



NATIONAL HUMAN RIGHTS COMMISSION NEWSLETTER

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Change of Culture in Sentencing and Rehabilitation

Satyajit Boolell SC

Chairperson NHRC



In a recent interview to the press, the Commissioner of Prisons was candid in revealing three troubling facts about the incarcerated population in our country. First, detainees are getting younger every year. Second, a majority of those in this category are serving short-term sentences, typically between four to six months. And third, the rate of reoffending among these detainees exceeds 70%.

These facts lay bare the urgent need for a change in culture within our criminal justice system. While the prison service is an integral component of this system, there exists a glaring disconnect between the courts that sentence offenders and the prisons that receive them. If short-term imprisonment leads to high reoffending rates, then it is imperative we rethink our conventional approach to sentencing and explore alternative diversion schemes—especially when it comes to young offenders. The current approach all too often turns the prison door into a revolving door.

Restoring the Role of the District Court

District courts are entrusted with less serious offences, and their limited jurisdiction reflects their intended closeness to the communities they serve. For this very reason, it is essential that magistrates understand the root causes of offending, particularly among young adults. A magistrate can only do so effectively if they maintain a connection with the social realities of the community. This change in culture must operate on two fronts:

1. Reforming Court Structure

We must consider reviewing the composition of the court by introducing lay magistrates to assist District Magistrates. These laypersons, drawn from the community, can offer insights that enhance the court's understanding of the broader context in which offences occur.

2. Reinforcing Chambers Sessions

Magistrates should also be encouraged to devote more time to Chambers Sessions- a once central component of their duties. During these sessions, they would receive reports from dedicated probation officers based at the court, who maintained close links with local communities and were often intimately familiar with the family backgrounds of minor offenders. Likewise, neighbourhood police officers, familiar with community dynamics, were invaluable sources of insight.

Unfortunately, today's magistrates are overburdened with backlog, and chambers work has diminished as a result.
From Disconnection to Engagement

Under our current sentencing model, the relationship between the court and the offender ends once the sentence is pronounced. Judges and magistrates receive no feedback on the impact or effectiveness of the punishment they imposed. This deprives them of critical insight into whether justice has, in fact, been served.

An ongoing engagement between the court and the offender - post-sentencing- can help judges understand what works. Equally, it motivates offenders to rehabilitate when they know that a judicial officer is following their progress.

Starting Point for Reform

It is at the very moment a suspect is charged that the problems begin. If we are serious about reform, then the time has come for a cultural shift in how we sentence, rehabilitate, and reintegrate offenders into society.

We must replace the revolving door with a bridge-one that leads from offending to reform, and from incarceration to contribution.

EDITORIAL

Because you deserve a good night sleep

TOURIA PRAYAG



“The poor don't sleep because they are hungry, and the rich won't sleep because the poor are awake,” Prof Sam Aluko, a Nigerian public economist once said. I would like to add that law-abiding citizens won't sleep because offenders are awake and offenders are awake because they have no other choice, no prospects and no opportunity to join the law-abiding ranks of citizens, and allow everyone a good night sleep.

All this to say that, the inequality and disparities in the world are rife and that despite our different – at times very different – circumstances, beliefs, values and the opportunities offered to us, we are all interconnected. When an inconsiderate neighbour makes noise in the middle of the night and keeps our elderly sick mother or father awake, the quality of our life suffers; when a citizen who was not taught to respect nature pollutes the environment, we all breathe in filthy air and suffer severe consequences. And when crime is rife in a country, honest, hard-working citizens

spend a great deal of their energy and resources trying to protect their families. Worse, when crime hits someone, families and neighbourhoods are traumatised and start living in fear and anguish. Our streets and neighbourhoods have become unsafe. Not a day goes by without law-abiding citizens being victims of crime and the first question we should all be asking ourselves is how to reduce crime.

One of the ways to do that is disconcertingly simple: rehabilitation. Have you ever asked yourself what an offender does after s/he has served their sentence? Maybe not. Yet, it is a major question when you want to protect yourself and your family. The answer is sadly predictable: offenders leave prison with a criminal record, no home, no job, no prospects and, in many cases, no family or friends to count on. What are the options open to them to make a living and join the ranks of law-abiding citizens? The answer, as you guessed, is none. Hence the increasing number of

reoffenders that now hovers around 70 per cent.

One of the aims of the Human Rights Committee is to help work out a rehabilitation programme, in collaboration with lawmakers, the Police Force, the prison authorities, the private sector and Non-Government Organisations. The programme will aim to reinforce and structure the training of detainees in various skills that they could put to use once they have served their sentence. Towards the end of their sentence, detainees will be required to move to a half-way prison that gives them the flexibility to work during the day and report back to prison in the evenings. The Commission will also have links with employers who are willing to give a second chance to those who need it most, by offering them jobs in the areas where they received training. The government will also be solicited to help through incentives to potential employers. We have the firm belief that if we have the support of the population, this programme will help with the acute labour shortage we are currently experiencing in many sectors. It will also ultimately reduce crime and help all of us live in a safer society.

Some readers may be wondering why the Commission is trying to help former convicts who have offended citizens and society.

The reason is simple: everyone deserves a second chance; everyone is entitled to the respect of their human rights and you are entitled to the respect of your right to peace and safety in your home and outside. That is what we are working for because we owe you a good night sleep.

WHO WE ARE

A micro-trottoir was conducted by the National Human Rights Commission (NHRC). Various citizens were interviewed on July 10th and 11th this year to determine public awareness regarding the functions of the NHRC and human rights in general. The interviewees were asked questions on the following:

- **Awareness of the NHRC's Mandate and Existence:**
They were asked if they knew about the NHRC and what they understood its purpose or role to be.
- **Understanding of Human Rights Principles:**
Questions regarding a general understanding of human rights, including what constitutes a human right and examples of such rights.
- **Channels for Redress:**
whether individuals knew where or to whom they could report a human rights violation.

The findings indicated a significant lack of public awareness concerning the NHRC.

Most of the people interviewed had vaguely heard about the NHRC but were unaware of its specific functions.

Furthermore, most interviewees were unable to identify the appropriate channels for lodging a complaint concerning human rights violations.

Despite this, most people had an understanding of what human rights are. Some interviewees stated that human rights were not entirely upheld in Mauritius, with concerns regarding issues of domestic violence, challenges affecting young people and issues pertaining to social media.

Comprendre le rôle de la Commission Nationale des Droits Humains à Maurice

Par Najah Ahmed

La Commission Nationale des Droits Humains est un organisme indépendant créé par la Protection of Human Rights Act de 1998. Basée à Ebène, elle est composée de 7 membres, dont un Président, épaulés par une trentaine d'employés. La Commission joue un rôle important dans la défense des libertés fondamentales et le respect de la dignité humaine dans notre société. Mais que fait-elle concrètement, et comment fonctionne-t-elle ? La CNDH est structurée en deux divisions principales, la Human Rights Division (HRD) et la National Preventive Mechanism Division (NPMD). Chacune a des responsabilités distinctes mais complémentaires.

Enquêter contre les abus

La HRD est chargée d'enquêter sur les violations des droits garantis au Chapitre II de la Constitution, comme la liberté d'expression, le droit à un procès équitable ou la protection contre les traitements inhumains. Toute personne peut déposer une plainte écrite si elle estime qu'un de ses droits a été bafoué par un organisme public. La division peut aussi, de sa propre initiative, enquêter sur des cas potentiels de violation. Elle agit dans un esprit de conciliation si possible, mais elle peut aussi recommander des poursuites ou des sanctions disciplinaires. Elle peut aussi, depuis une réforme législative, recommander la révision d'une condamnation en cas de preuves nouvelles.

Cependant, elle n'a pas de pouvoir contraignant : elle enquête, recommande, et transmet ses rapports aux autorités compétentes. Elle ne traite pas des cas datant de plus de deux ans, ni des plaintes contre des institutions constitutionnelles comme la Présidence ou le DPP.

Surveiller les lieux de détention

Créée en application d'un traité des Nations Unies, le Protocole facultatif à la Convention Contre la Torture, la NPMD a pour mission de prévenir les cas de torture ou d'autres traitements inhumains dans les lieux de privation de liberté : prisons, cellules de police, centres correctifs pour mineurs ou établissements psychiatriques.

La NPMD effectue des visites régulières, souvent à l'improviste, pour examiner les conditions de détention, écouter les détenus, en privé, si nécessaire, et recommander des actions urgentes ou des réformes. Elle a un accès total à tous les dossiers, installations et individus nécessaires à ses enquêtes. Son indépendance et son accès libre à l'information sont garantis par la loi, et suivis de près par le Sous-comité pour la Prévention de la Torture des Nations Unies, situé à Genève.

Promouvoir les droits humains

Au-delà des missions propres à ces deux divisions, la Commission dans son ensemble joue un rôle de sensibilisation. Elle intervient dans les écoles, aide à la formation de la police et des fonctionnaires, et peut émettre des rapports publics sur des enjeux comme la violence domestique, la discrimination, la santé mentale ou l'impact de l'intelligence artificielle sur les droits humains. Elle est aussi engagée dans la promotion d'un cadre juridique conforme

aux normes internationales, dans le suivi des engagements internationaux de Maurice, et dans le plaidoyer pour des réformes sociales, éducatives ou judiciaires.

Dans un État de droit, les institutions ne sont vivantes que si les citoyens participent à leur réussite. La Commission Nationale des Droits Humains est là pour défendre nos libertés, mais encore faut-il savoir qu'elle existe, et oser lui parler.

BY TOURIA PRAYAG

A DAY IN THE BEAU BASSIN CENTRAL PRISON



The stylish chairs we sat on at the Beau Bassin Central Prison, the tables we rested our apprehensive elbows on, the tea we were served as well as the rather satisfying croissants, banana tarts and savoury petits pains that we were invited to sample were all made by the invisible hands of those that society has locked away and given up on.

The Commissioner of Prisons and his officers, dressed in elegant, well-pressed uniforms gave us an overview

of the prison population, their activities, their apprehensions, hopes and ambitions. But first the statistics as given to us by the Commissioner of Prisons: the total prison population is 2,842. The good news is that gender plays in favour of females this time. There are only 202 female detainees while males are 2,640. Sadly, there are also two minors and three babies. Foreigners are no small part of the prison population: 289 from 53 countries.

Our various prisons receive around 30 convicts and another 30 remand inmates on a daily basis. There are not enough qualified professionals to help sever drug users. Methadone on its own has become another life addiction. Most of the detainees were incarcerated because of drug use/drug peddling or non-payment of fines, the irony being that their detention costs the state even more money – around Rs1,000 a day per detainee.

That's a lot of bad news.

However, at the centre of all the discussion, a theme kept coming up: rehabilitation through the various trades offered to the detainees, ranging from agriculture, artisanal work, catering, furniture making and mechanics to textiles, shoemaking, baking and garment tailoring, among others.

WITHIN THE PRISON

A subsequent visit to the same prison – the Beau Bassin Central Prison – revealed the reality of detainees incarcerated there.

The prison was built in 1888 and is a UNESCO world heritage site. The outside beauty of the stone building tries very hard to hide the misery locked in the inside. The courtesy and smiles of the prison officers were a very nice surprise, considering the harsh conditions of their work inside. Formalities, formalities and more

formalities before we were led to the search room where we were shorn of all our electronic devices and smoothly led into the jungle within.

We braced ourselves for the worst: bad smells, detainees fighting, swear words, litter thrown everywhere. There was none of that. However, the prison is very old and is screaming for renovation, the infrastructure has seen better days, the toilets inside the yard are in a total state of disrepair. The bathing facilities are inadequate and offer little privacy. Cells had no toilets and detainees have to sleep with chamber pots inside. Some cells were too small for the two or three detainees who shared them. Many cells do not meet the Nelson Mandela Standard Minimum Rules for the Treatment of Prisoners*.

All this suggests that perhaps the prison should be moved to another site and not be housed in a world heritage site where changes are difficult. The authorities agree that the prison is too old and too restrictive to be fit for the purpose it is meant to serve.

The atmosphere inside the prison was serene. In one part, there was a lot of excitement as detainees were engaged in a football tournament. The main yard was full of inmates queuing up for food with huge plastic bowls in their hands; others were eating in the big, sunny yard. On the menu: a mountain of rice, chicken curry and soya curry for the vegetarians accompanied by a cabbage stew, a cucumber salad and a potato stew. At the other end of the queue, two detainees stood with a ladle in their hand serving

lentils from buckets to add protein to the meal. The kitchen was not dirty and the freezers were working and well-stocked up: chicken, fish, vegetables etc.

The verdict of the ‘customers’? Very varied: some thought it was *mari bon* and were eating heartily; others thought it was as bad as usual. Several detainees opted for the soya curry not because they were vegetarian but because they thought the chicken curry was inedible. During the visits to the cells, the prisoners politely made way for us and greeted us with shy smiles. The guards just walked behind confidently, not expecting any violence or incident. Some came to us to complain about... the hospital. A story we heard from almost everyone: *“ou al laba, ou sorti pli malade!”*

The heart wrenching story in all this is that out of the 722 inmates incarcerated in the Beau Bassin Central Prison, a puny fraction had been convicted: 64 to be more precise. The other 658 are all waiting for their day in court with uncertainty and anguish. Some have been waiting for as long as six and a half years! The prison officers told us that the fact that they were still in remand also makes rehabilitation quite difficult because of the lack of certainty as to the time they will spend in prison, as well as the frequent visits to court. This is an area that we will have to take into account in our National Strategy for the Rehabilitation of Detainees.

The inmates’ complaints were generally timid but fearless. Some complained about the guards in their presence: *“pas tou gard ki respecter ou dignité. Ena ki pa kon kozer ek dimoun”*.

The most vocal complaints came from the ward where there are foreign inmates. Their main concern: the time they have spent awaiting trial – a record of seven years! Their complaints: work in prison brings them around Rs125 a week. A single telephone call back to their countries costs them Rs90. South African Chris has been locked up without trial for six and a half years. He lost both his grandparents while in detention. He also complained about... the state of the hospital: “It should have been closed 100 years ago.” He however commended the officers for the way they treat them: “like VIPs,” he said. He also complained about the quality and quantity of the soap and toothpaste they are given. We took a sample of both and tried them. We found them totally acceptable. Togolese Djikpo, 67 years old, complained about the fact that there is no embassy to help him during his six and a half years awaiting trial. Eighty-year old Kenyan Muvita has been locked up for seven years. His concern is that he might not make it to court during his lifetime. South Korean David Chang had only one message for us: he is innocent. He claims to be a chartered accountant who owned several companies in South Korea and China and that the government-to-government documents exchanged prove that he has no criminal record. He has been waiting to prove that in court for the last six and a half years...

In the middle of this misery, there is good news: a genuine openness of the prison authorities to the help of the National Human Rights Commission (NHRC) and other stakeholders in giving detainees a second chance. Sadly, 60 per cent of detainees go back to prison within a year of their release. That is an awful lot of people, an awful lot of labour shortage, an awful lot of human tragedies and an awful lot of offences against law-abiding citizens! It is important for citizens to understand this last point.

Hence our deep interest in collaborating with the prison authorities for the rehabilitation of detainees. We have carried out extensive talks with detainees in several institutions. It is our intention to start from there, take a good look at the programmes already on offer in various detention centres and prisons and work with the community on a win-win strategy capable of giving detainees a second chance and helping law-abiding citizens and their families be safe.

**The Nelson Mandela Rules were adopted by the United Nations General Assembly on December 17, 2015, as a revision of the original Standard Minimum Rules for the Treatment of Prisoners established in 1955. They were named in honour of Nelson Mandela, who spent 27 years in prison and became a global symbol of the struggle for human rights and dignity.*



Merkredi 23 zyliet 2025 , finn ena enn forum bien interesan dan la sal Per Robert Jauffret dans parwas sakre ker Beau Bassin. Dan lombraz sa gran travayer social ek pret ki Rober Jauffret ti ete fer Jean Claude Veder to prezid enn forum deba lor rehabilitasion bann prizonier. Ti partisiper ossi misye Cadress Rungen de LAKAZ A , Madam Rebecca Russie Head of Programme de ONG KI NOU ETE e Dev Jokhoo nouvo Komiser prizon.

Missie Jokhoo finn bross enn tablo rapid lor ban dispozision ki banne servis prison pran pou rehabilit bann detenus au niveau laprantissaz. Li finn ossi explike Kouma prizom ena sirpopilasion ek difikilte pran an sarz ban dimaoun ki ress enn tigit letan selon zotte kondamnasion. Ossi ena problem letan remand ki blok plas dan prizon ki sirpeple. Sa problem la bizen adrese par ban lotorite parey kuma problem sertifika karakter ki poz en problem pou bann ex deteni gang travay. Enfin Dev Jokhoo fin fer enn pledwayer pou ki bann ti condanasion converti an travay kominoter pou desangorz prizon pou terminer par evok kestion ban addiction ki konsern plis ki 70 % prizonier alor ki li estime ki ena 10% dimoun ki konsiderer Kouma malade , Diabetes, HIV Hepatite etc dan prizon, Enfin konsernan bann etranger dan prizon bokou atan lontanavan pas an zizman et Dev Jokhoo inn rekomander ki enn fwa zot kondamne zot fer 30%



zot santans ici e leres dan zot pei.

Madame Rebecca Rissie ine explik travay ki ONG Ki Nou Ete per fer dan prizon depi plis ki 20 an. Lakompagnement a l'interieur et sirtou en deor pou fer bann papier idantite, akt de nessans etc. Sa ale mem ziska truv enn Lozman poyr bann ex prizonier SDF. Mme Russieine ossi evok ban difikilteki sertifika karakter poze pou rehabilitation ban ek deteni.

Pou terminer Cadress Rungen de l'ONG LAKAZ A finn rebran bann sif Komiser prizon e li dir ki bann toxiko c ban malad e donk bizen dir ki plis ki 79% ban prizonye malad e zott to bizen dan enn sant spesyalize e pa an prizon. Cadress Rungen finn ossi demann reget tou system penitansyer ek ki prizon santral



Beau Bassin ne pli reponn norm internasional .” Bizen kraz prizon Beau Bassin ki date de la fin 19em siek e rekonstrir enn prizon dign 21eme siek. Missye Rungen inn repeater avec lafors. Bann esanz ki finn suiv ti lor depenalizasion kanabis(gandia) – akonpagnman psikolozik , transformasion system prizon formasion bann gardyen autour rekonstriksion bann detenus ek detenus pou fasilite zot reinsersion dan la sosiete letan zot sorti et limit risk residiv.

So forum deba la li organize dans kad semen Jubile pou bann detenu par l’Aumonerie des Prisons legliz katolik.



LA PLACE DE LA SANTÉ MENTALE DANS NOS PRISONS À MAURICE

Par Vijay RAMANJOOLOO

Il est intéressant de noter que la prison de Beau Bassin a été construite à côté de l'hôpital psychiatrique. Ce choix d'emplacement, s'il peut sembler anodin, souligne pourtant le lien étroit entre prison et santé mentale. En effet, parmi les quelque 3 000 détenus à Maurice, une grande majorité souffre de troubles psychiques, souvent aggravés par des problématiques de dépendance à la drogue, comme en témoigne le nombre élevé de délits liés au larceny. Par ailleurs, les questions liées au VIH et les comorbidités médicales sont fréquentes, tout comme la prise simultanée de plusieurs médicaments, ce qui expose à

des risques d'interactions médicamenteuses complexes.

Malheureusement, la visite d'un psychiatre se limite à une fois par mois, accompagnée seulement de deux psychologues. Cette fréquence est manifestement insuffisante pour répondre aux besoins importants de cette population vulnérable. Selon les normes internationales établies par les Nations Unies, notamment les Règles Mandela et les principes directeurs sur la santé mentale en milieu carcéral, il est impératif que les détenus souffrant de troubles psychiatriques bénéficient



d'un suivi médical régulier, adapté et accessible.

L'ONU souligne l'importance d'une prise en charge multidisciplinaire, impliquant psychiatres, psychologues, travailleurs sociaux et autres spécialistes, afin d'assurer un accompagnement complet et continu. Ces mesures visent notamment à prévenir la détérioration de la santé mentale, réduire les risques de suicide – un phénomène malheureusement constaté à plusieurs reprises dans nos prisons – et favoriser la réhabilitation effective des détenus. Les troubles psychiatriques et le

suicide sont intrinsèquement liés, ce qui rend cette question d'autant plus urgente.

De plus, l'ONU recommande que les établissements pénitentiaires garantissent un accès aux soins équivalent à celui disponible en milieu communautaire, conformément au principe de non-discrimination. Or, la situation à Maurice montre un décalage préoccupant entre ces standards internationaux et la réalité

locale. Il est donc crucial que des mesures concrètes soient prises pour renforcer l'offre de soins en prison, améliorer la formation du personnel pénitentiaire et garantir un environnement respectueux de la santé mentale.

En conclusion, la santé mentale en prison ne concerne pas seulement la personne détenue, mais l'ensemble de la société. Une meilleure prise en charge contribue à la réinsertion, à la réduction de la récidive et à la promotion des droits humains fondamentaux. C'est une exigence humaine et légale. Pour répondre aux enjeux actuels, Maurice doit s'inspirer des recommandations internationales et s'engager à offrir des soins adaptés, continus et dignes à ses détenus, dans une perspective de respect des droits humains et de réinsertion sociale.

NELSON MANDELA - UNE ICÔNE DES DROITS HUMAINS

PAR JEAN MARIE RICHARD

"To deny people their human rights is to challenge their very humanity" – Nelson R. Mandela

Le 17 juillet dernier, à l'initiative de la National Human Rights Commission (NHRC) en collaboration avec le Centre Nelson Mandela pour la Culture Africaine et l'ONG DIS-Moi s'est tenu une matinée d'échanges dans les locaux du Centre Nelson Mandela à La Tour Koenig autour de l'impact de Nelson Mandela sur les droits humains à travers le monde. Ceci en amont de la journée mondiale consacrée à la mémoire de l'icône sud-africaine de la lutte contre l'apartheid et pour commémorer l'avènement d'une société démocratique et égalitaire dans son pays : Nelson Mandela Day le 18 juillet de chaque année.

Autour du thème de l'évènement de cette année – Let's get involved/engageons-nous – l'audience



à cette première initiative de la NHRC, récemment reconstituée sous la présidence de Mr Sajayit Boolell SC, a pu écouter en point d'orgue le Keynote address de S.E. Dr Manzini Haut-Commissaire d'Afrique du Sud à Maurice. Cette dernière a élaboré sur la lutte contre l'apartheid et les qualités intrinsèques de Nelson Mandela, combattant de la liberté, prisonnier du régime pendant 27 ans et le premier président démocratiquement élu de l'Afrique du Sud. Elle a partagé les dispositions saillantes de la constitution

de son pays.

Mme Manzini a rappelé également la nature du mandat populaire reçu par les représentants du peuple et les attentes de celui-ci en matière de commodités de base : logement, eau, électricité tout comme l'éducation, la santé et un emploi, des droits de base attribuables à tous. Elle a terminé son allocution en mettant l'emphase sur le nécessaire corollaire des devoirs et responsabilités par rapport aux droits, et aux droits humains en particulier applicables à tous indistinctement.

Enfin la représentante de l'Afrique du Sud a souligné la situation des habitants de Gaza justifiant les initiatives de l'Afrique du Sud auprès de la Cour Internationale de Justice exprimant le soutien et la solidarité de son pays envers le peuple Palestinien, victime d'injustice au mépris de ses droits et où les territoires occupés vivent sous un régime qui s'apparente à celui de l'apartheid.

Mr Sajayit Boolell S.C, Chairperson de la NHRC, a pour sa part élaboré sur la vision et la mission de l'institution qu'il préside depuis peu. Il a ensuite mis l'emphase et élaboré sur la personnalité de Nelson Mandela et sa capacité de pardonner et de mettre de côté toute amertume, ce qui lui a permis d'assurer la transition pacifique et démocratique dans son pays après tant d'années d'injustice. Il a énoncé la volonté de la NHRC *“d'être à l'écoute de tous, d'aller vers les jeunes et l'ensemble de la population pour vulgariser la culture des droits humains dans le pays”*.

Enfin Stephan Karghoo, le directeur du Centre Nelson Mandela, dans son discours de bienvenue s'est réjoui de la proposition du NHRC de commémorer conjointement l'héritage de Nelson Mandela en matière des droits humains au niveau de son pays, du continent africain et du monde. Il s'est déclaré heureux de cette première qui augure et inaugure *« une collaboration encore plus étroite et fructueuse entre les deux institutions »*.

La matinée d'échanges s'est poursuivie par le lancement d'un livre pour enfants intitulé « The Legacy of Nelson Mandela » qui s'inspire de la vie de Nelson Mandela. Le livre produit et réalisé par Mélanie Valère Cicéron Project manager de l'ONG Dis-Moi, est parrainé par les éditions Leko et la NHRC. En dernier lieu, le Dr Amar Mahadew, également de Dis-Moi et Professeur de droits humains à l'Université de Maurice, a proposé des pistes de réflexion autour du thème *“Transformational Constitutionalism from a South African Perspective: An inspiration for Mauritius”*.



Plusieurs personnalités dont l'ex Président de la République Mr. Cassam Uteem, La ministre de l'égalité des genres et du Bien-être de la famille Mme. Arianne Navarre Marie, également députée de la circonscription No. 1, Mme Véronique Ieu Govind, ministre déléguée aux Arts et de la Culture, le Commissaire des Prisons, Mr. Dev Jokhoo, d'anciens présidents et directeurs du Centre Nelson Mandela, des membres du corps diplomatiques et des élèves du Collège Bhujorray ont participé à l'évènement, de même que des représentants d'ONG.

Enfin pour clôturer la matinée, une minute de silence en solidarité envers la population de Gaza en guise de protestation contre le génocide en cours dans ce territoire a été observée en soutien à la cause des Palestiniens.



MEETING OF THE NATIONAL HUMAN RIGHTS COMMISSION WITH NGOS

BY RISHA HULMAN-DYALL



The National Human Rights Commission (NHRC) had meetings with various Non-Governmental Organisations (NGOs), including Kinouete, Dis-Moi, Not a Number, and Hope. The primary objective of these meetings is to foster a robust collaboration aimed at promoting and protecting human rights across Mauritius, with a particular emphasis on the crucial aspects of detainee rehabilitation and reintegration.

The primary objective as pointed out by the NHRC Chairperson, Mr. Satyajit Boolell SC, throughout these discussions, is to address the current challenges pertaining to the rehabilitation of individuals post-incarceration in Mauritius. It has been recognised that existing policies may not adequately encompass comprehensive rehabilitation, thereby necessitating a concerted, multi-stakeholder approach.

The NHRC's objectives in these collaborative endeavours include :

Establishing a National Strategy for Rehabilitation and Reintegration :

The Commission is actively seeking the collective input and expertise of NGOs to assist in the establishment of a comprehensive national strategy. This strategy aims to improve rehabilitation outcomes for detainees, thereby reducing re-offending rates and fostering their successful reintegration into mainstream society. To facilitate this, a dedicated committee is planned for establishment within the NHRC, comprising representatives from all relevant stakeholders, to develop recommendations and guide policy.

Enhancing Conditions of Detention :

Through its National Preventive Mechanism Division (NPMD), the NHRC is mandated to monitor conditions in places of detention. Collaborative discussions with NGOs, contribute valuable insights and perspectives towards ensuring that detention facilities meet international human rights standards.

Facilitating Employment Opportunities for Former Detainees :

A key component of successful reintegration is gainful employment. The NHRC intends to engage in discussions with both public and private sector organisations to explore and establish avenues for the employment of former detainees, thereby supporting their economic independence and societal contribution.

Addressing Systemic Challenges :

Meetings have also served as a platform to identify and discuss systemic issues that impede effective rehabilitation in supporting rehabilitation efforts for drug users. The dialogue aims to pinpoint areas for reform and more effective intervention.

Promoting Human Rights Education and Awareness :

With organisations like Dis-Moi, the NHRC is exploring collaborations on human rights education and awareness-raising sessions, including 'training of trainers' programmes. This broader objective seeks to cultivate a more informed and rights-respecting society.

Exploring Innovative Rehabilitation Models:

Concepts such as "halfway prisons" and improved case management for prisoners have been discussed, reflecting an openness to innovative models that can bridge the gap between incarceration and independent living, providing structured support during the transition phase.

The consensus from these meetings is clear: a multi-sectoral approach and enhanced coordination among all relevant stakeholders are paramount to achieving a high rehabilitation rate, deterring recidivism, and ultimately ensuring a more humane and effective justice system in Mauritius. The NHRC welcomes ongoing dialogue and suggestions from NGOs as these vital initiatives progress.

ROUND TABLE ON DISABILITIES AND INCLUSION

BY RISHA HULMAN-DYALL



On 28 July 2025, the President of Mauritius convened and chaired a Round Table Forum on Disabilities and Inclusion. Held as a key State House Initiative, this crucial and timely event underscored a broader national vision to embed equity and dignity across all societal facets. The forum benefited from the distinguished co-chairmanship of Her Excellency Ms. Lisa Singh, UN Resident Coordinator for Mauritius and Seychelles, and Mr. Satyajit Boolell SC,

Chairperson of the National Human Rights Commission.

The roundtable brought together over 30 leading members from diverse civil society organizations and representatives from various institutions. The collaborative spirit of the forum aimed to comprehensively review past and ongoing efforts by stakeholders, identify existing gaps and challenges, and deliberate on practical, unified steps to enhance

synergy and maximise impact within this vital domain.

In his substantive contributions, Mr. Boolell SC provided critical insights, notably emphasising the imperative for commitment at the highest level to champion the rights of persons with disabilities effectively. He specifically advocated for a thorough review of the Protection and Promotion of the Rights of Persons with Disabilities Act, highlighting the necessity to ensure its provisions remain robust, relevant, and responsive to contemporary needs. Furthermore, Mr. Boolell SC stressed the paramount importance of fostering enhanced coordination at the national level among all stakeholders, aimed at streamlining efforts and achieving greater collective efficacy. Mr. Boolell SC also emphasised the diligent implementation of the concluding observations of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) Committee, underscoring Mauritius's ongoing commitment to its international human rights obligations.

A number of challenges were identified including inter alia accessibility to mainstream education, which continues to present a fundamental barrier for many persons with disabilities. The pervasive lack of awareness-raising sessions on the rights of persons with disabilities, contributing to societal misconceptions and discrimination was highlighted. Concerns surrounding the right to work for persons with disabilities were also raised, advocating for greater vocational opportunities and the

This inaugural forum represents a crucial first step in a longer, strategic journey towards ensuring that the principles of equity, dignity and inclusion transition from mere intentions to sustainable, empathetic and evidence-guided actions, carried out in unity across Mauritius.

**JR123 v The Department (Northern Ireland) [2025]
UKSC 8 - By Risha Hulman-Dyall**

The appellant in this case was convicted in 1980 of arson and possessing a petrol bomb, receiving concurrent sentences of five and four years' imprisonment. Despite his full rehabilitation since his release in 1982, his convictions are not considered "spent" under Article 6(1)(b) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 due to the sentences exceeding 30 months. Consequently, he is under an obligation to disclose these convictions when seeking employment or business insurance, which he argued caused him distress and humiliation and violated his Article 8 ECHR right to respect for private and family life. Article 8 provides as follows:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Held: The Supreme Court unanimously dismissed the appellant's appeal. It held that the Order 1 strikes a fair balance between the rights of the appellant, the rights and freedoms of others, and the interests of the general community. The rehabilitation regime under the Order falls within the wide margin of appreciation afforded to the legislator in this context and, therefore, does not breach the appellant's rights under Article 8 of the ECHR. The Court concluded that a purely category-based approach, without a formal individualised review, is justifiable when weighed against the legitimate goals of protecting public interests, ensuring employer and insurer rights, and maintaining certainty.

Rationale behind the Judgment:

The Supreme Court's reasoning, primarily delivered by Lord Sales and Sir Declan Morgan, highlighted several key points:

- **Margin of Appreciation:** The Court emphasised the wide margin of appreciation available to the state in devising and implementing legislative measures like the rehabilitation regime. This wide margin allows for different legislative solutions across jurisdictions, provided they remain within the acceptable parameters of Article 8. The rehabilitation of offenders is considered a context where general, clear, and uniformly applicable rules are legitimate and desirable to minimise arbitrariness. Factors indicating a wide margin of appreciation included the inherent complexity of legislating a fair rehabilitation scheme, the need to protect the rights and freedoms of others, the deterrent effect of convictions, lengthy policy consideration, and the potential impracticability and arbitrariness of individualised processes decades after release.
- **General Measures vs. Individual Assessment:** The Court affirmed the principle from *Animal Defenders International v United Kingdom* (2013) 57 EHRR 21, which states that a state can adopt "general measures which apply to pre-defined situations regardless of the individual facts of each case, even if this might result in individual hard cases". A category-based approach, linked to the gravity of the offence as reflected in the sentence, promotes legal certainty and avoids issues of arbitrariness and inconsistency inherent in case-by-case weighing. The Court found that there were "good and sufficient reasons" for adopting the general measures in the 1974 Act (replicated in the Order), and that these measures fell "well within the state's margin of appreciation".
- **Balancing Competing Interests:** The Court reiterated that the ultimate question in cases pertaining to Article 8 ECHR is whether a fair balance has been struck between the rights of the individual, the rights of others, and the interests of the general community.

It acknowledged the significant impact on third parties (e.g., employers, insurers) if a conviction becomes spent, as this can undermine freedom of contract and the right to information. The deterrent effect of serious consequences for serious offending was also considered relevant for the prevention of crime.

The Court found that the harm to the appellant's Article 8 rights did not outweigh these legitimate public interests.

Certificate of Character in Mauritius

The Certificate of Character Act 2012 Under the Certificate of Act (the "Act"), an individual or an employer (with the worker's written consent) may apply for a certificate of character. The Director of Public Prosecutions (DPP) or a delegated person is responsible for issuing these certificates. Section 5(2) of the Act provides for circumstances under which a certificate will state that a person "has never been convicted of a crime or misdemeanour in Mauritius":

- If the applicant has never been convicted of any crime or misdemeanour.
- If, following a conviction for an offence not specified in the Second Schedule, the person received only an absolute discharge or a conditional discharge (and complied with its terms).
- If, more than 5 years before the application, the person was convicted of a crime or misdemeanour not specified in the Second Schedule and received only a fine of up to 5,000 rupees or was subject to a probation order (and complied with its terms).
- If the person was granted a free pardon.

If none of these circumstances apply, meaning the person has a conviction that does not meet the criteria for being "spent" under the Act's provisions, the DPP will issue a certificate in the form set out in Part C or D of the Third Schedule, indicating that the person has been convicted. The Second Schedule lists specific serious offences (e.g., under the Dangerous Drugs Act, Prevention of Terrorism Act, certain sections of the Criminal Code) that prevent a conviction from ever being considered "spent" for the purpose of a clean certificate.

Category-Based Approach:

Both the Northern Irish Order and the Certificate of Character Act adopt a largely category-based approach. The Northern Irish legislation relies on the length of sentence to determine if a conviction is "spent", while the Mauritian Act uses a combination of sentence type (e.g., absolute discharge, conditional discharge, fine, probation order) and a five-year waiting period for less serious offences, critically excluding a list of specified serious offences. The UK Supreme Court endorsed this category-based approach, noting it promotes legal certainty and avoids arbitrariness. The Mauritian system aligns with this principle by clearly defining the criteria for a "clean" certificate.

Lack of Individualised Assessment:

Similar to the Northern Irish context where the absence of an individual assessment mechanism was challenged, the Mauritian Act also does not provide for a formal individualised assessment of rehabilitation for convictions that do not meet the "spent" criteria. If a person has a conviction for a serious offence listed in the Second Schedule, or a more recent conviction that falls outside the specified parameters, their certificate will always disclose the conviction.

Balancing Competing Interests:

The UK judgment emphasised striking a fair balance between individual rights, the rights of others, and general community interests. This includes protecting employers' and insurers' rights to information and maintaining the deterrent effect of convictions. The Mauritian Act, by distinguishing between minor convictions that can effectively become "spent" and more serious offences that have to be disclosed, implicitly seeks to strike a similar balance. The inclusion of the Second Schedule, listing offences that are never considered "spent" for the purpose of a clean certificate, reflects a policy decision to prioritise public protection and the rights of third parties in specific contexts.

In conclusion, while the foundational principles underpinning the Mauritian Certificate of Character Act 2012 are rooted in the State's positive obligations for public safety, the practical consequences,

particularly the absence of an individualised assessment mechanism for certain offences, may lead to adverse outcomes. These consequences often outweigh the benefits by hindering social reintegration, perpetuating stigmatisation and potentially undermining the objectives of a rehabilitative justice system.



IMPLICATIONS OF THE CONSTITUTION (AMENDMENT) ACT AND CRIMINAL CODE (AMENDMENT) ACT IN MAURITIUS

BY MELANY NAGEN

The **Constitution (Amendment) Act 2025[1]** and the **Criminal Code (Amendment) Act 2025[2]** signify a major step in aligning Mauritius's legal framework with international human rights standards, particularly those articulated under the United Nations Convention against Torture (UNCAT)[3]. The legislative reforms reflect the recommendations of the United Nations Committee against Torture (UNCAT Committee) during its review of [Mauritius's fourth periodic report on 20 November 2017](#), highlighting the need for stronger constitutional safeguards against torture and the abolition of archaic legal provisions that undermine fundamental rights.

The primary objective of the **Constitution (Amendment) Act** is the repeal of **section 7(2) of the Constitution**, which previously provided a legal basis for certain forms of punishment that could be deemed degrading or inhuman. Section 7(2) had been criticised for creating potential loopholes that could be exploited to justify practices

inconsistent with international norms prohibiting torture or cruel treatment.[4] By repealing this provision, the amendment unequivocally establishes that any law authorising torture, or inhuman or degrading treatment, shall be considered inconsistent with, and in contravention of, the Constitution. This constitutional reform strengthens the domestic legal framework by reinforcing the supremacy of human dignity and the absolute prohibition of torture, as mandated by Article 2 of UNCAT.[5]

From a constitutional perspective, this amendment carries both symbolic and practical significance. It not only reaffirms Mauritius's commitment to the rule of law and international human rights but also provides a stronger constitutional foundation for judicial review. Courts will now have clearer grounds to invalidate any legislation or executive act that contravenes this absolute prohibition. This aligns Mauritius with jurisdictions that treat the prohibition of torture as a jus cogens norm—an absolute, non-derogable principle in international law.[6]

The **Criminal Code (Amendment) Act** introduces another critical reform by abolishing the long-standing legal doctrine that allowed manslaughter committed by a spouse, upon finding their partner in the act of adultery, to be considered an excusable offence. This archaic defence, rooted in cultural notions of honour and provocation, effectively reduced the culpability of offenders under circumstances that today are widely regarded as discriminatory and inconsistent with the principles of equality and the right to life. The removal of this provision reflects a broader movement towards gender justice and the rejection of violence justified by outdated moral constructs.[7]

Furthermore, this amendment aligns with international human rights instruments, including the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which condemns any legal tolerance of violence against women. By criminalising such acts without exception, Mauritius acknowledges the evolving standards of criminal justice that prioritise the sanctity of life over patriarchal notions of honour.

The twin reforms embodied in the Constitution (Amendment) Act and the Criminal Code (Amendment) Act represent a significant modernisation of Mauritius's legal framework. They position Mauritius as a proactive state party committed to human rights, gender equality, and the eradication of all forms of violence and torture.

[1] The Constitution (Amendment) Act 2025, Act No. 10 of 2025

[2] Criminal Code (Amendment) Act 2025, Act 11 of 2025

[3] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Assembly resolution 39/46- Adopted 10 December 1984 General

[4] During the 82nd Session of the Committee Against Torture (CAT), on Wednesday, 9 April, and Thursday, 10 April 2025, the CAT reviewed the 5th periodic report of Mauritius under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[5] Concluding observations on the fifth periodic report of Mauritius

[6] [In Dialogue with Mauritius, Experts of the Committee against Torture Praise the Prohibition of Corporal Punishment, Ask about the Minimum Penalty for Torture and Prison Conditions](#)

BEHIND CLOSED DOORS: THE SILENT SUFFERING OF TRAFFICKING VICTIMS IN MAURITIUS

BY POURNIMA MAHADAWO - INVESTIGATOR

In the shadows of the Mauritian society, a silent injustice continues to unfold with the trafficking of human beings. While laws evolve and systems strengthen, the lived reality of victims is far more complex, painful, and deeply inhuman.

Under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN TIP Protocol), to which Mauritius is a signatory, trafficking is defined as the recruitment, transportation or harbouring of individuals through coercion, deception or abuse of vulnerability for the purpose of exploitation. Yet behind this legal definition are real people; women, men and children whose dignity is stripped away, often in a foreign land where their voices are unheard.

Mauritius has made important strides, notably with the 2023 amendments to the Combatting of Trafficking in Persons Act. A specialised Trafficking in Persons Unit (TIP) within the police force has been established. Victims now receive legal and financial support, and non-

citizens are allowed to remain in the country until their cases are resolved. These reforms matter but for survivors, the trauma does not end with rescue; it often deepens.

Victims, especially foreign nationals, face a double trauma. First, at the hands of traffickers who lure them with false promises of work or safety. Then, again, as they navigate systems that are unfamiliar to them when dealing with police officers. One of the barriers they face is that of language. Others fear retaliation or deportation and hence prefer to stay quiet and not denounce the act of human trafficking. Also, some of the persons being trafficked are mothers or fathers with children left behind in their home countries and who are kept in Mauritius for months, sometimes years, awaiting the slow wheels of justice to turn. This separation is a cruel punishment for survivors who are already carrying unbearable scars.

The National Human Rights Commission (NHRC) stands as a vital lifeline for these

victims. Beyond investigating cases, the NHRC has been offering a helping hand. However, challenges persist. There are no dedicated shelters for male victims, denying them the right to rehabilitation. Online trafficking, via social media and job portals, is on the rise where victims are recruited with the click of a button and controlled through threats, surveillance or confiscated documents. Our borders may be secured but our screens are not.

The NHRC continues to call for urgent reforms: the establishment of shelters for male survivors, the implementation of trauma-informed legal processes, regulation of unethical recruitment agencies, and enhanced interstate cooperation. Above all, survivors' dignity must be upheld and their situation must be met not by bureaucracy but with compassion.

Encouragingly, Mauritius's efforts have been recognised with an upgrade to Tier 2 in the U.S. Department of State's 2024 Human Trafficking Report. However, much remains to be done, and we remain hopeful that further progress will follow.

Combating trafficking is not solely the responsibility of authorities; it is also a collective duty of all citizens to report suspicious activities and help protect the vulnerable.

Lessons from Australia's Bold Move

SHOULD MAURITIUS BAN SOCIAL MEDIA FOR UNDER-16S?

BY ARSHEY RAMKALOAN - INTERN

Mauritius stands at digital crossroads. With internet access rising and smartphone ownership becoming widespread even among primary school children, the question of how to protect our youth online is becoming increasingly urgent. As cyberbullying, digital addiction and exposure to harmful content have become more common, some are asking whether Mauritius should consider banning social media access for children under the age of 16.

This conversation has gained momentum globally following Australia's landmark decision to implement the Online Safety Amendment (Social Media Minimum Age) Bill 2024. The legislation, the first of its kind in the world, prohibits anyone under 16 from using social media platforms such as TikTok, Instagram, Facebook and, more recently, even the widely used YouTube. The bill is backed by Online Safety Commissioner Julie Inman Grant and reflects growing concerns about the effects of social media on developing minds. The Australian government argues that the unrestricted use of these platforms can harm mental health, expose minors to predators and

increase the risk of anxiety, depression and cyberbullying. Unsurprisingly, the policy enjoys overwhelming public approval, with 77% of Australians in favour of the ban.

But while the motivation behind such measures may be commendable, their implementation and implications are far more complex – especially for a nation like Mauritius. For many Mauritian teenagers, social media is more than just entertainment. It has become a crucial space for self-expression, communication, and social interaction. Youth in Mauritius have used these platforms to denounce injustice, promote awareness, and advocate for causes they care about. From climate activism to student-led initiatives, online platforms offer a stage where the voices of the younger generation can be heard, especially when other avenues are limited.

Any attempt to restrict that access must therefore take into account, not only the risks of social media, but also the opportunities they provide. It is true that harmful content circulates freely online.

It is true that many young users lack the digital literacy to distinguish between real and fake, healthy and toxic. But it is also true that banning access altogether may push youth toward more unregulated and underground platforms, creating new dangers instead of solving existing ones. The Times of India, for instance, has expressed concern that such hardline policies could backfire by driving teenagers toward riskier digital environments that are even less accountable.

Mauritius is not yet equipped to enforce a ban similar to Australia's. The country does not have a dedicated Online Safety Commissioner or any national regulatory body with the power to monitor and sanction tech platforms. Furthermore, our current infrastructure does not support robust and privacy-respecting age verification mechanisms. In Australia, age assurance may involve biometric scanning, document uploads, or even AI-based age estimation, all of which raise legitimate concerns about surveillance and data protection. For a small island nation like Mauritius, implementing such systems would be, not only expensive, but also ethically fraught.

Nonetheless, the issues Australia is trying to address are not foreign to Mauritian society. Concerned parents, educators, and policymakers are increasingly worried about the impact of social media on children's wellbeing and education. However, rather than rushing into legislation that we may not be prepared to enforce, Mauritius should adopt a more measured and contextual approach. The nation's focus should be on empowerment rather than exclusion.

Australia's social media ban for under-16s is a bold experiment driven by legitimate concerns. It is being closely observed by governments around the world. In countries such as the United Kingdom and Indonesia, the idea has sparked debate within parliaments and ministries, though few have moved as quickly or as decisively. For Mauritius, the Australian model offers valuable lessons, but it is not a template we should simply copy. Instead, we must craft a response that reflects our own values, capacities, and challenges.

In the end, protecting our youth online is not just a matter of control, but more a question of trust, education and resilience. Rather than restricting the youth from the digital world, we must prepare them to live in it responsibly; digital safety must be grounded in confidence, awareness and the collective will to build a safer, smarter internet for the future generation and for the future of our country.



A Heartfelt Farewell and Thank You to Mrs. Jacqueline Y.L. Lai Chek

After nearly four decades of dedicated service in the public sector, we bid a fond farewell to our dear colleague Mrs. Jaqueline whose departure leaves a significant void in our team.

Throughout the years, Mrs. Jacqueline has been a shining example of professionalism, grace, and kindness. Her gentle smile, calm presence, and ever-willing attitude to lend a helping hand have made her not just a valued colleague, but a trusted friend to many. She has touched countless lives with her humility, wisdom, and generosity, leaving behind a legacy that will continue to inspire us all. While we will deeply miss her presence, we celebrate the extraordinary contributions she has made and the example she has set. We extend our heartfelt thanks and wish her all the very best in this new chapter of life, filled with peace, happiness, and well-deserved rest.

Thank you, Jacqueline, for everything.

ON BEHALF OF THE NHRC TEAM





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