-
Endangering safe navigation of ship	-	-
TOTAL	166	209

CHAPTER V

RODRIGUES

The National Preventive Mechanism Division (NPMD) visited all places of detention of Rodrigues, in order to assess the general conditions of detention therein and also to ascertain whether previous recommendations of the NPMD had been effectively implemented, in such manner that places of detention in Rodrigues duly complied with UN Minimum Human Rights Standards.

The Island Chief Executive of Rodrigues informed the NPMD that due to budgetary constraints, all the previous recommendations could not be implemented and that they would be spread over time, depending upon the availability of financial resources. However, he reassured the NPMD that priority will be given to the construction of a wall around Pointe La Gueule Prison as previously recommended.

8.1. Pointe La Gueule Prison

The Officer in Charge of the Prison confirmed that the previous recommendations made of the NPMD had been effectively implemented and that included the recruitment of a Prison Welfare Officer. The water system had been repaired thus ensuring better hygiene standards; however; Dormitory No. 2 was undergoing repairs at the time of visit. Waiting time for detainees who wished to consult the prison doctor had significantly reduced. Nevertheless, the NPMD recommended that the shower and the toilet needed to be further improved so as to meet acceptable hygiene standards. The NPMD also met with the detainees who voluntarily express their concerns. Some of them wished to make formal complaints and the Prison Welfare Officer Milazare was advised to do the needful in order to ensure that they could so as soon as possible. At the time of visit, there were 14 remand detainees and 13 convicts in the Prison.

The team then proceeded to visit the women section of the prison. Some improvements had been done to the place so that it was now better protected from heat and sunshine. However, the walls in both male and female sections of the prison required a fresh coat of paint. The team noted that there was no detainee at the time of visit.

8.2. Extension to Pointe La Gueule Prison

The NPMD then visited the newly constructed prison reserved for male detainees only, wherein remand and convicted detainees would be kept in separate areas. The dormitories were spacious with proper ventilation and lighting. However, the CCTV monitoring room was found in the middle of the block adjoining a detention cell. This may pose a security risk as indeed acknowledged by the Officer in Charge of the Prison. As yet, no office has been specifically earmarked for the Officer in Charge, Welfare Officer and the Prison Doctor. However, an area adjoining the entrance of the Prison had already been identified for the construction of a CCTV monitoring room and offices for the Officer in Charge, the Welfare Officer and the Doctor.

The cast iron door bolt of the main entrance was about 2m50 above ground and this could not be manipulated by most of the Prison Officers. However the Officer In Charge confirmed to the NPMD that procedures were underway so that necessary modification works on the building, could be carried out as soon as possible

8.3. Recommendations - Pointe La Gueule Prison

In the light of its findings and observations, the NPMD has formally recommended that:

- The prison ought to undergo regular maintenance works in the toilet and on the ceiling in the dormitories.
- The stock of books be renewed and activities/games such as football, carrom, be organised regularly so that detainees do not remain idle during the day. Personal Protective Equipment (PPE) ought to be provided to detainees working in the open air.

8.4. Recommendations - Extension to Pointe La Gueule Prison

- The CCTV control room ought to be relocated to a safer area.
- An office ought to be provided to the Officer in Charge, the Welfare Officer and the Medical Officer respectively.
- A concrete / brick wall ought to be constructed urgently around the new prison for obvious security reasons.
- The cast iron bolt of the main entrance door ought to be lowered so that it can be more conveniently manipulated.

8.5. Police stations

As regards to police detention cells, most of the previous recommendations made by the NPMD had been implemented more or less. At La Ferme police station, at the time of visit, the detention cells were not occupied. However, it was noted that the toilet and the shower were not in good working order and ought to be repaired.

The lighting had been improved as recommended earlier. The Juvenile Detention Centre which is found on the first floor also had no inmate at the time of visit. The grill next to the entrance door had been changed and the new one had decorative patterns which looked more child friendly. There was no TV in the cell; the air conditioner fixed to the wall was out of order with a bird nest on the side. There were two wide windows, which allowed fresh air flow in freely; however, the protective net, which was meant to keep off mosquitoes and other insects, had gaping holes and was unfit for purpose.

Recommendations

- The air conditioning ought to be repaired / replaced as well as the protective net on the windows.
- A TV set ought to be installed in order to make the juvenile centre more child friendly.

The Plaine Corail Police Station also had no detainee, the two aisles, with six and four cells respectively were both closed, one because of sewage issues and the other was used as exhibit room for a case of illegal importation of “*bois de santal*” vide OB No. 183/22. The Police Inspector present explained that there was a foul smell in the police station before the closure for sewage works.

8.6. The Queen Elizabeth Hospital at Creve Coeur

The abovementioned Hospital has a room / ward specially designated for detainees. At the time of visit, there was one detainee, with serious health issues, who had been admitted. However, the Ward Administrator explained that the detainee had to be kept in the general ward because the designated one was already occupied by a

patient who was suspected of having contracted a contagious disease. The NPMD, however, insisted that detainees ought to be kept in the designated Ward, not least because free interaction between detainees may compromise their safety and security and that of the members of the hospital staff.

8.7. Rehabilitation Youth Centre (RYC)

The NPMD also visited both the RYC boys and girls. At the time of visit, none of them had any inmate. However an officer was posted during working hours. Previous recommendations made by the NPMD had been effectively implemented, such as replacement of the boundary fence by opaque metal panels which would ensure the privacy of the inmates of the RYC (girls).

8.8. Meeting with Officer in Charge of the Probation Office

During the meeting, the Officer in Charge gave an overview of the situation in Rodrigues, as regards to the wide range of services, they were called upon to provide by the Court, despite the acute shortage of staff. . The Probation Office had no safe place wherein it could place children with *serious behavioural concerns*, as no Probation Home or Hostel was available in Rodrigues. He averred that the Regional Assembly was contemplating to transform the present RYC building into a probation home or hostel through a policy decision. It was further recommended that the probation officers be given proper training and adequate resources be allocated, bearing in mind the additional responsibilities thrust upon them under the provisions of the Children’s Act 2020.

CHAPTER VI

Laws 2023 promoting Human Rights

3.1. The Waste Management And Resource Recovery Act (Act No. 3 of 2023)

The primary objective of the Act is to provide for the regulatory framework to ensure the environmentally safe and sound management of solid waste and hazardous waste and a sustainable waste management system through the adoption of a circular economy approach focusing on waste reduction, reuse, treatment, safe disposal, material recovery and recycling.

The Act, accordingly, *inter alia*, provides for

- (a) a Department of Waste Management and Resource Recovery
- (b) a National Waste Management Coordination Committee, to be chaired by the Minister responsible for the subject of solid waste and hazardous waste, which shall promote waste reduction, resource conservation and material recovery for the purpose of achieving a circular economy;
- (c) the appointment of technical advisory committees by the Minister, to advise him on waste management matters; and
- (d) a system of extended producer responsibility in relation to solid waste.

Waste management plays a crucial role in protecting the environment by minimising the negative impacts of waste disposal and promoting sustainable practices.

The right to a clean environment is now recognized as a human right. In 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.

3.2. The Fisheries Act (Act No. 15 of 2023)

The Act repeals the Fisheries and Marine Resources Act and replaces it by a more appropriate legislative framework following the recommendations made by the Directorate-General for Maritime Affairs and Fisheries of the European Commission and taking into consideration the rapid growth of the fisheries sector worldwide.

The Act, *inter alia*, -

(a) takes on board the regional and international obligations of Flag States, Coastal States and Port States and makes provisions –

(i) for the management, protection and conservation of marine resources, biodiversity, and marine ecosystems;

(ii) to enable the sustainable development of fisheries and aquaculture; and

(iii) to ensure the effective control and enforcement of fishing or fishing related activities and to prevent, deter and eliminate illegal, unreported, and unregulated fishing or fishing related activities.

The Act plays a key role in achieving the Sustainable Development Goal (SDG)14, which seeks to prevent and reduce marine pollution. SDG 14 is concerned with sustainable management and protection of marine and coastal ecosystems and address the impacts of ocean acidification. It also aims to regulate harvesting and end overfishing, illegal, unreported, and unregulated fishing and destructive fishing practices, conserve coastal and marine areas, increase the economic benefits to small island developing States and least developed countries from the sustainable use of marine resources. Conserving and protecting marine resources is vital for achieving the SDGs, upholding human rights, and ensuring a healthy planet

for future generations. By addressing the challenges and implementing integrated solutions, the human race can work towards a sustainable future for the oceans and future generations.

3.3.. The Combating of Trafficking in Persons (Amendment) Act

(No. 17 of 23)

The primary aim of the Act is to amend and consolidate the existing legal provisions for combating of trafficking in persons and to provide for a modern legal framework to address the issue of trafficking in persons more effectively.

The amendments to the Combating of Trafficking in Persons Act allow for a more rigorous identification and prosecution of cases, better support to victims of trafficking in persons and the establishment of an effective institutional framework for the fight against trafficking in persons.

The Act provides for stricter penalties for persons convicted of offences relating to trafficking in persons. Convicted persons are no longer eligible for remission or release on parole under the Reform Institutions Act. In addition, the Courts no longer have the discretion to inflict a term of imprisonment of less than 3 years for the offence of trafficking in persons. Trafficking in Persons is a violation of human rights including the right *inter alia*, the right to liberty, non-discrimination, work, health, and protection from inhuman and degrading treatment.

A human rights-based approach to human trafficking places the victims at the center of all efforts to combat this crime. It acknowledges trafficking as a gross violation of human rights and emphasises prevention, protection, and prosecution.

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

		Subject Matter	Target Audience
1.	Entrepreneurship program conducted by Gender Links Mauritius	Constitution of Mauritius National Human Rights Institutions in Mauritius Women's Rights	Women
2.	National Women's Council Working Session on the Preparedness for the Pandemic	Constitution of Mauritius National Human Rights Institutions in Mauritius Women's Rights	Women
3.	Avipro Ltd Gentilly, Moka	Sexual Harassment in the workplace	Private Sector Employees
4.	Avipro Ltd	Sexual Harassment in the workplace	Private Sector Employees
5.	Ministry of Youth Empowerment, Sports and Recreation MITD Cote D'or	Youth and Human Rights	Youth
6.	National Women's Council Rose Belle Social Welfare Centre	Inheritance and property rights	Elderly persons

7.	National Women's Council Rose Belle Social Welfare Centre	Violence Against Elderly women	Elderly persons
8.	National Women's Council Recreational Shelter, Ecoignard	Inheritance and property rights Violence Against Elderly women	
9.	NGO – Lovebridge	Functions of the NHRC Rights of the Child in Mauritius Changes brought by the: Children's Rights Act Children's Court Act Child Sex Offender Register Act	Staff of the NGO
10.	Dr. Maurice Cure State College.	Functions of the NHRC and other National Human Rights Institutions in Mauritius Rights of the Child in Mauritius Youth and Human Rights	Students
11.	Prisons Training School	Functions of the NHRC and other National Human Rights Institutions in Mauritius Introduction to Human Rights Human Rights of detainees	Newly recruited Prisons Officers
12.	Chamouny Community Centre	Functions of the NHRC and other National Human Rights Institutions in Mauritius Human rights of women Equal Opportunities Act	Women

13.	Ministry of Youth Empowerment, Sports and Recreation Dagotiere Multipurpose Complex	Youth and Human Rights	Youth
14.	Senior Citizen Council Terre Rouge Multipurpose Complex	Rights of older persons	Elderly persons
15.	Ministry of Youth Empowerment , Sports and Recreation Panel Discussion Cote D'or Sports Complex	Human Rights and youth	Youth
16.	Training Unit, NPF Building, Port-Louis	Human Rights of persons with disabilities	Persons with Disabilities

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Kyiv-Copenhagen Outcome Declaration

Torture and Other Ill-treatment: The role of National Human Rights Institutions

1. The 14th International Conference of the Global Alliance of National Human Rights Institutions (GANHRI) took place in Copenhagen, Denmark, from 6 to 8 November 2023. It was co-hosted by GANHRI, the Danish Institute for Human Rights (DIHR), the Ukrainian Parliament Commissioner for Human Rights (UPCHR), and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The theme of the Conference was “Torture and Other Ill-Treatment: The Role of National Human Rights Institutions”.
2. The Conference marked the 30th anniversary of the adoption of the Principles relating to the Status of National Institutions (Paris Principles), the 75th anniversary of the Universal Declaration of Human Rights (UDHR) and the forthcoming 40th anniversary of the adoption of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).
3. Participants expressed their gratitude to the DIHR, the UPCHR, GANHRI, and OHCHR for the excellent organisation of the Conference and the warm hospitality, and to the United Nations Development Programme (UNDP) for generously providing United Nations (UN) City as the venue for the conference, the European Union, and to the Association for the Prevention of Torture (APT) for their support to the Conference. Participants welcomed the enriching interactive discussions and the wealth of diverse experiences and perspectives exchanged by representatives from National Human Rights Institutions (NHRIs), National Preventive Mechanisms (NPMs), civil society organisations, international and regional organisations, and independent experts.

NHRIs participating in the 14th International Conference adopted the following Declaration:

4. We recall the absolute prohibition of torture and other acts of cruel, inhuman, or degrading treatment or punishment (hereinafter referred to as torture and other ill-treatment), recalling its status as a peremptory, non-derogable norm under international customary, human rights, and humanitarian law.
5. Torture and other ill-treatment is prohibited under all circumstances, and without exception, including during times of international or non-international armed conflict or any other public

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6. Any act of torture and other ill-treatment violates human dignity and can never be justified. It dehumanizes the victim and has devastating consequences for families, communities and societies.
7. States have the primary obligation to respect, protect and fulfil the rights of all persons to be free from torture and other ill-treatment. Under the UNCAT, States have a duty to prevent any and all such acts, including by adopting legislative, judicial, administrative, educational, and other appropriate measures such as ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
8. International and regional standards, guidelines, and principles provide key guidance to states in implementing their obligations such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rule), the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the Mendez Principles on Effective Interviewing for Investigations and Information Gathering.
9. Paris Principles-compliant NHRIs play a pivotal part in safeguarding and promoting the right of all persons to be free from torture and other ill-treatment.
10. We are gravely concerned by the ongoing practice of torture and other ill-treatment across all regions of the world, as well as the repercussions that such practices have on access to, and the effective administration of justice, the rule of law, and civic space.
11. We draw attention to the impacts of intersecting global crises—including the aggravation of socio-economic inequalities and hardships, the impact of the global COVID-19 pandemic, climate emergencies, failure to effectively address displacement and migration, the inappropriate use of emergency powers, and the proliferation of armed conflicts—which have resulted in heightened risks and an escalation in cases of, torture and other ill-treatment worldwide.
12. As we mark the 30th anniversary of the Paris Principles, the 75th anniversary of the UDHR and the forthcoming 40th anniversary of the UNCAT, and reflect on our past, we recognise this is an especially critical time to build on the progress made, and to redouble our commitment to comprehensively address torture and other ill-treatment, its risks and root causes.
13. We reaffirm that freedom from discrimination is a fundamental human right, and recognise that persons experiencing situations of vulnerability face heightened risks of torture and other ill-treatment. Such persons include, but are not limited to, persons deprived of their liberty, women and girls, persons with disabilities, Indigenous peoples, older persons, children, refugees,

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internally displaced persons, persons on the move, foreign nationals, LGBTQI+ persons, ethnic and religious minorities, persons living in poverty, and human rights and environmental defenders. We recognise that these identities and factors can intersect in a way that further increases the risks of torture and other ill-treatment.

14. We recognise that, to foster lasting change, we need to take a human rights and gender sensitive approach that puts rights-holders at the heart of our work. We commit to a victim-centered approach that acknowledges the experiences of victims and survivors and the harm suffered, and which seeks redress that is responsive to their needs.
15. We express our solidarity with all victims of torture and other ill-treatment, and recall the importance of commemorating the annual UN International Day in Support of Victims of Torture on 26 June. We welcome General Assembly Resolution (A/RES/77/209) of January 2023, and its call to ensure that the rights of persons who are marginalized and in vulnerable situations are fully integrated into torture prevention and protection strategies and actions.
16. We recognise the important work undertaken by relevant human rights bodies and mechanisms at the international and regional levels, including the UN Committee against Torture, the UN Subcommittee on the Prevention of Torture and other Cruel, Inhuman and Degrading Treatment (SPT) and other treaty bodies, the special procedures of the Human Rights Council, including the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and we reaffirm our commitment to strengthening our partnerships and cooperation.

Considering the above, and taking inspiration from the lessons and good practices exchanged in Copenhagen, NHRIs resolve to apply their mandates, in compliance with the Paris Principles, to undertake the following:

17. Advocate for national legal frameworks and reforms that support the prohibition and the prevention of torture and other ill-treatment, in line with international human rights law.
18. Contribute to the effective implementation of these legal frameworks, to bridge the gap between law and practice, including through the fight against impunity and ensuring access to justice.
19. Act as control mechanisms against torture, through functions related to cooperation with international and regional bodies, monitoring places of deprivation of liberty, reporting and follow-up on recommendations and public awareness-raising activities.

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A. Promotion

- a. Promote the ratification and implementation of all international human rights treaties, particularly the UNCAT and the OPCAT.
- b. Raise awareness about the rights of individuals to submit complaints of torture and other ill-treatment to NHRIs with a quasi-judicial mandate or other national mechanisms, and to relevant international and regional mechanisms.
- c. Ensure that, under domestic legislation, torture is comprehensively defined and constitutes a specific, punishable criminal offense, which is not subject to statutes of limitations or amnesties, and for which redress is available to victims, in line with international law.
- d. Ensure that the exclusionary rule prohibiting the use of torture-tainted evidence in all legal proceedings, is adequately reflected in the law.
- e. Ensure the inclusion in domestic legislation of legal and procedural safeguards as essential to preventing torture and other ill-treatment during custody.
- f. Advocate for the principle of non-refoulement to be given effect and upheld in law.
- g. Promote reviews and reforms of deprivation of liberty and custody procedures.
- h. Engage with UN and regional human rights bodies and mechanisms, including the Treaty Bodies, the Special Procedures, and the Universal Periodic Review (UPR), in relation to issues related to torture and other ill-treatment, and monitor the implementation of their recommendations by reporting on progress made and remaining challenges.
- i. Develop and implement inclusive and accessible education campaigns in relation to torture and other ill-treatment, emphasizing the impact on victims, their families, communities, and societies, and tailor messages for persons particularly at risk.
- j. Support the development and implementation of training curricula for security forces and all other actors who have a role in relation to the deprivation of liberty. Training curricula should be practical, supported at the leadership and policy levels, and responsive to the needs of persons in situations of vulnerability.
- k. Mobilize for changes in institutional cultures, mindsets, and public narratives that risk legitimizing the use of torture and other ill-treatment.
- l. Take steps to empower and support rights holders and victims and survivors of torture and other ill-treatment in understanding and claiming their rights.
- m. Ensure availability of regular training to NHRI and NPM members and staff on all issues related to preventing and addressing torture. Furthermore, ensure that members and staff of NHRIs and NPMs are provided with measures to ensure their wellbeing, including psychosocial support.

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B. Prevention

- a. Advocate for the ratification of the UNCAT and OPCAT and for the designation of independent and adequately resourced NPMs.
- b. Initiate, facilitate, and contribute to a transparent, broad, and inclusive domestic consultation process on the issue of NPM designation, involving authorities, civil society and other relevant stakeholders, giving due consideration to the Paris Principles.
- c. Where the NHRI is designated as the NPM, advocate for any necessary reforms to its legal framework and the allocation of adequate resources, and undertake reform of its structure to ensure its functional autonomy to carry out this preventive mandate, while also ensuring complementarity with other NHRI mandates.
- d. Where the NHRI is not designated as the NPM, establish and maintain effective collaboration and complementarity between the institutions, including with respect to visits to places of deprivation of liberty.
- e. Where NHRIs have the mandate to do so, conduct regular, unannounced, preventive monitoring visits to all places under the State's jurisdiction or control where persons are or may be deprived of liberty.
- f. Following visits, publish reports and recommendations and engage in dialogue for change with relevant authorities on their implementation.
- g. Engage with lawmakers and relevant government authorities to advocate for legislative and policy reforms in relation to the prevention of torture and other ill treatment. This may include, among others, advocating for alternatives to detention, decriminalization and declassification of petty offenses, and reduction in the overuse of pretrial detention, where relevant and appropriate.
- h. Develop strategies, programmes and protocols that respond to the needs of persons in situations of heightened vulnerability and persons belonging to marginalized groups, who face increased risks of torture and other ill-treatment.

C. Protection

- a. Respond to and investigate allegations of torture and other ill-treatment, including allegations of gender-based violence. Where NHRIs have quasi-judicial powers, take steps to ensure that these are fully and effectively exercised.
- b. Where relevant, establish effective mechanisms and protocols for reporting all potential cases of torture and other ill-treatment to the relevant investigative bodies and authorities and follow-up to ensure investigations are prompt and impartial.

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- c. Initiate investigations or conduct inquiries to identify systemic issues, and take appropriate steps to address the root causes, taking into consideration gender dimensions of torture and ill-treatment, combat impunity, and provide redress.
- d. In exercising its functions to investigate allegations of torture and ill-treatment, ensure compliance with the Istanbul Protocol, and take a victim-centered and trauma-informed approach.
- e. Take measures to protect persons deprived of liberty, witnesses and other individuals from all forms of reprisals at all stages of an investigation, including after interviews, visits, or any engagements with NPMs, NHRIs, or the SPT, and take steps to address any reports of reprisals.
- f. Work with the judiciary to promote access to justice and foster systemic change by identifying and supporting strategic litigation in the public interest.
- g. Advocate for states to provide in law and practice prompt and effective multi-sectoral redress for victims, survivors and their families, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- h. Assist victims, survivors and their families in accessing complaints procedures and/or obtaining full and effective redress, including by collecting and preserving evidence of torture in the absence of effective official investigations.
- i. Advocate for necessary psychosocial and other support and rehabilitation services to be made available for victims and survivors of torture and their families.
- j. Assess the impacts of the use of new and emerging technologies in relation to deprivation of liberty, the rule of law, access to justice and the prevention of torture and other ill-treatment. This includes the use of artificial intelligence in decision-making and facial recognition technologies by police and security services, as well as the proliferation of online hate and disinformation.

D. Cooperation and partnerships

- a. Establish constructive dialogue with domestic authorities to advocate for and support necessary reforms, in line with international standards.
- b. Proactively engage with relevant international and regional human rights mechanisms for the prevention of torture, including through reporting, advocacy, petitions, awareness-raising, and monitoring of the State's implementation of recommendations.
- c. Strengthen coordination and cooperation between bodies with a mandate relevant to the prohibition and prevention of torture and ill-treatment including NHRIs, NPMs, regional networks of NPMs, specialized institutions, relevant government authorities, and civil society.

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- d. Enhance cooperation with the CAT, SPT, the Special Rapporteur on Torture, civil society, and other NHRIs and NPMs, including through regular communication, joint training, peer-to-peer exchanges, capacity-building initiatives, research collaboration, and sharing information and best practices.
- e. Advocate for the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and the establishment of effective national monitoring mechanisms (NMMs) under the treaty. In cases where the NHRI has both the NMM and NPM mandate, ensure that there are synergies between the two mandates with the objective of ensuring comprehensive protection for persons with disabilities deprived of liberty.
- f. Work with stakeholders, including relevant authorities and civil society, to collect, maintain and make publicly available disaggregated data in relation to torture and other ill-treatment.

We encourage GANHRI, its regional networks, and all NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences and knowledge, including but not limited to the following:

- a. In close collaboration with OHCHR, continue to promote the establishment and strengthening of effective and independent NHRIs worldwide, in full compliance with the Paris Principles. States and NHRIs must ensure that NHRIs are independent in law and practice, pluralistic and adequately resourced.
- b. Support NHRIs under threat and those experiencing reprisals, including as a result of their work related to the prohibition and prevention of torture and other ill-treatment.
- c. Share knowledge exchanges, experiences, good practices, and undertake capacity building between and among NHRIs, on preventing and responding to torture and other ill-treatment, with particular consideration on the rights of persons in situations of vulnerability. This may include establishing online and other practical tools to allow for regular peer-to-peer exchange of information and good practices.
- d. Establish regular dialogues with the UN human rights mechanisms, including CAT, the SPT and the Special Rapporteur on Torture, in order to strengthen relationships.
- e. Through GANHRI, collaborate to implement a shared approach for responding to and preventing torture and other ill-treatment, guided by this Declaration.
- f. Through regional NHRI networks, cooperate and collaborate in peer capacity building and information sharing efforts, such as, knowledge exchange programmes, study visits, training, and technical assistance.

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- g. Call on the United Nations and its agencies and programmes, including the OHCHR, UNDP, and UNHCR and in collaboration with GANHRI and the regional NHRI networks, to increase support to NHRIs to address torture and other ill-treatment including through the implementation of this Declaration.

**Adopted in Copenhagen, Denmark, on 8 November
2023**

UN SPECIAL RAPORTEURS

The NHRC interacted with UN Special Rapporteurs on the following topics:

1.	Local Government and Human Rights
2.	The Right to Freedom of Religion or Belief
3.	Impact of Climate Change on the Realisation of the Equal Enjoyment of the Right to Education by Girls
4.	Contributions of Migrants from a Human Rights-based Approach
5.	The Right to Privacy

Protection against discrimination

- Under the Equal Opportunities Act, the Equal Opportunities Commission investigates complaints of discrimination based on "status" based on age..

Equal Opportunities Commission

Tel: 201,350

Address: 21st Floor, Belmont House, Port Louis

- Senior Citizens Council**, which operates under the aegis of the Ministry of Social Integration, Social Security and National Solidarity, aims to encourage older people to lead an active and healthy life with dignity.

- Ministry of Social Integration, Social Security and National Solidarity**
Tel: 207 0625

In Rodrigues

- Commission for Social Security, Port Mathurin**
Tel: 832 0320

Welfare and Elderly Persons' Protection Unit
Hotline: 199 (24/7) 172 (9:00-16:00)

- The National Human Rights Commission (NHRC) Mauritius**

The NHRC organises awareness raising campaigns in the form of talks and workshops to inform different sections of the population on their rights and the respect for those rights, thus contributing to the prevention of human rights violations and abuse.

The NHRC collaborates with other stakeholders such as Ministries, parastatal bodies and civil society organizations to reach out to members of the public, for example, the Senior Citizens Council, the National Women's Council, NGOs, and schools.

**Other institutions**

- Ombudsman** - Investigates into complaints of maladministration against government institutions.
Tel: 260 011
Address: 12th Floor, City Centre Building, Port Louis
- Independent Police Complaints Commission** – deals with complaints against police officers
Tel: 214 2551
4th floor, Emmanuel Anquetil building, Port Louis



National Human Rights Commission

Rights of older persons in Mauritius

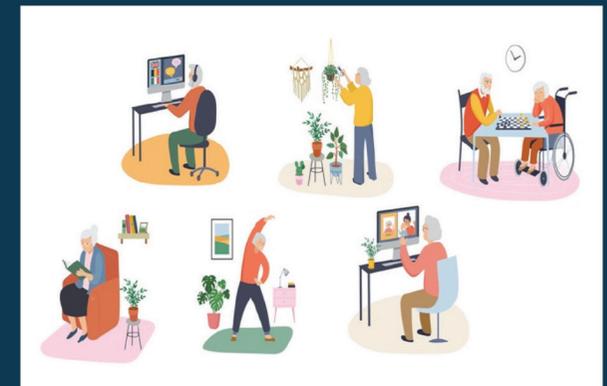
National Human Rights Commission

Tel: +230 460 5148

**Address: 3rd Floor, Ebene Heights Building
34, Cybercity, Ebene**

Email Address: mhrcdbs@intnet.muWebsite: nhrc.govmu.org

- Human Rights Division
- National Preventive Mechanism Division (for detainees)



REPORTS TO TREATY BODIES

Convention on the Rights of Persons with Disabilities (CRPD)

Mauritius submitted its combined 2nd and 3rd periodic report to the CRPD Committee in October 2020. Review by the CRPD Committee of the periodic report has been scheduled in August 2024.

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. Review by the CERD Committee of the periodic report has been scheduled in April 2024.

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.

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Following the review, CRC Committee published its Concluding Observations on the 6th and 7th combined periodic report on 09 February 2023.

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.

International Covenant on Political and Civil Rights (ICCPR)

The 5th Periodic Report of the State of Mauritius was submitted on 23 July 2016 and the next report is due in 2025.