



NATIONAL HUMAN RIGHTS COMMISSION

MAURITIUS

ANNUAL REPORT 2024

MARCH 2025



**NATIONAL HUMAN RIGHTS COMMISSION
EBENE - MAURITIUS**

28 March 2025

**His Excellency
Mr. Dharambeer GOKHOOL, 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 2024 to 31 December
2024, to be transmitted to the National Assembly.**

Yours faithfully,

**Dheerujlall B. Seetulsingh, SC
Chairman**

“Human Rights provide the poetry of both cries for freedom and pleas for protection..... The world is in turmoil, It is riven by oppression, inequality and impending climate catastrophe. What many had come to rely on as the post-1945 settlement for securing greater justice, equality and peace is now once more in flux.

Human rights celebrate and protect everything that humans need in order to survive and thrive in this world. They are our best attempt at respecting human dignity. It is against this yardstick that we must measure their content, limitations, application, clashes and enforcement. There are no effective human rights without a good society to protect them. Without respect for fundamental rights and freedoms, no good society will endure”.

Baroness Shami Chakrabarti in HUMAN RIGHTS – THE CASE FOR THE DEFENCE (2024)

NATIONAL HUMAN RIGHTS COMMISSION
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CHAPTER I

1. INTRODUCTION

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

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

The main objectives of the NHRC are to protect and promote human rights. The HRD deals with violations of human rights listed in Chapter II of the Constitution of Mauritius (which are mainly civil and political rights) by public bodies (Ministries or government departments), local authorities, statutory corporations and government controlled companies or entities. 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, the Chief Justice, the Director of Public Prosecutions, and any Commission established under 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.

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 of the Constitution lists down fundamental civil and political rights like the right to life, right to liberty, right not to be deprived of property without compensation, freedom of expression, freedom of conscience, freedom of association, protection from discrimination and other rights but there is no mention of economic and social rights like right to health, right to education, right to social security, right to housing, right to work etc

Mauritius has prided itself in being one of the few countries in the Third World which is a Welfare State with free education from pre-primary to tertiary level, with free health services (hospitals, doctors’ services, medicine), with social benefits schemes like old age pension and social aid for vulnerable persons including widows, orphans, persons with disabilities, free public transport for students and older persons and various measures to help those in need to have a roof on their head. Many measures were introduced from the time of our first Prime Minister, Sir Seewoosagar Ramgoolam and maintained by successive governments.

It is now contemplated to integrate social and economic rights in the Constitution. This may create a legal obligation upon the State to cater for those rights and to make them justiciable. Decisions of Constitutional Courts abroad have stressed that the provision of such rights is subject availability of resources and to progressive realisation.

In India economic and social rights were included as Directive Principles in the Constitution to reduce the State's responsibility and obligation to provide such rights. Affording Rights cost money coming from the imposition of taxes, whether direct or indirect. Until now the State of Mauritius has been able to provide the above-mentioned services and has adopted a legal framework to regulate their provision for example the Education Act, the Social Aid Act and other laws.

Now that there is an entitlement to third generation rights like the right to a clean environment or digital rights, the State will need more financial resources to satisfy the demand for those rights and to protect them in a world seeking to combat inflation.

PROPOSED REFORMS

Constitutional Reforms as announced in the Electoral Manifesto of the incoming Government after the general elections in November 2024 have been translated into the Government Programme for the years 2025 to 2029 "A Bridge to the Future".

A Constitutional Review Commission will look into amendments to Chapter II of the Constitution to include new generation rights in relation to the environment, technology, health, education and other economic, social and cultural rights as well as the rights of Nature.

As our Constitution is silent on our need to respect values, reference will be in the Reforms to peace, justice and liberty to reflect the aspirations of the people and will constitute a giant step towards consolidating national unity. It may be noted that Article 29 of the African Charter of Human and Peoples' Rights to which Mauritius is a party requires an individual to preserve and strengthen social and national solidarity.

Laws will be amended to allow for Public interest litigation and class actions to enhance participation of the public at large in seeking justice from the Courts on national issues.

It is also proposed to establish a Constitutional Division of the Supreme Court to adjudicate on pressing issues to protect constitutional rights of citizens.

Further, candidates for elections will not have to declare to which community they belong to be able to participate in the elections to the National Assembly. Electoral Reform will further provide for greater women participation in Parliament and for a certain degree of proportional representation.

In the Annual Report issues of pertinence to Human Rights in Mauritius are addressed consisting of important contributions from Members and staff of the Commission. Chapter II also covers the mandate of promotion of Human Rights.

Chapters III and IV concern the specific operation of the Human Rights Division and the National Preventive Mechanism Division in protecting the rights of Mauritian Citizens.

Chapter V refers to activities for the Island of Rodrigues.

Other human rights institutions in Mauritius, namely the Independent Police Complaints Commission, the Equal Opportunities Commission, the Ombudsperson for Children and the Ombudsman publish Reports on their activities.

CHAPTER II

HUMAN RIGHTS ISSUES

1. CULTURAL RIGHTS IN MAURITIUS

Culture in its widest sense may refer to a way of life, to language, to religious practices, to ways of dressing and cooking, mode of entertainment, music, philosophy, personal rights which vary from country to country or place of origin. In the modern world there is also a mixing of cultures especially with globalisation, migration, inter racial marriage and also with the internet and social media overcoming all barriers of communication. Cinema and television make films in almost all languages accessible to varied audiences. Major works of literature translated in different languages make it possible for avid readers to enjoy the best literary works.

Mauritius is a land of people from different cultures, origins and backgrounds. Although the Constitution does not specifically provide for cultural rights, there are important provisions which protect cultural rights.

Section 12 of the Constitution entitled **Freedom of Expression** lays stress on the freedom to receive and impart ideas without interference. Such ideas can cover all aspects of culture allowing for freedom of thought, including political ideas ranging from Marxism to Capitalism, and also religious beliefs and practices.

Section 13 provides for the **protection of freedom of assembly and association**. No person shall be hindered in the enjoyment of his right to assemble freely and associate with other persons for the protection of his interests. Such interests will include the promotion of his culture through education and various

other manifestations like public gatherings to celebrate special events. In Mauritius the English Speaking Union, the Creole Speaking Union, the Hindi Speaking Union, the Urdu Speaking Union, the Tamil Speaking Union etc. cater for the promotion of culture and language.

The number of languages taught in schools now is impressive ranging from English, French, Kreol, Hindi, Tamil, Telegu, Urdu, to Mandarin. Kreol has now come to the fore, and is accepted as a national language. The Constitution, the Universal Declaration of Human Rights and the Convention Against Torture have been translated in Kreol and students have the opportunity to study Kreol up to University level.

Section 14 concerns the **protection of freedom to establish schools**.

(1) No religious denomination and no religious, social, ethnic or cultural association or group shall be prevented from establishing and maintaining schools at its own expense.

Again the purpose of these denominational or confessional schools serves to propagate culture through the teaching of languages, sometimes with an emphasis on religion. Many such schools now admit students from different backgrounds.

Section 16 entitled **Protection from discrimination** prohibits the provision of

“different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, colour, creed”

in the public sector.

Such discrimination is also prohibited in the private sector by virtue of the Equal Opportunities Act.

Thus, persons from different cultures may exercise their cultural rights freely, without hindrance of any sort.

Cultural rights are considered in differing ways in human rights instruments. Article 27(1) of the Universal Declaration of Human Rights is as follows:

“Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) in article 15 follows in the same vein on the rights of an individual to take part in cultural life and further requires States parties to the Covenant to take steps *“necessary for the conservation, the development and the diffusion of science and culture”*.

It is in General Comment No. 21 that the ICESCR Committee defines culture as encompassing *“ways of life, language, oral and written literature, music and song, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions”*.

The Committee develops the following parameters that States should observe to allow individuals to participate in and enjoy cultural life -

- (a) **Availability** - Cultural goods and services must be available including in institutions like libraries, museums and events in theatres, cinemas.
- (b) **Accessibility** - involving non-discrimination, physical accessibility, economic and information accessibility. Every person has the right to seek, impart and receive information on culture in his own language.

- (c) **Adaptability** - States should respect the cultural diversity of individuals and communities.
- (d) **Acceptability** - States should hold consultations with individuals and communities.
- (e) **Appropriateness** - Realisation of cultural rights should be adapted to the appropriate context.

The African Charter on Human and People’s Rights in article 17, apart from declaring the individual’s right to participate in cultural life of his community, states that

“The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State”.

In article 29 the African Charter stipulates that the individual shall have the duty

“To preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society”.

The UNESCO Declaration on Cultural Diversity affirms that culture is

“the set of distinctive spiritual, material, intellectual and emotional features of the Society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value system traditions and beliefs”.

The notion of different communities co existing in the State is well recognized in article 31 of the Constitution of South Africa.

- (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community –*
- (a) to enjoy their culture, practice their religion and use their language,*
 - and*
 - (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.*

6

Such freedom of association is also proclaimed in the Constitution of Mauritius.

The notions of community and way of life are not to be found in the body of our Constitution but in the First Schedule which makes provision for the electoral system prevailing in Mauritius, that is, the first past the post system and the Best loser system to correct any imbalance that may result after general elections to ensure a fair representation of different communities in the National Assembly.

Until now Candidates for elections have to declare to which community they belong - Hindu, Muslim, Sino-Mauritian or General Population. Any question as to the correctness of the declaration has to be ruled upon by a Judge of the Supreme Court on the basis of the way of life of that particular candidate. This is a difficult task because way of life in Mauritius is such that an individual may follow practices of different cultures although he may belong or not belong to any religion. He may exercise his cultural rights without choosing to belong to any community.

The way forward now is towards creating a Mauritian culture to strengthen a sense of patriotism and love for one's country, building respect for values which have not been inscribed in our Constitution.

These values cut across different cultures, different religions, different civilisations for they militate for the victory of good over evil, for making our planet a better world to live in, for tolerance and the acceptance of differences which all culminate in unity. This can be achieved through education.

In Article 13 of the International Covenant on Economic, Social and Cultural Rights emphasis is put on the importance of education – States parties *“agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations, and all racial, ethnic or religious groups.”*

Proposals to establish a Centre for Mauritian culture are timely. This will showcase the blending of all cultures in the country.

Throughout the years Mauritians have built a social cohesion and live in peace with their neighbours not only because they love different cuisine originating from the faraway continents where our ancestors came from but, because they have learnt to appreciate the friendship and support of fellow citizens. The inclusion of cultural rights in our Constitution will further strengthen Mauritian nationhood.

2. TREATY BODIES AND THE UNIVERSAL PERIODIC REVIEW

Human Rights are indivisible, whether they are first generation or second generation rights and the new third or fourth generation rights. First and second generation rights are embodied in a single document in the Universal Declaration of Human Rights of 1948.

However, when it came to drafting an International Covenant on Human Rights under the Chairmanship of Eleanor Roosevelt, it was decided that Civil and Political Rights would be in one Covenant whereas Economic, Social and Cultural Rights would be in a separate Covenant, hence the existence of two distinct Human Rights treaties and the creation of two treaty bodies to ensure the implementation of those rights. Economic circumstances had delayed and created a division of opinion on having a single Covenant. It would have been ideal to have a single instrument to enable effective enforcement of rights.

Later more human rights treaties have come into force in the Conventions on the Rights of the Child (CRC), against Torture (CAT), on the Elimination of Discrimination against Women (CEDAW), against Racial Discrimination (CERD), against Enforced Disappearances, on the Rights of Persons with Disabilities (CRPD).

The multiplicity of Treaty Bodies set up under the different treaties has imposed a heavy burden on States parties to the abovementioned treaties when it comes to their reporting obligations and the implementation of the recommendations of the Treaty Bodies. There is a serious backlog in the examination of Reports. The reports submitted by Mauritius in 2021 under the

Convention Against All Forms of Discrimination and the Convention against Torture will be examined in _____2025. Covid 19 created a serious disruption in the time table of treaty bodies. International human rights treaties tend to require states to show compliance with the same right when they report. For example, the ICCPR can cater for discrimination in all spheres of life but there are similar provisions in the CRC, CEDAW, CRPD, CERD to cover discrimination in particular situations.

During the present century the Human Rights Council has added another obligation on States by setting up the Universal Periodic Review which imposes on States the duty to report on all aspects of the Human Rights situation in their own country. This may be considered to be a worthwhile alternative to reporting to individual treaty bodies where there is no ‘splitting’ of human rights. The difference is that the examination of Reports is carried out by a troika of ambassadors selected from the members of the Human Rights Council in Geneva resulting in a peer review whereas treaty bodies consist of international experts in human rights from member states elected in their individual capacity. The exercise of reform of treaty bodies is an ongoing one and their effective functioning is additionally hampered by the need for more financial resources.

A. UNIVERSAL PERIODIC REVIEW (UPR)

The Universal Periodic Review (UPR) is a mechanism which assesses the human rights records of all United Nations Member States. This state-led process, conducted under the auspices of the Human Rights Council, enables each state to

outline the measures implemented to improve their domestic human rights situation and meet their international human rights obligations.

Mauritius was one of fourteen states reviewed by the UPR Working Group during its 45th session, held from 22 January to 2 February 2024. Following the review process, the UPR Working Group issued 303 recommendations of which 204 have received the support of Mauritius. Many of the recommendations covered the same subject.

UPR reviews are based upon information derived from three sources: from the State under review (a national report); from United Nations human rights experts and treaty bodies; and from other stakeholders, including national human rights institutions and non-governmental organisations. The National Human Rights Commission (NHRC) participated in the UPR process by making its own submission.

Key recommendations can be grouped as follows -

1. Civil And Political Rights:

(a) Freedoms of Expression, Association and Peaceful Assembly:

- Take measures to protect civic space and ensure freedom of expression and assembly and participation in the democratic debate for independent media and journalists (Netherlands).
- Guarantee a safe and free environment for journalists and human rights defenders (Spain).

- Promote an enabling, safe and secure environment for journalists and media workers in line with international human rights standards (Latvia).
- Ensure the protection of freedom of opinion and expression by reviewing vague and broad offences in the Information and Communications Technologies Act (Estonia).

(b) Treatment of Detainees:

- Ensure effective measures to prevent acts of torture and other forms of ill-treatment, ensure that all allegations of torture and ill-treatment are thoroughly investigated and that those responsible are brought to justice (Italy).
- Continue strengthening prison regulations in line with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (Nepal).

(c) Rule of Law and Equality in the Administration of Justice:

- Enforce laws penalising corruption and reduce lengthy delays in corruption cases going to trial (USA).
- Ensure equal access to justice, including by raising awareness about human rights and improving access to legal aid for people who cannot afford private services (Canada).

2. Economic, Social And Cultural Rights:

• Right to an Adequate Standard of Living:

- Continue with the social security system, which ensures a comprehensive and universal approach to the coverage of older persons (Burundi).

- Continue efforts to further develop the social security system (Tunisia).
 - **Right to Health:**
 - Continue implementing the health sector strategic plan (Somalia).
 - Continue the implementation of the health sector strategic plan (Burkina Faso).
 - Continue to develop and implement the health sector strategic plan (Cuba).
 - **Right to Education:**
 - Continue providing free education from the pre-primary to tertiary levels (Tunisia).
 - Continue consolidating the provision of free education, from the preschool to the tertiary levels (Bolivarian Republic of Venezuela).
 - Maintain the provision of free education from primary to tertiary institutions (Cabo Verde).
- 3. Rights of Older Persons**
- Finalise the ratification of the Protocol to the African Charter on Human and Peoples' Rights on Older Persons in Africa, signed in 2021 (Democratic Republic of the Congo).
 - Maintain the strength of the social security system and improve the lives of vulnerable people (Kyrgyzstan).
 - Continue to strengthen public health framework to address the evolving needs of its citizens, including older persons (Singapore)

4. Persons with Disabilities

- Accelerate the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, which Mauritius signed in 2007 (Austria).
- Take concrete measures to ensure greater access to education and employment, especially for persons with disabilities (Brunei Darussalam).
- Take further efforts for the implementation of the Special Education Needs Authority Act to ensure that all children with disabilities have access to inclusive education in mainstream schools (Bulgaria).
- Adopt measures to combat violence against, and abuse and neglect of, persons with disabilities and persons with mental health conditions, including by prohibiting forced sterilisation and respecting their autonomy and free and informed consent, while promoting their inclusion in the community and combating institutionalization (Portugal).
- Strengthen measures to combat violence and abuse against people with disabilities and ensure that perpetrators are held accountable for their actions (Côte d’Ivoire).
- Adopt a legal framework for the protection of persons with disabilities, promoting their equal access to employment, housing and public services (Spain).

5. Combating Trafficking in Persons (TIP):

- Continue its efforts in combating trafficking in persons (Bhutan).
- Consider establishing a mechanism to coordinate and monitor the implementation of the national action plan on combating trafficking in persons (South Africa).

- Redouble efforts for the implementation of the national action plan to combat trafficking in persons, 2022–2026, and adapt its implementation so that it reflects the specific needs of child victims of trafficking (Costa Rica).
- Strengthen the existing mechanisms and policies to combat trafficking in persons by providing adequate technical, financial and human resources (Zambia).
- Adopt a comprehensive action plan and establish a body to coordinate government efforts to prevent, investigate, prosecute and sanction all forms of trafficking in persons (Germany).
- Strengthen legal frameworks and enforcement mechanisms to combat trafficking in persons (Indonesia).
- Strengthen the capacity of authorities to investigate and prosecute all cases of trafficking of children and bring perpetrators to justice (Ireland).

6. The report of the UPR working group provides a comprehensive overview of Mauritius's human rights situation, noting both progress and areas for improvement. While acknowledging advancements in legislation, institutions, and policies, the report highlights the need for stronger implementation, enhanced data collection, and more detailed responses to concerns raised by other states. It further recommends a focus on vulnerable groups and continued engagement with human rights mechanisms to ensure the protection and promotion of human rights for all.

• **B. PERSONS WITH DISABILITIES AND REPORT OF THE CRPD**

Persons with disabilities often experience discrimination and barriers that restrict their participation in society. For instance, they are frequently denied their

rights to inclusion within educational institutions and places of employment, to independent living within the community, to participation in sports and cultural activities, access to social security benefits, access to justice, to the capacity to consent to or refuse medical treatment, and to the ability to freely enter into legal agreements, such as opening bank accounts and inheriting or purchasing property.

The human rights-based approach to disability emphasises the rights of persons with disabilities, ensuring their full and equal participation in society. It focuses on key principles like equality, inclusion, accessibility, autonomy, and respect for dignity.

The UN Convention on the Rights of Persons with Disabilities (CPRD), adopted in 2006 and in force since 2008, marked a 'paradigm shift' from conventional charity-oriented, medically based approaches to disability, to one grounded in human rights. The CRPD which was ratified by Mauritius in 2010, advocates the inclusion and participation of persons with disabilities and emphasises the rights and empowerment of women and children with disabilities, who face multiple and intersecting forms of discrimination.

The CRPD Committee considered the combined second and third periodic reports of Mauritius in August 2024 and published its concluding observations in September 2024 [Annex A]

The Committee welcomed the measures taken by Mauritius to implement the Convention, including the ratification of the Marrakesh Treaty and the adoption of new legislation and policies. However, it also expressed concern about challenges faced by persons with disabilities in Mauritius.

The main recommendations made by the Committee are:

- Complete the harmonisation of national legislation with the Convention;
- Withdraw reservations to the Convention;
- Ratify the Optional Protocol to the Convention
- Ensure meaningful consultation with persons with disabilities in the development of legislation and policies;
- Amend the Constitution to prohibit discrimination on the basis of disability;
- Recognise denial of reasonable accommodation as a form of discrimination;
- Ensure that complaints mechanisms are accessible to persons with disabilities;
- Mainstream the rights of women and girls with disabilities into all gender legislation and strategies;
- Reinforce the Children's Act of 2020 to recognise the right of all children with disabilities to full social inclusion;
- Raise awareness about the dignity, abilities and rights of persons with disabilities;
- Enforce relevant laws, regulations and policies to ensure accessibility for persons with disabilities;
- Ensure the protection and safety of persons with disabilities in situations of risk;
- Ensure that persons with disabilities are able to participate effectively at all stages of judicial, administrative and other proceedings;
- End policies and practices that allow for the involuntary hospitalisation and institutionalisation of persons with disabilities;
- Protect the privacy and integrity of all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, in all situations;
- Explicitly recognise in law the rights of persons with disabilities to freedom of choice, autonomy and full social inclusion;

- Revert to the original scheme of directly providing assistive devices, such as wheelchairs, hearing aids and spectacles, in lieu of financial support;
- Establish accessibility standards for information and communication media and technologies, as well as websites, in line with universal standards;
- Ensure the inclusion of students with disabilities in mainstream education at all educational levels;
- Ensure the development of and promote investment in universal design for medical devices and equipment and healthcare facilities;
- Take measures to secure access for persons with disabilities to comprehensive rehabilitation services, programmes and technology;
- Promote access to work and employment in the open labour market for persons with disabilities;
- Resume the basic invalidity pension and consider removing the age ceiling of 60 years;
- Amend the Constitution and electoral laws that restrict the right of persons with disabilities to vote and stand for election;
- Adopt measures and allocate resources to promote and protect the right of persons with disabilities to participate in cultural life, recreation, leisure and sport on an equal basis with others;
- Expedite the establishment of the National Empowerment Authority under the Protection and Promotion of Persons with Disabilities Act;
- Strengthen the centralised register of persons with disabilities of the National Empowerment Authority to facilitate the systematic collection, analysis and dissemination of data, disaggregated by age, sex, gender, ethnicity, place of residence and other criteria;
- Reconsider the composition of its independent monitoring mechanism under the Protection and Promotion of Persons with Disabilities Act, to ensure that

it is properly resourced and empowered to undertake transparent and independent monitoring;

- Adopt concrete measures to ensure close consultation with and the active involvement of persons with disabilities, through their representative organisations, in international cooperation agreements and programmes, in particular in the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals at all levels;
- Ensure sustainable and adequate funding for close consultation with and the active involvement of persons with disabilities and their representative organisations in the implementation and monitoring of the Convention.

The Committee also requested that Mauritius widely disseminate the concluding observations, including to non-governmental organisations and organisations of persons with disabilities, and to persons with disabilities themselves and members of their families, in the national language, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Finally, the Committee requested that Mauritius submit its combined fourth to sixth periodic reports by 8 February 2032.

The NHRC conducts informative sessions for the welfare of persons with disabilities, in collaboration with the Disability Empowerment Unit of the Ministry of Social Security, the National Council for the Rehabilitation of Disabled Persons and NGOs. During these awareness-raising campaigns, the audience is sensitised on various issues including *inter alia* the legal framework for the protection of persons with disabilities in Mauritius, the work of the NHRC and other human rights institutions. In addition, the audience is sensitised on 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 are also held on the challenges faced by persons with disabilities in Mauritius, with the active participation of the audience during the sessions.

The Government elected after the General Elections in November 2024 has already decided that persons with disabilities who are over 60 will continue earning the Basic Invalidity Pension when they become entitled to Old Age Pension. This measure will bring a lot of relief to a vulnerable section of our society.

3. HUMAN RIGHTS AND CLIMATE CHANGE

Climate change is a significant threat to the realisation of fundamental human rights, encompassing the right to life, access to water and sanitation, food security, health, housing, and development. The United Nations' recognition of the human right to a clean, healthy, and sustainable environment, as enshrined in Human Rights Council resolution 48/13 (2021) and General Assembly resolution 76/300 (2022), constitutes a pivotal advancement in safeguarding both the environment and human rights.

A human rights-based approach is therefore crucial for mitigating the detrimental effects of climate change. Such an approach requires climate change mitigation and adaptation measures to be guided by relevant human rights norms and principles, including the rights to participation, information, transparency, and non-discrimination. The adverse impacts of climate change disproportionately

affect vulnerable individuals and groups including women, children, older persons, and persons with disabilities.

While the Constitution of Mauritius does not explicitly address the right to a clean environment, it does provide for the protection of broader fundamental rights, such as the right to life, liberty, and security.

Mauritius is particularly vulnerable to the adverse effects of climate change, with key sectors such as agriculture, the coastal zone, fisheries, the marine environment, and water supply being at risk. In recent years, Mauritius has experienced extreme weather conditions, including torrential rain, floods, and drought, which, as is the case globally, negatively impact the right to life.

The National Human Rights Commission (NHRC), pursuant to its mandate under the Protection of Human Rights Act to promote human rights across Mauritius and Rodrigues, raises awareness amongst different sections of the Mauritian population on their human rights and on respect for human rights. These sessions address the right to a safe environment and the human rights implications of climate change, emphasising the importance of environmental protection for a sustainable future.

Stimson Centre’s Corvi Rapid Risk Assessment on Mauritius

The Stimson Centre is a research institute based in Washington D.C which focuses on international security issues. The primary objective of the Stimson Centre is to provide practical solutions to critical global challenges, including nuclear security, conflict prevention, and environmental security.

The Climate and Ocean Risk Vulnerability Index (CORVI), developed by the Stimson Centre, is a tool used to evaluate the risks caused by climate change to coastal cities and island nations.

In 2024, the CORVI rapid risk assessment was conducted in Mauritius, in collaboration with the Commonwealth Blue Charter and the Mauritius Ministry of Blue Economy, Marine Resources, Fisheries, and Shipping.

For the purposes of this assessment, a number of stakeholders, including *inter alia* relevant ministries, civil society organisations, academic institutions, and the National Human Rights Commission, were consulted. Furthermore, all stakeholders contributed through participation in virtual meetings and workshops. A report with key findings and recommendations was published in October 2024.

The assessment identified three major areas of climate risk and vulnerability: compounding threats in the coastal area, the tourism-based economy, and the fisheries sector.

Key findings reveal significant exposure of coastal infrastructure and communities to the impacts of sea-level rise, storm surges, and coastal erosion, exacerbated by existing development pressures. The assessment also highlights the vulnerability of the tourism sector, a vital component of the Mauritian economy, to climate-related disruptions, including damage to coastal amenities. Furthermore, the health and productivity of marine ecosystems, essential for fisheries and coastal protection, are at risk from ocean acidification, warming waters, and overfishing.

Based on these findings, the following recommendations have been put forward:

(1) Development and implementation of integrated coastal zone management plans, incorporating climate change projections and adaptive measures such as mangrove restoration and coastal defences. (2) Strengthening of early warning systems and disaster preparedness mechanisms, including community-based training and evacuation plans. (3) Diversification of the tourism sector, promoting eco-tourism and reducing reliance on vulnerable coastal areas. (4) Implementation of sustainable fisheries management practices, including catch limits and marine protected areas, to enhance ecosystem resilience. (5) Mainstreaming climate

change considerations into national development planning and budgeting processes.

The CORVI report emphasises the need for a collaborative approach, involving government institutions, civil society organisations, and the private sector, to effectively address the challenges of climate change in Mauritius.

The CORVI rapid risk assessment for Mauritius provides a valuable instrument for addressing the island's climate vulnerabilities. Its comprehensive risk identification process, emphasis on vulnerable sectors, and actionable recommendations establish a robust foundation for resilience building.

Nevertheless, further research, enhanced data collection, and due consideration of implementation challenges and social equity are required to maximise the assessment's impact and facilitate more effective climate action in Mauritius.

The NHRC in its campaign to promote human rights addresses the various above mentioned issues to protect the environment in Mauritius. The proposal to include protection of the environment in the Constitution will make it a Constitutional enforceable right.

4. SITUATION IN PRISONS

Beau Bassin Prison is housed in buildings dated from 1888 and needs complete overhaul and renovation. When the Eastern High Security Prison was built in Melrose more than ten years back it was expected that it would replace the Central Prison in Beau Bassin. But now both prisons have a maximum population of detainees

Delays in police enquiries, Courts' Refusal to grant bail or Accused parties being unable to afford bail have caused the number of persons remanded to jail to increase considerably. As at 31 December 2024 the prison population consisted of 1398 convicted detainees and 1145 remand detainees.

Furthermore, a great number of persons who are convicted for traffic offences and other offences who are unable to pay fines are sentenced to prison for shorter periods. These detainees, because of short sentences, do not follow any rehabilitation programme. On the contrary they are exposed to the influence of convicted detainees who are hardened criminals.

It is recommended that remand detainees who are ready to plead guilty especially for minor offences should be taken to a Special Court at the earliest and sentenced. Otherwise, remand detainees who are petty offenders may find themselves in a situation where they have spent more time in jail than the length of sentence which the Courts impose. They would have been deprived unjustly of their liberty.

In 2024 1686 persons were sentenced to imprisonment for a period of less than one month and 1534 persons were sentenced for a period of one to three months.

The NHRC has on several occasions recommended that there should be sentencing guidelines as sentences tend to be very long especially for drugs offenders. They do not benefit from remission. Many grow old in prison and die of natural causes. They could be given remission of a fraction of their sentence if they are of good conduct.

The problem of overcrowding in prisons has been compounded recently by the fact that a number of migrant workers choose not to return to their country of origin after their contracts of employment have expired and have the status of illegal immigrants who have to be deported. Many actually hide from the authorities. When they are arrested men are detained at Le Chaland Retention Centre. Their

numbers are such that there is a lack of space to accommodate them.

Women who are here illegally are now detained at the Womens' Prison in Beau Bassin which already has a maximum number of detainees. The pressure of overcrowding gives rise to tension in the prison and to incidents which sometimes prison officers find difficult to manage.

5. THE HUMAN RIGHTS OF CHILDREN IN PRISON WITH THEIR INCARCERATED MOTHERS

The Women's Prison at Beau-Bassin comprises the Mother Care Unit which is a separate section where incarcerated mothers stay with their children under the age of five. This section of the prison does not have dormitories and cells. It consists of individual rooms for mothers and children. Each room is accommodated with necessary amenities such as cradles, blankets for babies and appropriate toys. The rooms are very child friendly. They are provided with bathtubs and other hygienic items. Compared to the other sections of the prison, the Mother Care Unit is a rather serene and calm environment. It has one T.V room and a separate kitchen, where mothers are allowed to prepare the food for their children.

When a pregnant Mauritian woman sentenced to imprisonment gives birth to a child, she can keep the child until he/she attains the age of five or she can make an official request from the Mauritius Prison Service that the child be entrusted to the father or close relative or is sent to a shelter. In the case of a foreign detainee giving birth. the child is allowed to stay with his/her mother until the age of five, following which the latter is sent back to his/her country of origin. In such a situation, different stakeholders are involved namely; the Mauritius Prison Service,

the Passport and Immigration Office, the Ministry of Foreign Affairs, Regional Integration and International Trade, amongst others.

From January to December 2024, the Mother Care Unit accommodated a total of 70 mothers and 70 children. In December 2024 there were 6 foreign mothers and 6 babies in the Mother Care Unit. Most of the foreign detainees are on remand and have been charged with drug dealing offences. In December 2024, the child of one detainee was taken to her country of origin, South Africa, for relatives to take charge of her. The Mauritius Prison Service (M.P.S), in collaboration with the Passport and Immigration Office (P.I.O) ensured the safe arrival of the child to her country of origin. The mother is still on remand at the Women's Prison. Once the child has returned to her country, the mother is transferred to the general dormitory in prison. She no longer stays in the Mother Care Unit.

Many foreign detainees are used as drug mules by drug traffickers in their country of origin. They are pregnant when they reach Mauritius. Believing that airport body scanners will not be used for pregnant women, these foreigners allow themselves to be exploited and/or swallow illicit drugs, hide illicit substances in their body cavities or in luggage, in exchange for a sum of money for their families. They often accept such deals because of unemployment and extreme poverty in their country.

In Mauritius, the right to education is not denied to children in the Mother Care Unit as they attend kindergarten and preprimary schools outside prison. Thus, they socialize and communicate with children from outside. The welfare officers in prisons continuously work towards the well-being of these children, as they are allowed to play, to have healthy food, to celebrate special occasions such as the Mother's day, Christmas and New Year amongst others. Such special treatments are provided to the children in the Mother Care Unit to allow them to have proper

social development. A gynaecologist visits the prison weekly to provide medical assistance to the mothers. Detainees who are pregnant when admitted to prison are sent to Jawaharlal Nehru Hospital, Rose Belle to give birth under medical care, after which they are brought back to the Mother Care Unit.

Concerning body searches on pregnant women in prison and in accordance with the prison's Rules and Regulations, whenever they are moved out of the prison premises in order to attend Court or hospital visits, they undergo a body scan at a lower frequency transmission in order to ensure that no prohibited object is concealed inside their body. When any such object is detected, a nursing officer or a doctor from the prison decides whether or not the detainee should be sent to the Jawaharlal Nehru Hospital Rose Belle for further procedures.

Rule 29 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) specifies that a decision to allow a child to stay with his/her parent in prison shall be based on the latter's best interests. It is also stipulated that provisions need to be made by the prison to provide internal and external childcare facilities to children in prison.

Rule 29 (2) states that "*children in prison with a parent shall never be treated as prisoners*". For example, in case of prison default, a mother is placed in confinement only during the time when the child is sent to kindergarten or to pre-primary school. When the child comes back, both the mother and the child return to the Mother Care Unit. As such, children are not subjected to disciplinary punishment.

Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) requires that all decisions concerning children and taken by relevant institutions, courts of law, legislative bodies need to consider the interests of the child as a paramount principle.

Rule 64 of the United Nations Rules for the Treatment of Women Prisoners and Non Custodial Measures for Women Offenders (“the Bangkok Rules”) states out that non-custodial measure ought to be preferred when appropriate, whilst considering the seriousness of the offence and the best interests of a child at the same time. The African Charter on the Rights of the Child also mentions that States Parties have an obligation to first consider non-custodial sentences for mothers.

However, it is an undeniable fact that sentencing of mother with a child under five when she has committed a serious crime is necessary to act as a deterrent to reduce the number of serious crimes, to reform offenders and to protect the public. In such circumstances, if a child is placed in a shelter those responsible should respect a child’s rights, for instance to allow a child to visit the mother on a regular basis. This option will need to be practically effective and in line with the prison Rules and Regulations. It is a complex and yet sensitive matter whether a child’s best interests are to remain with his/her mother in the Mother Care Unit in prison or to stay in specialized alternative institution.

The National Preventive Mechanism Division of the National Human Rights Commission regularly conducts visits to the Mother Care Unit so as to monitor the treatment and conditions of children therein. As per the NPMD’s findings and observations, the conditions at the Mother Care Unit and the treatment provided to the children are satisfactory.

6. SUPPORTING THE MENTAL HEALTH OF DETAINEES: AN UNDERSTANDING OF TRAUMA AND REHABILITATION

The mental health of detainees is a critical yet frequently disregarded component of the criminal justice system. Many individuals in detention facilities have histories that are characterised by trauma, which has a significant impact on their mental health and behaviour. A more compassionate and constructive correctional environment can be fostered by understanding the impact of trauma on the brain and devising effective strategies for prison personnel to assist detainees in their rehabilitation.

Impact Of Trauma

The brain's structure and function can be permanently impacted by trauma, particularly when it is experienced repeatedly or during formative years. These effects are particularly apparent in three critical regions. Individuals with a history of trauma frequently exhibit diminished activity in the prefrontal cortex, which is responsible for affective regulation, impulse control, and decision-making. This impairment can result in difficulties managing emotions, increased impulsivity, and difficulties planning for the future. Following traumatic experiences, the amygdala, called the brain's alarm system, experiences hyperactivity. This increased sensitivity can lead to exaggerated responses to perceived threats, even in non-threatening situations.

Meanwhile, the hippocampus, crucial for memory and learning, can contract due to excessive exposure to stress hormones such as cortisol, which can impede the ability to differentiate between present and past dangers. Anxiety, depression, aggression, substance misuse, or other behavioural challenges that are frequently observed in detainees are often the result of these neurological changes. It is

essential to identify these patterns as potential trauma responses rather than deliberate misconduct to achieve effective rehabilitation.

Role Of Prison Officers

Prison officers are instrumental in establishing an environment that promotes the mental health and rehabilitation of detainees. Outcomes can be substantially enhanced by implementing trauma-informed care practices. Officers must understand the prevalence and consequences of trauma among detainees, refrain from engaging in practices that could potentially re-traumatize individuals, and cultivate a sense of safety, predictability, and respect in their daily interactions. It is equally crucial to establish trust and rapport. Mutual trust is fostered by treating detainees with dignity, irrespective of their offences, and establishing explicit communication and consistent boundaries. Additionally, establishing a foundation for positive engagement can be achieved by actively listening to detainees' concerns and validating their emotions.

Deescalation techniques are an additional indispensable instrument for prison officers. Tensions can be mitigated by effectively acquiring and employing strategies to manage conflict or agitation. Preventing situations from escalating unnecessarily can be achieved by employing tranquil and non-threatening language, recognising signs of distress, and responding with empathy rather than punitive measures. Furthermore, it is imperative to simplify obtaining mental health resources. Prison officers can promote the provision of psychiatric care, support groups, and counselling services within detention facilities, as well as encourage participation in rehabilitative programs like substance abuse counselling or anger management.

Authorities must ensure that prison officers prioritise their professional development and self-care to fulfil their responsibilities effectively. They can improve their capacity to support detainees by participating in training programs on conflict resolution, mental health first aid, and trauma-informed care. They should also prioritise their self-care as it is essential in managing correctional work's emotional demands and stress.

Prison officers endowed with empathy and knowledge play a critical role in establishing a connection between rehabilitation and punishment. By implementing strategies to promote mental well-being and understanding the profound impact of trauma on the brain, they can assist detainees in breaking the cycle of trauma and criminality, thereby establishing a more optimistic future.

Suggestions For Promoting The Mental Health Of Detainees

Authorities must ensure that prison officers undertake mandatory trauma-informed training to understand the behavioural manifestations and effects of trauma, enabling them to provide effective support for the mental health and rehabilitation of detainees. This training should encompass conflict resolution strategies and de-escalation techniques to manage tense situations effectively. Clear and consistent rules are imperative to establish a safe and predictable environment while avoiding punitive measures that could re-traumatise individuals. Furthermore, detention facilities should prioritise mental health support by guaranteeing access to peer support groups, psychiatric care, and counselling services. Encouraging detainees to participate in rehabilitation programs, including substance use treatment and conflict management, can further facilitate their recovery. Officers must cultivate

mutual trust by employing non-threatening language, active listening, and a dignified demeanour. Respectful and empathetic communication is essential. Additionally, the capacity of officers to provide effective support to detainees is improved by prioritising their professional development and well-being by providing them with access to mental health resources, peer support, and ongoing education on trauma-informed care. Finally, it is imperative to advocate for policy reforms within the criminal justice system to facilitate the successful reintegration of individuals into society, reduce recidivism, and incorporate trauma-informed practices.

The need for a compassionate, evidence-based rehabilitation approach is underscored by the intersection of trauma and the criminal justice system. Meaningful change can be achieved by acknowledging the profound impact of trauma on detainees and providing prison officers with the requisite tools to promote mental well-being. The correctional system can transition from punitive measures to a more rehabilitative and humane model by promoting policy reforms, fostering respectful communication, and instituting trauma-informed practices. Employing trauma-informed strategies can significantly improve the mental health of detainees. This improves individuals' chances of rehabilitation and contributes to a more humane and secure correctional system. Ultimately, society benefits from promoting mental health and reducing recidivism rates, fostering reintegration and reducing criminal behaviour.

7. WOMEN PARTICIPATION IN PUBLIC AFFAIRS

The 2024 General Elections did not witness a large participation of women as candidates for election to the National Assembly in spite of the fact that the women population in Mauritius is slightly larger than male population. It is difficult for leaders of political parties to field a proportionate number of women candidates when there is such competition among men to stand as candidates for election. Fighting elections can be a fierce battle where it comes to electoral campaigning so that many women are deterred from joining the fray. Only twelve women were elected among the sixty-six members of the National Assembly. Two of them were appointed as Ministers and four as Junior Ministers.

The newly elected Government has resolved to look for a solution in the proposed reforms to the electoral systems which will ensure equitable parliamentary representation with a higher number of women as Members of Parliament.

Mauritius has ratified the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

Article 9 requires that *“States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women are represented equally at all levels with men in all electoral processes”*.

In its General Recommendations the Committee on the Elimination of Discrimination against Women advised States parties to use temporary special measures like positive action, preferential treatment or quotas to promote Women participation in politics. These measures are considered necessary to make the first breach in the glass ceiling “to address socially and culturally constructed inequalities” and to reach the 50:50 parity in all decision-making systems within a

time frame.

More recently in October 2024 in General Recommendation No. 40 has issued a roadmap to parity 50:50 for inclusive decision-making power between women and men to “*effectively address urgent local, natural, regional and global challenges*”. Women’s participation should not be limited to Women’s issues but also address economic growth, poverty eradication, social justice and sustainable development and environmental decision-making policies to combat climate change.

With reference to Article 7 of CEDAW, the Committee recommends that States parties “*provide equitable financial and other support to women candidates for all Elections, including spending caps and affordable advertising both on traditional and social media, to ensure an equal playing field in political campaigns*”.

The Committee notes that women hold only 27 percent of seats in national parliaments and 35.5 percent of seats in local government and that only 22.3 percent of Cabinet ministers globally are women. Should family obligations be an obstacle to women representation, the CEDAW Committee recommends that states parties

“*Accommodate family obligations of members of Parliament, government officials, local and regional Council friendly working hours, childcare within office vicinity, as well as proxy and remote voting possibilities*”.

In Mauritius Section 16 of the Constitution and the law have been amended to provide for positive discrimination in favour of women candidates in local elections specifying that one third of candidates on partly lists should be of a particular sex.

8. FIGHT AGAINST DRUGS

In 2024 943 men and 64 women were remanded in jail for drugs offences. In same year 356 persons were convicted.

In spite of all the measures taken to combat the drugs scourge, drugs traffickers and drugs dealers continue to thrive in Mauritius. The crave for easy money has resulted in dealers preying on vulnerable drug addicts and even on schoolchildren causing havoc in families. The consumption of synthetic drugs has increased.

The Drugs Users Administrative Panel has started its work in giving a chance to drugs consumers to opt for rehabilitation programmes instead of being taken to Court to be convicted and to fall back into the hell of drugs. The Government is taking steps to deal with this pressing Human Rights issue. A National Drug Policy Monitoring and Coordination Agency is being set up by the Government to combat drug trafficking, provide rehabilitation and support to families of victims in conjunction with NGOs.

9. RIGHTS OF OLDER PERSONS

No International Convention to protect the rights of Older Persons exists as yet. At the level of the United Nations the Open Ended Working Group on Ageing is still striving to produce a Convention.

The themes before the Working Group in 2024 were

- (1) Social inclusion
- (2) Accessibility, infrastructure and habitat (transport, housing and access)
- (3) Participation in public life and decision-making processes

The African Commission on Human and Peoples' Rights has already produced a Protocol to the African Charter on the Rights of Older Persons with special provisions on the Rights of Older Women. The Protocol has not yet been ratified by Mauritius.

The authorities cater for the rights of older persons by providing a non-contributory universal pension, free public transport, health care services, medical home visits for those over 80. The Government granted the pension allowance up to a fourteenth month for the year 2024. It is now planning to set up the Office of the Ombudsperson for the Elderly to address their problems, to regulate private Elderly Care Facilities as many of the elderly now stay in private Homes and also to adhere to International Standards and Conventions regarding the Elderly.

The NHRC is called upon by the Senior Citizens Council, the Elderly Persons Protection Unit and associations of older persons to inform them about their rights and to answer questions about the problems they may encountering.

10. THE RIGHTS OF NATURE

RECOGNISING NATURE'S RIGHTS

The concept of the "Rights of Nature" represents a transformative shift in legal and ethical perspectives, recognizing ecosystems and natural entities as holders of inherent rights, rather than mere property or resources for human use. This framework posits that nature, encompassing flora, fauna, rivers, mountains, and entire ecosystems, possesses the right to exist, flourish, regenerate, and evolve. By acknowledging these rights, societies aim to establish legal mechanisms that

protect the environment for its own sake, thereby fostering a more harmonious relationship between humans and the natural world.

Historically, environmental laws have been anthropocentric, focusing primarily on regulating human impacts on nature to benefit human health and economic interests. In contrast, the Rights of Nature approach is ecocentric¹, emphasizing the intrinsic value of all living beings and natural systems. Legal recognition of nature's rights has been implemented in various forms worldwide. For instance, Ecuador's 2008 Constitution acknowledges the rights of ecosystems to exist and flourish, allowing citizens to advocate on behalf of the environment. Similarly, in 2017, New Zealand granted legal personhood to the Whanganui River, recognizing it as an indivisible and living whole. These legal frameworks empower communities to defend natural entities in court, ensuring their preservation and protection.

The adoption of the Rights of Nature has significant implications for biodiversity conservation. By granting legal standing to natural entities, it becomes possible to proactively prevent environmental harm, hold polluters accountable, and promote restorative practices. This approach aligns with global initiatives, such as the United Nations' Sustainable Development Goals, by addressing biodiversity loss and fostering sustainable interactions with the environment. However, challenges persist, including integrating these rights into existing legal systems, balancing ecological preservation with economic development, and ensuring effective enforcement. Despite these hurdles, the Rights of Nature movement offers a promising pathway toward a more sustainable and ethical

¹ **Ecocentric** is an environmental philosophy and ethical perspective that places **intrinsic value** on all living organisms and ecosystems, regardless of their utility to humans. It emphasizes the interconnectedness of all life forms and prioritizes the health and well-being of the natural world as a whole, rather than focusing solely on human interests.

coexistence with the natural world, recognizing that the well-being of humanity is inextricably linked to the health of our planet.

Legal Redress For Breach Of The Rights Of Nature

The Polluter Pays Principle (PPP) and the Rights of Nature are intrinsically linked in the pursuit of environmental justice. The PPP, a widely accepted tenet of environmental law, mandates that those responsible for environmental damage bear the costs of remediation. This principle aligns with the Rights of Nature, an escalating legal and philosophical framework that recognizes nature as a subject with inherent rights, akin to human rights. By holding polluters accountable for the harm they inflict on ecosystems, the PPP serves as a practical mechanism to uphold the Rights of Nature. It ensures that those who degrade the environment, thereby violating the rights of nature, are compelled to restore and protect it. This interconnectedness is evident in legal cases where the Rights of Nature are invoked to demand compensation and restoration from polluters, effectively operationalising the PPP in defense of nature's inherent rights.

Humans have a responsibility to respect and protect the Rights of Nature. This responsibility extends to safeguarding flora and fauna, the interconnected web of life that constitutes a healthy ecosystem. Mauritius can specifically implement these principles to safeguard its own unique natural heritage and to effectively protect its diverse ecosystems thus ensuring the long-term well-being of its natural environment. The Government has decided to amend the Constitution to include the protection of the Rights of Nature.

The Status Of The Rights Of Nature In Mauritius

Mauritius has several environmental laws and policies that, while not explicitly mentioning "Rights of Nature," reflect a growing awareness of the need to protect ecosystems and biodiversity. The Environment Act 2024 provides a framework for environmental management and sustainable development, with provisions for pollution control, conservation, and impact assessment. Secondly, the Wildlife and National Parks Act 1993 establishes national parks and reserves, aiming to protect biodiversity and natural habitats. Thirdly, the Fisheries Act 2023 focuses on the sustainable management of marine resources and the protection of marine ecosystems. The Integrated Coastal Zone Management Framework (2010) promotes sustainable development in coastal areas, recognizing the importance of protecting coastal ecosystems. These laws and policies, while not explicitly granting rights to nature, already demonstrate a commitment to environmental protection and sustainable development, which are essential components of upholding the Rights of Nature.

The Environment Act 2024 aims to enhance environmental protection, management, and conservation. The National Network for Sustainable Development established by of the Environment Act is mandated for the formulation of a National Policy, Strategy, and Action Plan on Sustainable Development, as well as a National Circular Economy Policy, Strategy, and Action Plan every five years. These initiatives are designed to integrate environmental sustainability into planning and development processes. The Establishment of the Observatoire de L'Environnement, serves as an interface with stakeholders, including the public, on environmental parameters, facilitating better environmental protection and management.

The Government has announced that the rights of nature will be provided for in the Constitution of Mauritius.

11. LAWS IN KREOL

The legislative enacts laws in English in the National Assembly and these are published in the Government Gazette.

Amendments to the Code Civil, the Code des Sociétés or Code de Procédure Civile as well as relevant parts in French of the Criminal Code are in French.

Many people in Mauritius are not fully conversant with English or French and are not fully aware of the purpose and impact of laws which may affect their everyday life. As ignorance of the law is no excuse people could be prosecuted and convicted for breaking the law while they may not at all be aware that they are committing offences.

The National Human Rights Commission has recommended in the past that there should be a summary of every Act of Parliament in French and in Kreol to explain to members of the public the purpose of the laws and how they should abide by them to improve their life, how the laws could affect their fellow Mauritians and also what would be the ensuing penalties if they were to contravene the laws. Television and radio could play an important role in informing and educating the population in simple language and in Kreol about every new law that is enacted,

12. IMPROVING HUMAN RIGHTS AND LAW ENFORCEMENT ACCOUNTABILITY: THE ROLE OF BODY-WORN CAMERAS

In Mauritius, the dynamics between law enforcement and the community have been a subject of continuous dialogue, especially regarding accountability, public trust, and protecting individual freedoms. Alarming instances of police misconduct, including use of excessive force and wrongful arrests, highlight the urgent necessity for enhanced transparency within law enforcement practices. Over the past few years, body-worn cameras (BWCs) have surfaced as a promising tool to bolster accountability and foster better interactions between law enforcement and the community.

Adopting BWCs can significantly enhance the relationship between law enforcement and the community, promoting equitable treatment and offering trustworthy evidence in judicial matters. By documenting real-time interactions, these devices shield officers from unfounded allegations while protecting civilians against possible mistreatment, fostering a more equitable and transparent legal framework.

Body-worn cameras (BWCs) have become essential tools in modern law enforcement, fostering transparency, accountability, and trust between police and their communities. These small devices, worn on officers' uniforms, record public encounters and are crucial evidence in protecting human rights. By capturing real-time events, BWCs protect officers from false allegations while shielding individuals from potential misconduct, ultimately promoting a fair and just legal system.

One of the key advantages of BWCs is their ability to record both video and audio of police interactions, arrests, and emergency responses. Unlike fixed CCTV systems or dashboard cameras, BWCs move with officers, providing a more comprehensive and dynamic view of events as they unfold. Cameras encourage ethical and legal conduct from law enforcement personnel and civilians, leading to improved public trust and safer interactions. Studies have shown that when people are aware that they are being recorded, they are more likely to behave appropriately, reducing conflicts and complaints.

Beyond accountability, BWCs serve as valuable tools in the judicial process. High-quality video footage offers reliable court evidence, helping clarify disputes, support lawful police actions, and expedite legal proceedings. Additionally, recorded interactions serve as excellent training resources, allowing law enforcement agencies to refine their strategies and enhance community engagement efforts.

Security, Data Management, And Operational Aspects

The effectiveness of BWCs depends on secure data management and ease of use. Officers typically activate their cameras at the beginning of their shifts, while some models have automatic triggers that activate recording in specific situations, such as when a weapon is drawn. These cameras are commonly mounted on the chest, shoulder, or headgear to provide an unobstructed view of interactions.

Once recorded, footage is securely stored and often encrypted to prevent unauthorised access or tampering. Officers can upload videos wirelessly in the field or via docking stations at the end of their shifts. Proper data management is essential to protect sensitive information, compliance with privacy laws, and access for authorised personnel during investigations and court proceedings. Establishing clear data retention policies is crucial to preventing misuse while ensuring that critical footage remains available when needed. While cloud-based storage solutions offer flexibility but require stringent security measures to prevent breaches and unauthorised access.

Human Rights Considerations And Challenges

Although BWCs significantly enhance accountability, their use must align with human rights principles to prevent misuse and unintended consequences. Several key concerns must be addressed to ensure ethical implementation. Policies should clearly define when cameras should be activated or deactivated, particularly in sensitive situations such as medical emergencies or interactions with minors. Strong regulations must also be in place to prevent unauthorized leaks, public disclosures that infringe on individuals' rights, or selective recording that could manipulate evidence.

Moreover, officers should not have unchecked discretion in recording, as this could lead to biases in evidence collection. In certain cases, particularly in private or sensitive settings, individuals should be informed that they are being recorded. To maintain public trust, policies should be regularly reviewed and updated in response to evolving legal standards and societal expectations regarding privacy and accountability.

Global Adoption And Future Prospects

The implementation of BWCs varies worldwide, depending on legal frameworks and regional policies. While some countries mandate their use in all police interactions, others limit them to specific law enforcement activities. As technology advances, new features such as artificial intelligence (AI) integration and real-time streaming are being explored to enhance BWC capabilities. However, these innovations also raise ethical concerns about mass surveillance and data security, underscoring the need for careful regulation.

Continuous collaboration between law enforcement agencies, human rights organizations, and policymakers is essential to maximizing the benefits of BWCs while mitigating risks. Future efforts should focus on establishing standardized guidelines for BWC usage, including activation protocols, data storage, and access policies. Additionally, comprehensive officer training programs should be implemented to ensure the ethical and effective use of BWCs. Public engagement through forums and discussions can further promote transparency and strengthen community trust in law enforcement practices.

13. SUMMARY OF INPUTS SUBMITTED BY NHRC TO UN SPECIAL RAPPORTEURS

The NHRC is regularly called upon to provide inputs to reports of independent experts elected by the Human Rights Council to make thematic studies on human rights issues.

1. Impact Of Climate Change On The Realisation Of The Equal Enjoyment Of The Right To Education By Every Girl.

Climate change represents a significant threat to the full realisation of human rights, including the right to education. As a small island developing state, Mauritius is particularly vulnerable to climate change impacts, experiencing extreme weather conditions such as heavy rainfall and cyclones. These conditions often lead to the temporary closure of educational institutions, disrupting education, particularly for girls who may be required to assume childcare responsibilities. To mitigate these disruptions, online learning platforms have been put in place. Climate change education, incorporating themes of environmental protection, climate change, and natural disasters, is integrated in the curriculum at pre-primary, primary, lower secondary, and special education needs levels, emphasising education for sustainable development. The National Human Rights Commission (NHRC), mandated to promote human rights under the Protection of Human Rights Act, conducts awareness-raising activities on human rights and their interrelation with a safe and clean environment, including the human rights implications of climate change. The audience including girls is sensitised on the importance of environmental protection for a sustainable future. Mauritius maintains a non-discriminatory education system, with compulsory attendance until age 16 and free access to public pre-primary, primary, secondary, and tertiary education.

2. Ensuring Quality Education For Peace And Tolerance For Every Child

Mauritius uses several strategies to ensure culturally relevant and inclusive education. These include integrating local culture and multicultural perspectives

into the curriculum, providing free education from pre-primary to tertiary level, supporting inclusive education for students with special needs, and promoting gender equality. The education system also addresses hate speech and discrimination through human rights education and anti-bullying policies.. Furthermore, structural violence and divisions are challenged through peace education, community engagement, and civic education. Peace education is integrated through cross-curricular themes, thematic units, and dedicated educational materials developed and distributed by the Ministry of Education. The curriculum is regularly reviewed and strengthened based on feedback. The Mauritius Institute of Education (MIE) collaborates with the NGO Heavenly Culture World Peace Restoration of Light (HWPL) to support teachers in implementing peace education, values education, human rights education, and citizenship education. HWPL conducted online workshops for educators, focusing on developing positive values and attitudes in youth to promote harmonious coexistence and active citizenship.

3. Revisiting Migrants’ Contributions From Human Rights-Based Approach: A Discussion On Facilitating And Hindering Factors

Migrant Workers make significant contributions to Mauritius's economy, culture, and society. They fill in labour shortages, particularly in textiles industry, construction, retail, trade, and hospitality, often in positions perceived as unattractive by Mauritian citizens. Migration impacts demographics by increasing population size and influencing the age structure. Migrants' skills and entrepreneurial activities contribute to human capital, technological advancement, innovation, and economic diversification, strengthening trade connections,

especially with Africa and Asia. Their cultural contributions enrich Mauritius's social fabric and enhance its international image. Migrant rights are protected, with access to public healthcare and protection against discrimination under the Workers' Rights Act.

14. LAWS 2024 PROMOTING HUMAN RIGHTS

The Protection and Promotion of Persons with Disabilities Act [Act No.1 of 2024]

The main purpose of the Protection and Promotion of the Rights of Persons with Disabilities Act is to make provisions for the protection and promotion of the rights of persons with disabilities, and to provide for better measures to eliminate discrimination against them.

This Act aims to create a more inclusive and equitable society for persons with disabilities in Mauritius by:

- **Prohibiting discrimination:** The Act prohibits discrimination against persons with disabilities in various areas, including employment, education, and access to goods and services.
- **Promoting inclusion:** The Act promotes the inclusion of persons with disabilities in all aspects of society, including education, employment, and community life.
- **Protecting rights:** The Act sets out the rights of persons with disabilities, including the right to equality and non-discrimination, the right to accessibility, and the right to participate in decision-making processes.

The Environment Act [Act no.3 of 2024]

The primary objective of the Environment Act 2024 is to repeal and replace the Environment Protection Act, establishing a modern legislative framework to ensure better protection, management, and conservation of the environment in Mauritius. It focuses on promoting sustainable development while safeguarding the environment for present and future generations.

The Environment Act includes environmental protection with human rights by recognising the right to a healthy environment. It ensures public participation in environmental decision-making and access to environmental information, promoting transparency and accountability. The Act also emphasises environmental stewardship, encouraging responsible behavior towards the environment, which is essential for the well-being of individuals and communities.

The Water Resources Act [Act No. 9 of 2024]

The Act provides for a legal framework for the use, management, control, protection, conservation, and sustainable development of water resources in Mauritius and seeks to modernise the management of water resources in Mauritius by adopting an approach that is both sustainable and integrated. Its primary objective is to guarantee fair access to potable water, which is considered a fundamental human right, for every citizen, whilst simultaneously considering the ecological needs of the environment. The Act also provides for a comprehensive regulatory structure designed to protect water resources from the dangers of pollution and over-extraction, thereby ensuring their continued availability in the long term. By giving precedence to the efficient distribution of water and the encouragement of its conservation, this legislative instrument aims to safeguard

water supplies for the generations of the future and to develop resilience in the face of challenges caused by climate change.

15. HUMAN RIGHTS DAY

Human Rights Day on 10 December 2024 was an occasion for the United Nations to lay stress not only on the Protective and Preventative nature of the exercise of Human Rights, but also on the Transformative capacity of Human Rights to change the world for the better.

The respect and observance of human rights can only make human beings more understanding and tolerant of their fellowmen and women, accepting the diversity of civilisations and cultures and at the same time acknowledging that we all belong to Planet Earth.

The NHRC celebrated Human Rights Day by organising a Workshop on Human Rights for Prison officers and newly recruited prison staff at the Prisons Training School. The Chairman spoke about our march from Slavery and colonialism towards Independence in 1968, how these two historical movements have shaped the destiny of our island and about our Constitution which has fashioned liberties that we cherish.

The Chairman also delivered a lecture to University Students on the Universal Declaration of Human Rights and its role in shaping the post Second World War era and pervading the whole Universe by setting down human rights norms which bind all States, even though some States may continue to flout and trample upon the rights of their own population.

16. CONVENTION AGAINST TORTURE

In the context of the fortieth Anniversary of the Convention Against Torture the chairman delivered a series of lectures to Senior police officers in Beau Bassin and other Divisions of the Police Force at the Police Training School on the topics of Prevention of Torture and techniques investigation under the new Mendez Principles. Article 7 of the Constitution provides for the Protection from inhuman treatment to prohibit torture, inhuman or degrading punishment or other such treatment.

In Section 78 of the Criminal Code the definition of torture in the Convention has been adopted.

In some cases it is alleged that torture has been used to elicit confessions from suspects to obtain convictions. Though accused parties have the right to challenge confessions it is difficult for them to prove that those confessions have been illegally obtained. Some jurisdictions do not accept confessions obtained in the absence of a suspect's Counsel or other representative or if the confession has not been made and recorded before a Judge or a Magistrate.

The Government elected in November 2024 has undertaken to introduce the Police and Criminal Evidence Bill. This will help to ensure that persons deprived of their liberty will benefit from their constitutional rights including the presumption of innocence, during a police investigation.

CHAPTER III

HUMAN RIGHTS DIVISION

The Human Rights Division (HRD) is an integral part of the National Human Rights Commission (NHRC), playing a pivotal role in addressing the evolving and complex human rights issues facing our society. Established under the Protection of Human Rights Act, 1998 (PHRA), the HRD is tasked with promoting and safeguarding human rights across the island.

As society faces increasing challenges, the focus remains on ensuring justice, equality, and dignity for all. This includes adapting to the changing needs of the community while upholding the fundamental rights of every individual.

The subsequent sections will provide a comprehensive overview of the HRD's key accomplishments, its statutory mandate, its complaints resolution mechanism, and its community engagement initiatives. The report will conclude with an examination of the division's strategic objectives for the year 2025 and beyond.

- A. Overview of the Statutory Mandate of the HRD
- B. Complaints Resolution Process and Best Practices
- C. Key Accomplishments and Milestones of the HRD
- D. Complaints Data and Analysis
- E. Community Engagement and Sensitisation Campaigns
- F. 2024 Sensitisation Talks by the HRD
- G. Webinars and Virtual Engagements
- H. Strategic HRD Initiatives for 2025 and Beyond

A OVERVIEW OF THE STATUTORY MANDATE OF THE HRD

A.1 Scope of Work

As defined by **Section 4 of the PHRA**, the HRD investigates complaints that meet these criteria:

1. Complaints must address violations by public bodies as defined in **Section 2 of the PHRA**. This includes Ministries, government departments, local authorities, statutory corporations, and other government-controlled entities.
2. **Human Rights Breaches**
3. The HRD focuses on allegations of violations of human rights enshrined in **Chapter II of the Constitution**, including:
 - Right to Life
 - Personal Liberty
 - Freedom from Slavery and Forced Labour
 - Freedom from Inhuman Treatment
 - Protection of Property
 - Privacy of Home and Other Property
 - Access to Legal Protections
 - Freedom of Conscience, Expression, and Assembly
 - Freedom to Establish Schools
 - Freedom of Movement
 - Protection from Discrimination based on race, caste, place of origin, political opinion, colour, creed, or sex.

By adhering to its statutory mandate, the HRD remains committed to safeguarding human rights and ensuring accountability in public institutions.

B. Complaints Resolution: Procedures and Best Practices

The HRD has a structured and transparent process for handling complaints to ensure all concerns are addressed fairly and efficiently. Individuals can report potential human rights violations, and the HRD thoroughly investigates and works to find solutions that respect both the law and human rights principles.

Even if the complaint is outside our mandate, we remain dedicated to assisting the complainant. We offer guidance by advising them to seek legal advice and, when appropriate, refer them to the relevant organizations, such as the Equal Opportunities Commission, the Independent Police Complaints Commission, the Ombudsman, or the Ombudsperson for Children, for further support.

C. KEY ACHIEVEMENTS AND MILESTONES OF THE (HRD)

In 2024, the Human Rights Division (HRD) made significant progress in protecting the rights of everyone. This included efforts to secure fundamental rights, improve accessibility, and address pressing societal challenges.

Below are the major accomplishments that highlight our commitment to human rights:

1. Securing the Right to Identity

The HRD played a pivotal role in resolving complex cases of identity discrepancies, ensuring that individuals' rights and dignity were upheld.

	ISSUE	HRD INTERVENTION	OUTCOME
KEY CASE 01	A 24-year-old woman who was raised in an orphanage from Rodrigues had a birth certificate that did not reflect her biological mother's name, obstructing access to essential rights.	Conducted an exhaustive investigation, retrieved critical legal documents, and collaborated with the Civil Status Office to issue a corrected birth certificate.	After 24 years, the complainant was granted a legal identity, ensuring access to fundamental human rights.
KEY CASE 02	A 68-year-old homeless individual lacked documentation to access old-age pension benefits	Retrieved the complainant's birth certificate and facilitated the issuance of a national identity card.	Securing the complainant's identity enabled access to social security, significantly improving his standard of living.

2. Advancing Equality Through Civil Status Reforms

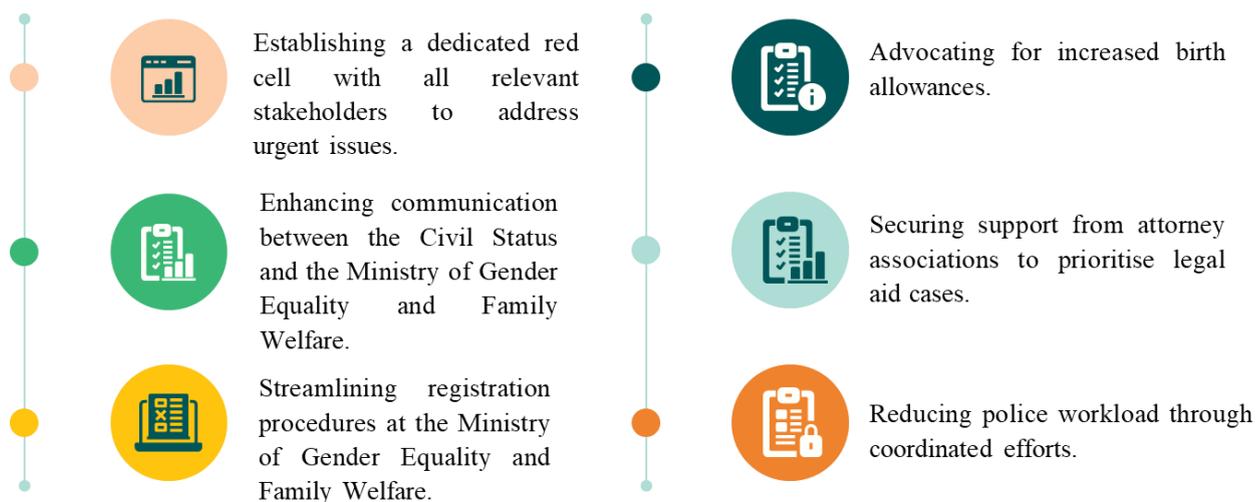
The Human Rights Division (HRD) has advocated for key changes to the Civil Status Act. These changes aim to eliminate discriminatory practices and promote equality regarding late birth registrations.

Notably, the HRD proposed removing prejudicial annotations such as "Tardy Declaration" from birth certificates to prevent potential stigmatisation. Additionally, it recommended revising Section 52 of the Act to ensure Supreme Court judgments lead to the deletion of such annotations.



Figure 1: "Advocating for Equality: The Human Rights Division (HRD) Champions Key Reforms to the Civil Status Act to Eliminate Discriminatory Practices and Promote Inclusivity."

As part of these efforts, the HRD organised its 10th stakeholder meeting, achieving significant progress in collaboration with key partners. Highlights include:



3. Advancing Digital Accessibility

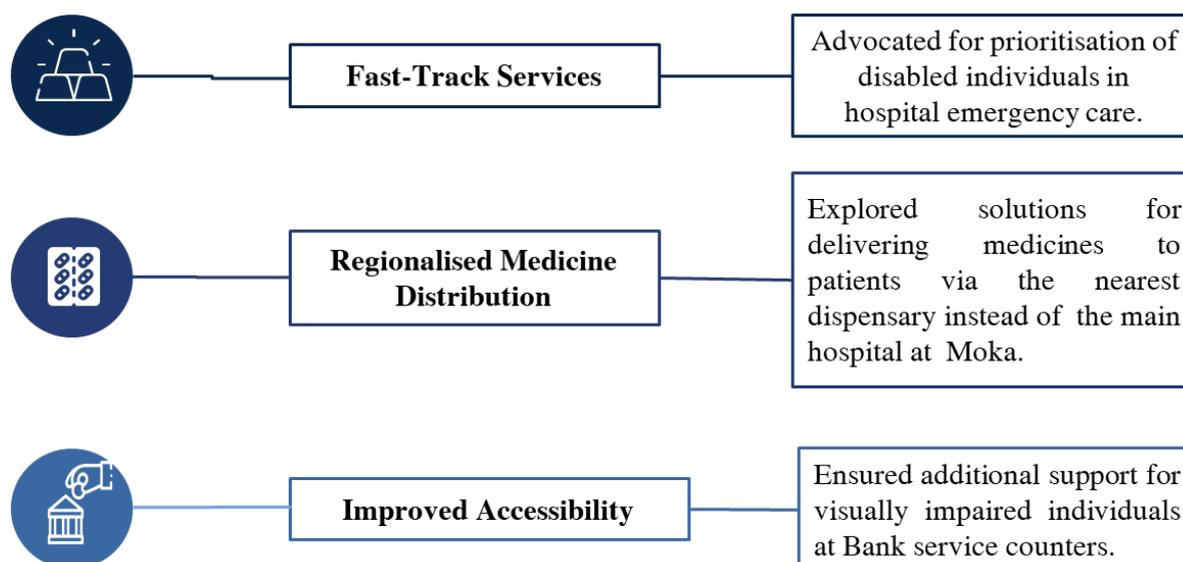
The HRD made significant progress in enhancing digital access for individuals seeking to exercise their human rights.



- **Website Revamp:** Soon will launch a user-friendly website with E-filing capabilities, empowering individuals to lodge complaints online.
- **Complaint Handling Guidelines:** Simplified and transparent procedures ensure swift resolution of grievances, fostering greater public trust.

4. Protecting the Rights of Persons with Disabilities

In collaboration with NGOs and public agencies, the HRD worked to improve services and accessibility for individuals with disabilities.



5. Securing the Right to Education for Vulnerable Groups

The HRD was instrumental in securing educational opportunities for vulnerable groups, particularly victims of human trafficking.

Key Achievement: Through collaboration with the Ministry of Education, the HRD facilitated the enrolment of two child victims of human trafficking into schools, enabling their return to education.

6. Combating Human Trafficking

	 Key interventions	 Public Awareness
Combating Human Trafficking	<ul style="list-style-type: none"> Conducted visits to an NGOs to assess the challenges faced by trafficking victims and identify ways to improve support services. Engaged with shelter staff and residents to enhance understanding of victims' needs and explore solutions for better services. 	HRD representatives appeared on national television to raise awareness about human trafficking, providing the public with tools to identify and report cases.

The HRD continued its vital efforts to protect victims of human trafficking, raise public awareness, and strengthen support networks.

7. Human Trafficking: Combatting a Modern Form of Slavery

Human trafficking remains a pervasive and complex violation of human rights and dignity, affecting millions worldwide. Despite global efforts to combat this grave issue, trafficking in person continues to thrive in both developed and developing nations. In 2023, the International Labour Organisation (ILO) estimated that 27.6 million people were in forced labour globally, generating US\$ 236 billion in illegal profits annually.

In Mauritius, human trafficking remains a significant issue with the country serving as both a destination and transit point for trafficking in persons. The HRD examines the current situation of human trafficking in Mauritius, evaluates the effectiveness of recent legal and institutional measures, and identifies areas where further action is required to combat this pervasive crime.

International framework

The UN TIP Protocol

The **United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons (UN TIP Protocol)** is the cornerstone of international efforts to combat human trafficking. Ratified by over 180 countries, including Mauritius, the protocol defines trafficking and establishes obligations for prevention, victim protection, and prosecution of traffickers.

According to **Article 3(a)**, trafficking involves “the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat, use of force, coercion, abduction, fraud, deception, abuse of power, or vulnerability, for the purpose of exploitation.”

Mauritius’ Domestic Legal Framework

Mauritius had integrated the UN TIP Protocol into its domestic legislation through the **Combatting of Trafficking in Persons Act (CTIPA) 2009**, which criminalised all forms of trafficking. However, following the observations and recommendations from the U.S. Department of State's *Trafficking in Persons (TIP) Report* in 2023, Mauritius amended the 2009 legislation with the **Combating of Trafficking in Persons Amendment Act 2023** to address gaps and improve compliance with international standards. These amendments, gazetted on December 2, 2023, and in force from January 15, 2024, seek to address existing gaps and enhance the effectiveness of the country’s anti-trafficking framework. The amendments are as follows:

- **Combating of Trafficking in Persons Unit (Section 4B)**: A specialised unit within the Mauritius Police Force was established to focus on trafficking offenses, improving national coordination.
- **Witness Protection (Section 4C)**: Victims and witnesses can now seek protection from retaliation, ensuring more individuals are willing to testify and provide crucial evidence.
- **Victim Stay (Amendment to Section 6)**: Previously, non-citizen trafficking victims were only allowed to stay in Mauritius for a non-renewable period of up to 42 days. The 2023 amendment extends this duration, allowing victims to remain in the country until the conclusion of trafficking-related court cases.
- **Enhanced Powers of Investigation (Sections 10A-D)**: Law enforcement is granted expanded powers, including search and seizure, surveillance, arrest

without warrants, and undercover operations to improve trafficking investigations.

- **Assistance to Victims (Sections 11A and 11B):** Victims are now provided with financial and legal assistance and may be referred for work permits by the Commissioner of Police.
- **Illegal Adoption or Custody of a Child (Section 12A):** Facilitating illegal adoptions or child custody arrangements is criminalised, closing a potential avenue for traffickers.
- **Debt Bondage:** The 2023 amendments explicitly criminalise debt bondage, targeting traffickers who use it as a means of control and exploitation.

Additionally, the **Children's Act 2022** which strengthens protections by criminalising child marriage, forced labour, and the exploitation of minors.

The Role of the National Human Rights Commission (NHRC) in combatting Human Trafficking

The NHRC plays a critical role in advocating for trafficking victims as it falls under its core mandate to promote and protect human rights. It addresses violations of dignity and freedom, especially for vulnerable groups such as women and children. The NHRC ensures Mauritius' compliance with international human rights standards and advocates for legal reforms. It also raises public awareness, collaborates with stakeholders, and ensures victims receive proper support to combat trafficking.

Victims of Trafficking in Mauritius – Cases Received by HRD

Case Study 1

The HRD received a case involving a **Malagasy family**, including two minors aged 14 and 16. They were lured to Mauritius with promises of legitimate employment by recruiters. However, upon their arrival, the family was coerced into illegal labour. The minors worked under harsh conditions, while their parents endured substandard wages and lived in unsafe accommodations.

In response, the HRD collaborated with authorities and NGO's to place the family in a shelter and enrolled them in NGO-led empowerment activities and training programs. The Child Development Unit (CDU) closely monitored the case, and

a formal request was made to the Ministry of Education and Human Resources to grant the children special access to educational institutions to continue their studies until the completion of police investigation.

Case Study 2

The Human Rights Division (HRD) received a complaint involving two Malagasy women recruited by a fraudulent agent with promises of employment as dancers in hotels. They were offered a monthly salary of Rs 15,000, along with accommodation and meals provided by the employer. However, upon arriving on tourist visas, they were paid only Rs 6,000 and required to work as maids at the employer's residence during the day, with no meals provided. The HRD referred the case to the relevant authorities and the matter is still under investigation.

Challenges in Combatting Human Trafficking

The HRD acknowledges the efforts of the Government and law enforcement agencies in combating human trafficking. However, following a field assessment and interactions with NGO partners, several challenges in addressing human trafficking have been identified and they are as follows:

1. Limited Shelter for Male Victims:

While shelters exist for women and children, **male victims** face a lack of dedicated facilities. This gap prevents effective rehabilitation and reintegration for male survivors.

2. Cross-Border Trafficking:

Human trafficking often involves **transnational networks**. Limited cooperation with source countries, inconsistent legal frameworks, and inadequate data-sharing hinder cross-border investigations and prosecutions.

3. Digital Technologies and Social Media:

Traffickers exploit **online platforms** to recruit and control victims. Social media, job portals, and encrypted messaging apps facilitate anonymous operations, complicating law enforcement efforts.

4. Temporary Work permits:

If temporary work permits are provided to trafficking victims, it is crucial to address their safety and transportation needs. Mechanisms must be put in place to ensure that their safety is not jeopardised in the workplace and that their rights are upheld throughout their employment. However, the

HRD recognises that work is often essential for these victims, as they have dependents in their country of origin relying on their income.

Efforts to Combat Human Trafficking by HRD

Awareness Campaigns and Community Outreach

The HRD actively conducts awareness campaigns to educate the public on human trafficking risks. In partnership with the **Mauritius Broadcasting Corporation (MBC)**, a representative of HRD went to sensitise the public on Human Trafficking, how to identify victims of trafficking.

The HRD also works in close collaboration with the newly established Trafficking in person unit to combat Human Trafficking.

Recommendations for Improvement by HRD

The HRD recognises the need for a **collaborative approach** with the Government, Civil society, and international partners to effectively combat human trafficking. Therefore, the following recommendations are being made:

1) Enhancing Victim Support

- **Dedicated Shelters for Male Victims:** Establish specialised shelters to cater to the unique needs of male trafficking survivors.
- **Comprehensive Psychosocial Support:** Expand access to **counselling, mental health services, and vocational training** to support reintegration.

2) Strengthening Legal Framework

- **Regulation of Recruitment Practices:** Repeal the outdated **Recruitment of Workers Act** and introduce legislation to regulate recruitment agencies, holding them accountable for unethical practices.

3) Improving Interstate Cooperation

- **Bilateral Agreements:** Strengthen partnerships with source countries to improve data-sharing, monitor recruitment agencies, and coordinate **anti-trafficking operations**.

- **Enhanced Border Control:** Implement stricter **immigration controls** and screening procedures to identify trafficking victims at points of entry.

4) Adopting a Human Rights-Based Approach

- **“Do No Harm” Principle:** Ensure that legal and administrative procedures are **trauma-informed**, minimising re-victimisation during investigations and court proceedings.

5) Targeted Awareness and Digital Monitoring

- **Digital Literacy Programs:** Educate vulnerable populations on identifying **online recruitment scams** and trafficking risks.

The NHRC/HRD acknowledges the significant strides made in addressing human trafficking in Mauritius, but recognises that there is still much to be done. Moving forward, the Commission will continue to focus on enhancing victim support systems, improving law enforcement capabilities, and fostering stronger partnerships with both domestic and international stakeholders. Through these ongoing efforts, remains dedicated to ensuring that Mauritius upholds its obligations under international law and provides a safe, supportive environment for the victims.

8. LGBT Rights

The NHRC participates in international workshops and webinars to enhance its institutional capacity, foster knowledge exchange, and contribute substantively to the advancement of the global human rights agenda. A significant milestone in 2024 was the National Human Rights Commission's (NHRC) prominent participation in the landmark conference, 'Ten Years of Resolution 275 – Advancing LGBT+ Rights in Africa,' held in Johannesburg, South Africa. This pivotal event served as a crucial platform for fostering dialogue and driving progress in the realization of the human rights of LGBTQI+ individuals across the African continent.

The resolution urges African states to protect individuals from violence and discrimination based on sexual orientation and gender identity. It calls for equal protection under the law and the protection of LGBTQI+ rights, aligning with the African Charter on Human and Peoples' Rights.

Key Highlights and Recommendations

1. Progress Over the Past Decade

- **Challenges:** Discrimination against the LGBTQI+ community remains a significant barrier to the enjoyment of fundamental human rights.
- **Recommendations:** National Human Rights Institutions (NHRIs) should creatively interpret their mandates to protect marginalized groups, including LGBTQI+ individuals. States must be held accountable through the African Commission on Human and Peoples' Rights (ACHPR).

2. Decriminalisation and Advancements

- Five African countries have decriminalised same-sex relations, with other nations showing progress toward inclusivity and equal rights for the LGBTQI+ community.
- Although non-binding, Resolution 275 has influenced constitutional reforms and national laws in favor of non-discrimination.
- Collaboration between civil society, political leaders, and traditional leaders is crucial for advancing and protecting LGBTQI+ rights.

3. Protective Laws

- Calls for the decriminalisation of same-sex relations and the introduction of hate crime laws were strongly emphasized.
- Mauritius was specifically highlighted for its progress in decriminalising same-sex relations and enacting laws that protect the rights of the LGBTQI+ community. (the Equal Opportunities Act and the Workers' Rights Act)

4. Inclusion and Social Norms

- Cultural sensitivity plays an essential role in advancing LGBTQI+ rights within African societies.
- Effective collaboration between NHRIs, law enforcement, and the judiciary is vital for combating discrimination and ensuring protection against hate crimes.

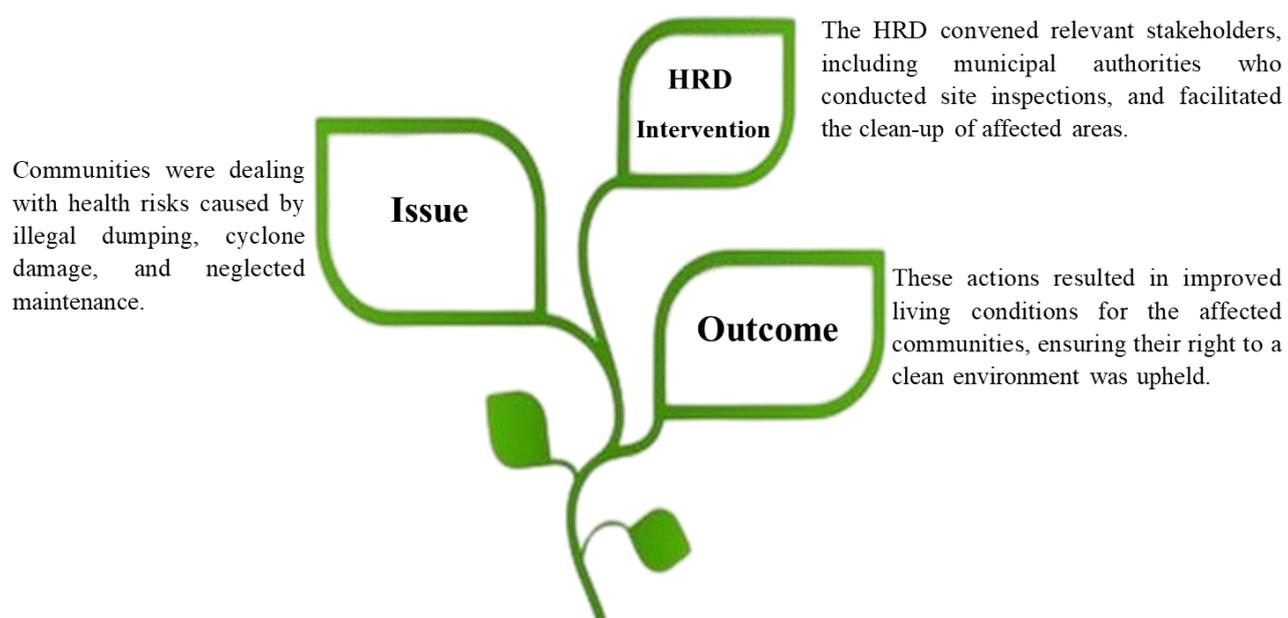
5. Mauritius' Role

- Mauritius was praised for its leadership in advancing LGBTQI+ rights. The country's legal framework protecting LGBTQI+ individuals was acknowledged as a positive example for other African nations.
- The HRD was encouraged to continue fostering collaboration among civil society, government bodies, law enforcement, and health providers to ensure the protection and inclusion of LGBTQI+ persons.

The HRD's participation in this conference not only fostered a more comprehensive regional dialogue but also served as a powerful affirmation of Mauritius' unwavering commitment to upholding the human rights of all individuals, including marginalised groups. The HRD remains steadfast in its dedication to supporting global endeavours aimed at promoting equality, eradicating discrimination, and ensuring the full spectrum of human rights protections for all individuals, irrespective of their sexual orientation or gender identity.

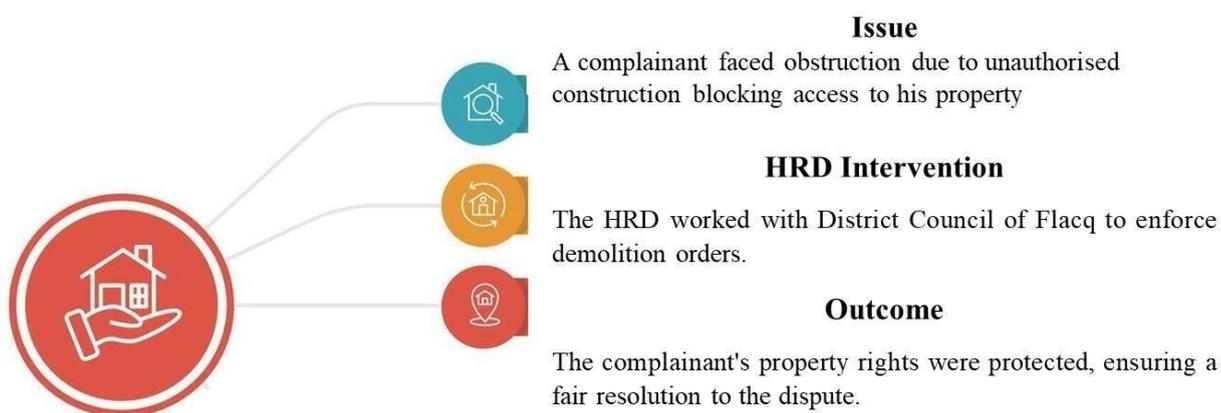
9. Upholding the Right to a Clean Environment

The HRD took action to ensure clean, safe living conditions for communities facing environmental hazards.



10. Protecting Property Rights

The HRD intervened to resolve property disputes and prevent illegal activities.



11. Ensuring Safe Living Environment

The HRD tackled unsafe construction practices that posed threats to public safety and well-being.

Additional Contributions

Beyond the major achievements outlined above, the HRD continued to provide invaluable support in addressing various human rights issues:

- a. **Clarification of Public vs. Private Roads:** The HRD clarified confusion regarding certain roads, informing the public whether they were private or public, which helped resolve access issues.
- b. **Noise Disturbance Mediation:** The HRD helped resolve noise complaints by working with the police and environmental agencies to improve relationships between neighbours.
- c. **Permit Clarifications:** In some instances, the HRD clarified the legal status of businesses operating under permits, helping to settle

disputes.

- d. **Connecting Vulnerable Groups with Services:** The HRD facilitated connections between vulnerable individuals and local authorities to ensure they received necessary social services.
- e. **Establishing Contact Points with Key Ministries:** The HRD initiated the setup of dedicated contact points within key ministries—including Health and Wellness, Education and Human Resource, Gender, Equality and Family Welfare, Labour, and Civil Status Office—to streamline

communication and facilitate the swift resolution of issues affecting vulnerable populations.

These accomplishments show the HRD's dedication to protecting human rights, fighting for justice, and making life better for everyone in Mauritius. By taking these actions, the HRD continues to work towards a society where everyone is treated with dignity, fairness, and respect.

D COMPLAINTS DATA AND ANALYSIS

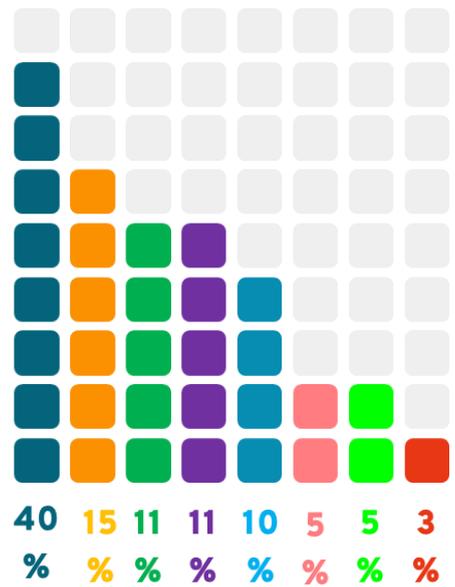
An overview of complaints received in 2024 including their nature of the issues raised and by gender.

D.1 Complaints for the Year 2024

January	16
February	14
March	17
April	13
May	15
June	20
July	10
August	15
September	12
October	10
November	8
December	13
Total	163

D.2 Complaints Categories

- A** Complaints against Ministry/ Departments
- B** Complaints in relation to Ministry of Labour (Commission for conciliation and Mediation)
- C** Complaints against Parastatal bodies
- D** Private Disputes Complaints
- E** Complaints in relation to Police
- F** Miscellaneous Complaints
- G** Delays in Police enquiries
- H** Animal welfare Unit

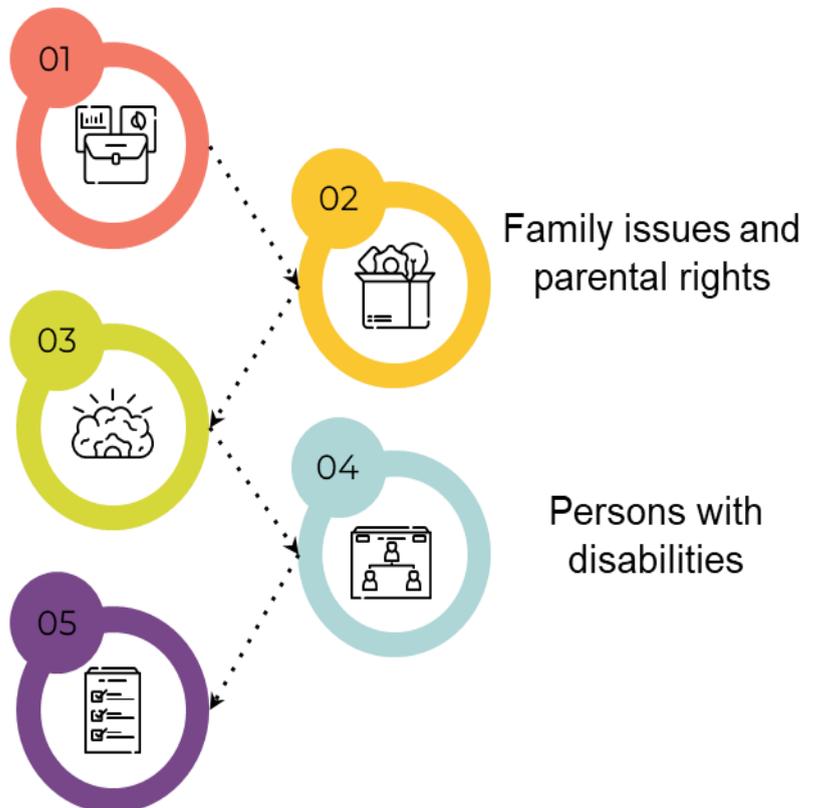


D.3 Nature of Complaints

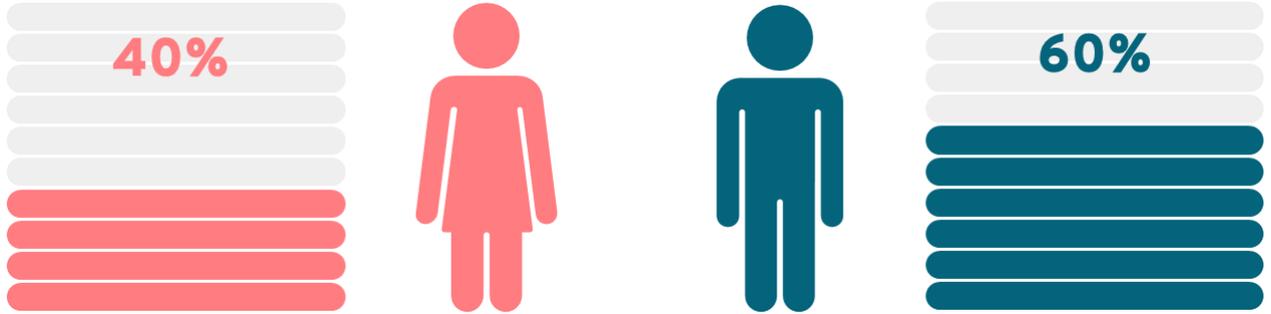
Sexual harassment and harassment at work

Misuse of social media platform

Pension issues



D.4 Complaints by Gender



E. COMMUNITY ENGAGEMENT AND SENSITISATION CAMPAIGNS

The Human Rights Division (HRD) believes that raising awareness and educating people is crucial for protecting human rights. In 2024, the HRD ran many campaigns to educate people about human rights and the role of the NHRC. These campaigns reached a wide range of people, including young people, families, and people in vulnerable situations and government officials. The goal was to raise awareness, encourage everyone to work together, and empower people to defend human rights. These campaigns not only highlighted important human rights issues but also aimed to create a society that values inclusion, dignity, and justice for everyone in Mauritius. Here are some of the key campaigns that were carried out throughout the year.

Key Campaigns in 2024

1. Partnership with the Ministry of Youth and Sports

In October 2024, the HRD collaborated with the Ministry of Youth Empowerment, Sports, and Recreation to host two impactful sessions at the Souillac Youth Hub for youth animators and students aged 13-18. The focus was on key social issues affecting young people today.

- **Session 1: Mental Health and Substance use Disorder (14 October 2024)**
 - **Objective:** To raise awareness about the early signs of mental health challenges, the effects of substance use, and available support resources.
 - **Outcome:** The session fostered a supportive peer environment, reduced the stigma surrounding mental health issues, and empowered participants to seek help when needed.

- **Session 2: Separation of Powers and Police Brutality (21 October 2024)**
 - **Objective:** To educate young people about democratic principles, their rights, and legal avenues for addressing police brutality.
 - **Outcome:** Empowered youth participants to better understand their legal rights and encouraged them to advocate for justice and equality within their communities.

2. Collaboration with NGO Lovebridge

In partnership with Lovebridge, an initiative under Business Mauritius, the HRD conducted training programs for families living in poverty to help empower them with knowledge of their rights and resources.

- **Focus:** The sessions covered the Children's Act 2020 and the Right to Mental Health, aiming to provide families with tools to protect their children's rights and promote mental well-being. *(Please find Annex the Children Act 2020)*
- **Outcome:** These trainings contributed to stronger advocacy and support for vulnerable families, especially in the areas of child protection and mental health awareness.

3. Collaboration with the National Women’s Council and the Citizens Advice Bureau

The HRD partnered with the National Women’s Council and the Citizens Advice Bureau to conduct outreach programs targeting women’s groups, senior citizens, public officers, and other vulnerable populations across Mauritius.

- **Focus Areas:**
 - Human rights principles
 - Addressing social inequalities
 - Promoting inclusivity and non-discrimination

- **Outcome:** Empowered marginalised groups with greater awareness of their rights and equipped them to challenge social inequalities. These programs also helped increase public awareness of human rights issues across diverse communities.

4. Collaboration with the Ministry of Education and Human Resource: Empowering Young Leaders

In June 2024, the HRD partnered with the Ministry of Education and Human Resource to train 200 head boys and head girls from state schools at the Mahatma Gandhi Institute.

- **Key Objectives:**
 - Raise awareness of human rights and their practical application in daily life

- Explain the role of the National Human Rights Commission (NHRC) in protecting and promoting human rights
 - Address mental health stigma and foster supportive school environments
 - Highlight child rights and protections under the Children's Act 2020
- **Program Highlights:**
 - Interactive session on human rights, equality, and non-discrimination
 - Overview of protections provided under the Children's Act 2020, including access to education, healthcare, and protection from exploitation
 - **Impact:** The program empowered the students to become advocates for human rights, raise awareness of mental health issues, and promote a culture of equality and dignity within their schools. These young leaders were encouraged to tackle discrimination and support the rights of vulnerable groups in their communities.

5. Innovative Methods and Collaborations

Throughout 2024, the HRD leveraged new methods and partnerships to enhance the effectiveness of its sensitisation campaigns. This included:

- **Community Partnerships:** Collaborations with NGOs, Government bodies, and the private sector played a key role in amplifying the reach and impact of sensitisation efforts. These partnerships allowed the HRD to

extend its resources and expertise into communities that might otherwise be underserved.

- **Targeted Programs:** Specific programs were tailored to address the needs of distinct groups, such as youth, vulnerable families, women, and senior citizens, ensuring that the message was relevant and impactful.

The HRD's sensitisation campaigns in 2024 have made a profound impact in raising awareness, changing attitudes, and empowering individuals across Mauritius.

6. Business and Human Rights: Encouraging Corporate Responsibility

The Human Rights Division HRD recognises the critical role of corporate responsibility in upholding human rights. In 2024, the HRD was actively engaged in efforts to ensure that businesses operate in accordance with international human rights standards, with a particular focus on ethical treatment of workers and communities. In this connection, the HRD aims to foster a business environment where corporate practices do not contribute to exploitation, environmental degradation, or social injustice. The HRD will collaborate closely with businesses to promote the implementation of fair labour practices and sustainable business operations.

F. 2024 SENSITISATION TALKS BY THE HRD

Key Information for Each Event:



1	▶ Date of Talk	_____
2	▶ Location (Community Center, School, etc.)	_____
3	▶ Target Audience (Youth/Students, Women, Elderly, etc.)	_____

January 2024

- **16.01.24:** *Coromandel Community Centre* | Target Audience: General Public | Sensitized: 60 people
- **23.01.24:** *Children Foundation, Vacoas* | Target Audience: Youth/Students | Sensitized: 50 people
- **30.01.24:** *Hamilton College Ville Noire* | Target Audience: Youth/Students | Sensitized: 50 people
- **31.01.24:** *St Esprit College, Riviere Noire* | Target Audience: Youth/Students | Sensitized: 45 people

February 2024

- **13.02.24:** *RTSS Pamplermousses* | Target Audience: Youth/Students | Sensitized: 49 people
- **19.02.24:** *Mare D'Albert Social Welfare Centre* | Target Audience: Women | Sensitized: 60 people
- **21.02.24:** *MITD Bois d'Oiseaux* | Target Audience: Youth/Students | Sensitized: 81 people

March 2024

- **05.03.24:** *Middlesex University, Flic-en-Flac* | Target Audience: Youth/Students | Sensitized: 95 people
- **24.04.24:** *Loretto College Rose Hill* | Target Audience: Youth/Students | Sensitized: 60 people
- **28.03.24:** *MGI, Moka* | Target Audience: Youth/Students | Sensitized: 46 people

April 2024

- **03.04.24:** *Lifecare Home, Curepipe* | Target Audience: Elderly | Sensitized: 27 people
- **04.04.24:** *Sir LeckrazTeelock SSS (Academy)* | Target Audience: Youth/Students | Sensitized: 82 people
- **12.04.24 & 17.04.24:** *Curtin University, Moka* | Target Audience: Youth/Students | Sensitized: 80 people
- **29.04.24:** *SSS Floreal* | Target Audience: Youth/Students | Sensitized: 30 people

May 2024

- **02.05.24:** *Bon Accueil State College* | Target Audience: Youth/Students | Sensitized: 80 people
- **02.05.24:** *Prison Training School* | Target Audience: New Recruits | Sensitized: 80 people



Figure 2: *Empowering vulnerable families with knowledge to protect their children's rights and promote mental well-being at prison*

- **03.05.24:** *BG Care Home* | Target Audience: Elderly | Sensitized: 25 people
- **10.05.24:** *Bon Accueil State College* | Target Audience: Youth/Students | Sensitized: 102 people
- **15.05.24:** *Piton State College* | Target Audience: Youth/Students | Sensitized: 88 people
- **17.05.24:** *LorettoMahebourg* | Target Audience: Youth/Students | Sensitised: 102 people

June 2024

- **06.06.24:** *Baie du Cap Village Hall* | Target Audience: General Public | Sensitized: 35 people
- **13.06.24:** *Bramsthan SWC* | Target Audience: Women | Sensitized: 15 people
- **24.06.24:** *MGI Auditorium* | Target Audience: Ministry of Education and Human Resource | Sensitised: 229 people



Figure 3: Empowering Head Boys and Head Girls with knowledge on Human Rights and Civic Duties in collaboration with Ministry of Education and Human Resource

- **27.06.24:** *Mahebourg Social Welfare Centre* | Target Audience: General Public | Sensitised: 10 people

July 2024

- **08.07.24:** *Maingard Community Centre, Beau-Bassin* | Target Audience: Persons with Disabilities | Sensitised: 32 people
- **11.07.24:** *Quartier Militaire Recreational Centre* | Target Audience: Elderly | Sensitised: 14 people
- **16.07.24:** *Quartier Militaire Social Welfare Centre* | Target Audience: General Public | Sensitised: 48 people

August 2024

- **07.08.24:** *Studio B, MBC Moka* | Target Audience: General Public | Sensitised: 0 (Topic: Human Trafficking)
- **22.08.24:** *Pamplémousses Village Hall* | Target Audience: Women | Sensitised: 12 people



Figure 4& Figure 5: Our Member and Investigator empowering women on their rights during a session held at Prof Baguant Hall Quartier Militaire and Pamplémousses Social Welfare Centre, in collaboration with the Ministry of Gender and Family Welfare

- **28.08.24:** *Du Vivier Municipal Centre* | Target Audience: Women | Sensitised: 18 people

September 2024

- **03.09.24:** *Prof Baguant Hall, Quartier Militaire* | Target Audience: General Public | Sensitised: 26 people
- **19.09.24:** *Tyack Village Hall* | Target Audience: General Public | Sensitised: 36 people
- **23.09.24:** *Bassin Municipal Complex* | Target Audience: Women | Sensitised: 37 people

October 2024

- **14.10.24:** *Souillac Youth Hub* | Target Audience: Ministry of Youth Empowerment | Sensitised: 55 people

The Human Rights Division (HRD) has actively conducted sensitisation campaigns on human rights issues across various locations in 2024, reaching diverse communities. These sessions targeted youth, students, women, the elderly, and others, raising awareness on topics such as trafficking in persons, discrimination, and general human rights. A total of over **2000 individuals** were sensitised across multiple sessions during the year.

G. WEBINARS AND VIRTUAL ENGAGEMENTS

In 2024, the Human Rights Division (HRD) substantially augmented its digital engagement by actively participating in a series of webinars that addressed critical issues such as digital privacy, cyberbullying, digital rights, and the rights

of individuals with disabilities. These interactive events fostered meaningful engagement with international stakeholders, stimulating dynamic discussions and cross-sectoral cooperation to identify and disseminate best practices and innovative solutions.

HRD staff also participated in webinars by global and regional organisations to enhance their capacity in tackling human rights challenges.

Key topics included climate change, business accountability, gender equality, and protecting vulnerable groups, equipping staff with updated strategies and tools for effective action.

Date	Webinar Title	Outcome
February 19 & 21, 2024	<i>Identifying Climate-Smart Solutions for SIDS and Coastal Cities</i>	Provided sustainable practices to tackle climate challenges, bolstering advocacy for climate resilience.
March 6, 2024	<i>Protecting Health-Related Human Rights in a World in Turmoil</i>	Strengthened skills to advocate for equitable healthcare access during crises.
March 20, 2024	<i>Enhancing Human Rights Due Diligence</i>	Gained insights on enforcing corporate accountability through mandatory due diligence frameworks.
March 21-22, 2024	<i>Gender Parity in Politics and Decision-Making Positions</i>	Acquired strategies to advance gender equality in leadership and governance.
May 3, 2024	<i>Journalists' Role in Democratic Processes</i>	Enhanced capacity to protect press freedom and advocate for

Date	Webinar Title	Outcome
		journalists' rights in democratic systems.
September 23, 2024	<i>Building Inclusive Societies</i>	Improved ability to promote disability rights and foster inclusive policy frameworks.
September 25, 2024	<i>SRHR and Gender-Based Violence</i>	Acquired tools to integrate Sexual and Reproductive Health and Rights (SRHR) into work and address gender-based violence.
October 9, 2024	<i>Learning Call on Business and Human Rights</i>	Expanded knowledge on improving corporate accountability and promoting sustainable business practices.
October 24, 2024	<i>Follow-Up on UPR Recommendations on Gender Equality</i>	Strengthened monitoring and advocacy for implementing gender equality recommendations from UPR processes.
November 6, 2024	<i>Business and Sustainable Oceans</i>	Developed advocacy skills to connect human rights, environmental sustainability, and marine protection.
November 13, 2024	<i>Climate Change and Human Rights</i>	Acquired strategies to address climate-related human rights issues effectively.
November 15, 2024	<i>Leveraging Human Rights for Inclusive Global Goals</i>	Aligned work with sustainable development goals, emphasizing inclusivity for marginalized communities.

These sessions have significantly enhanced the HRD's ability to promote and safeguard human rights across diverse sectors.

H. STRENGTHENING HUMAN RIGHTS: STRATEGIC RECOMMENDATIONS AND INITIATIVES FOR 2025 AND BEYOND

The Human Rights Division (HRD) is dedicated to advancing and protecting human rights through proactive initiatives, strategic partnerships, and policy advocacy. As we address ongoing and emerging challenges, the HRD is committed to implementing key recommendations in 2024 while laying the groundwork for long-term strategic initiatives in 2025.

Key Priorities for Strengthening Human Rights in 2025 and beyond

1. Expanding Socio-Economic Rights Protection

Recognising the need to address socio-economic inequalities, the HRD aims to advocate for policy changes and strengthen partnerships with government agencies and civil society to enhance access to housing, healthcare, and social security. Expanding its mandate in these areas will help ensure comprehensive human rights protection.

2. **Enhancing Public Understanding of Human Rights vs. Civil Matters**

Many civil disputes, such as property disagreements and noise complaints, are mistakenly reported as human rights violations. To improve resource allocation and set realistic expectations, the HRD will implement public awareness initiatives clarifying the distinction between civil and human rights issues while referring non-human rights cases to the appropriate authorities.

3. **Strengthening Digital Rights Protection**

The increasing prevalence of cyberbullying, online harassment, and privacy breaches underscores the urgent need for stronger digital rights protections. The HRD will launch public education campaigns on digital safety, responsible social media use, and privacy rights while advocating for enhanced legal frameworks to address emerging digital threats.

4. **Encouraging Transparent Complaint Reporting**

Anonymous complaints pose investigative challenges, making it difficult to verify claims and gather evidence. While protecting complainants' safety is crucial, transparency is equally vital for effective resolution. The HRD will explore secure reporting mechanisms that encourage individuals to provide necessary details while maintaining confidentiality where needed.

5. **Business and Human Rights: Encouraging Corporate Responsibility**

The HRD recognizes the crucial role of corporate responsibility in upholding human rights. In 2024, the HRD will continue working with businesses to ensure ethical treatment of workers and communities, prevent environmental degradation, and combat exploitative practices. Companies will be encouraged to integrate human rights due diligence into their operations and supply chains to foster sustainable and fair business practices.

6. Reducing Remand Periods

Prolonged pre-trial detention remains a significant human rights concern. The HRD is advocating for reforms to minimize excessive remand periods, ensuring that detention is used only as a last resort in strict compliance with international human rights standards. Key areas of focus include improving access to legal representation, expediting judicial procedures, and protecting individuals from undue deprivation of liberty.

7. Developing a Human Rights Framework for the Civil and Public Sectors

To strengthen human rights integration in governance, the HRD is developing a comprehensive framework to guide public servants, local authorities, and civil society organizations. This framework will provide practical guidance on preventing discrimination, ensuring equitable access to justice, and upholding human rights standards in public administration.

8. Addressing Climate Change as a Human Rights Concern

The HRD acknowledges the growing impact of climate change on vulnerable communities and the broader implications for human rights. As part of its advocacy efforts, the HRD will push for policies that integrate environmental sustainability with human rights protections, ensuring equitable access to clean water, food security, and disaster resilience for at-risk populations.

CHAPTER IV

I. NATIONAL PREVENTIVE MECHANISM DIVISION

INTRODUCTION

Pursuant to its mandate under the provisions of the National Preventive Mechanism Act 2012, the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) seeks to ensure that persons in detention are not ill-treated, tortured or subjected to any inhumane and cruel treatment and that their conditions of detention are at all times in compliance with the U.N Minimum Human Rights Standards.

The NPMD visits places of detention either on its own initiative or following complaints made by detainees personally or made on their behalf by bona fide 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 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) places an obligation on competent/relevant public authorities of State Parties to give due consideration to recommendations made by the NPMD and to their effective implementation.

In the pursuit of the above objective(s), the NPMD conducts regular inspections of places of detention; such as Prisons, Police Detention Cells, Retention Centre(s), Detention Centres, the Rehabilitation Youth Centres (Boys & Girls), the Correctional Youth Centres (Boys & Girls), the Female and Male High Security Wards at Brown Sequard Mental Health Care Centre (BSMHCC) and the special Wards designated for detainees at Jawaharlal Nehru Hospital.

In order to raise awareness among relevant stakeholders, the NPMD regularly organizes sensitization campaigns for the benefit of prison officers, police officers and

members of other law enforcement agencies particularly. The NPMD defines its strategies and organizes its operations, essentially focusing on the systemic flaws in the administration of the Mauritius Prisons Service and the Mauritius Police Force and makes recommendations accordingly. The ultimate goal is to ensure that persons who are deprived of their liberty are treated in a way that is compliant with the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the “Mandela Rules” and are not subjected to torture and other forms of cruel, inhuman or degrading treatment or punishment.

Furthermore, the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules) complement the Standard Minimum Rules for the Treatment of Prisoners (Mandela’s Rules) and the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules).

Taking into consideration the vulnerability of some detainees, such as female detainees with children or other vulnerable categories of detainees, the NPMD/NHRC recommends alternatives to custodial sentence; such as community service, rehabilitation programs for drug addicts, fines, the decriminalization of prostitution or the wearing of electronic bracelets. The NPMD/NHRC has raised the above issue(s) in its previous Annual Reports.

The Mauritius Prison Service also has the duty and responsibility to ensure that detainees undergo effective rehabilitation programs whilst in detention so that after release from prison, the detainees are able to integrate mainstream society. However, it is to be noted that despite legal prohibition(s), ex detainees continue to face discrimination at job interviews, job applications and even in the workplace. This discrimination significantly hinders their ability to secure employment and often leads them to revert to illegal activities. The exclusion of these individuals from mainstream society, compounded by workplace discrimination, prevents their effective rehabilitation and forces them back into a life of crime. Some find solace in alcohol and drugs.

II. THE MAURITIUS PRISONS SERVICE (M.P.S)

The Mauritius Prisons Service (M.P.S) forms an essential component of the Criminal Justice System. It has the legal duty and responsibility to ensure the mental and physical well-being of detainees whilst in legal custody in accordance with law. It must also ensure that detainees are given the opportunity to undergo various rehabilitation programs, such as vocational training and skill development so that they are able to effectively reintegrate mainstream society upon release from jail.

There are eleven (11) Prisons in Mauritius and Rodrigues namely the Central Prison (Beau Bassin), the Women Prison (Beau Bassin), the High Security Prison (Phoenix), New Wing Prison (Beau Bassin), Eastern High Security Prison (Melrose), Petit Verger Prison, Rich Lieu Open Prison, Grand Rivière North West Remand Prison, Open Prison for Women Beau Bassin, Barkly Special Prison for Women and the Rodrigues prison.

Eastern High Security Prison (EHSP, Melrose)

During the year 2024 the NPMD team visited the Eastern High Security Prison (EHSP) on several occasions, sometimes following complaints made by detainees as regards conditions of detention; at other times general visits were conducted so as to assess whether the general conditions of detention thereat were in compliance with the United Nations Standard Minimum Rules for the treatment of Prisoners.

The Eastern High Security Prison (Melrose) has several units namely:

(A) Units with individual Cells:

1. Alamanda unit
2. Hibiscus unit
3. Trochetia unit
4. Special Protection unit (SPU)
5. Medical unit (with individual cells and dormitory)

(B) Units with Dormitory:

1. Kestrel unit
2. Paille En Queue unit
3. Ebony unit (for Mauritian detainees on Remand)
4. Ravinale unit
5. Talipot unit (Having the Lotus Centre (where newly admitted detainees are kept for 48 hours)
6. Geriatric unit
7. Marygold unit
8. Transit unit (for outdoor workers)

Based on its findings and observations, the NPMD concluded that the general conditions of detention were satisfactory.

Kitchen and Bakery

During the course of the general visit, the NPMD made an assessment of the sanitary conditions of the kitchen and bakery and they were found to be of reasonably good standard. The bakery produces approximately 3,200 loaves of bread daily. The NPMD found that the conditions in which food is prepared and served to detainees were in compliance with basic human rights standards.

Medical Unit

The ground floor of the Medical Unit consists of a consultation room where doctors examine their patients. It also has a dental clinic with sophisticated dentistry equipment. A dentist from the Ministry of Health treats about twenty five (25) patients every Friday. The Medical Unit has a separate consultation room for HIV/Hepatitis patients and for detainees on Methadone treatment.

It is to be noted that Methadone distribution is done every morning in the Medical Unit and according to established protocol the distribution of methadone is done in the presence of a nursing officer and a compounder from the pharmacy. The first floor of the Medical Unit comprises of the Pharmacy and the Hospital Wards which have three dormitories with attached toilets. Each dormitory can accommodate four patients at any given time. It also has four individual cells which are used as isolation wards for detainees suffering from contagious diseases. The NPMD found that all the units were clean, tidy and well maintained.

The conditions of detention are related to the facilities available in prisons. It is recommended that major repair works ought to be carried out in order to improve waterproofing in some of the building blocks and the general maintenance of toilets, shower units and taps be carried out more regularly.

Debugging and pest control exercise(s) should be carried at more regular intervals in the Ebony Block so as to eliminate the proliferation of cockroaches and other parasites, in order not to expose detainees to health hazards.

Central Prison, Beau-Bassin

The NPMD conducted several visits at the Central Prison Beau-Bassin throughout the year 2024, in order to ascertain that the conditions of detention thereat were in conformity with basic human rights standards.

Recommendations have been made as regards improvements to be made to the kitchen, the conditions of detention in Block F, renovation works to be carried out in Yard 3 and 4 and a complete renovation of the prison hospital infrastructure so as to provide better medical assistance to detainees.

Recommendations were also made regarding the health and safety of inmates and prison officers and/or auxiliary members of staff, adequate ventilation and lighting, general hygienic, sanitation, regular supply of water, nutrition and the general mental and emotional well-being of detainees, prison officers and/or general members of staff, amongst others.

Following the above recommendations, the Mauritius Prison Service (M.P.S) set up a Committee composed of Senior Prison Officers, in order to look into the ways and means whereby they could be implemented, particularly the renovation works in the prison kitchen, the food store and prison hospital. The NPMD will continue to monitor the above and follow-up visits will be conducted in order to ensure that ultimately the above recommendations are effectively implemented.

Petit Verger Prison

Acting upon the recommendations made by the NPMD which highlighted the need for improved water supply and urgent repairs in Yards B and C, the Mauritius Prison Service (M.P.S) have addressed those issues. Necessary repair works have been carried out the toilets and bathrooms. Furthermore, the M.P.S is making genuine efforts to enhance the detainee rehabilitation programs, including vocational training and other educational initiatives. The prison offers vocational training programs through the Mauritius Institute of Training and Development (MITD), covering activities like baking, woodwork, gardening, and welding. These courses are conducted during two semesters annually, culminating in examinations conducted and supervised by the Mauritius Examination Syndicate (MES) which is the official certifying body.

A selection committee ensures appropriate course placement for detainees based on their individual skills, interests and potential. While literacy and numeracy courses are available to all detainees, many of them do not display any interest in following them. The prison also operates a green waste compost production plant while providing training to detainees in sustainable waste management practices. Another program which helps in the rehabilitation of detainees and the self sufficiency of the prison is the full-fledged operation of a poultry farm where 12 detainees work. The farm breeds a total of about 2000 chicks at any given time. They are then transferred to Eastern High Security Prison Melrose for slaughter.

Grand River North West Remand Prison (GRNW)

During its visit of the GRNW Remand Prison in year 2023, the NPMD had reported recurring issues concerning conditions of detention in this prison. In spite of regular repairs and maintenance, the facilities in GRNW prison were still in poor condition and many complaints had been received from the detainees. This prison usually consists of a majority of remand detainees and a few convicted ones. They generally work in different sections but stay in one block.

At the time of visit, the kitchen was more or less in good condition. Some kitchen equipments were old and needed to be replaced such as the tilting pan, chopping boards or the extractor fan. The NPMD visited the different blocks. In some of the cells, repair works were in progress; whereas other cells had been vandalized by detainees and electrical wires were hanging all over the place. In the yards, facilities like toilet and shower rooms were available but they needed to be regularly maintained.

Following regular prison visits, it was found that the GRNW Remand Prison tends to undergo wear and tear more rapidly than other prisons due to the inordinate turnover of detainees. Remand detainees are in the initial stages of the rehabilitation process and upon admission most of them lack self-discipline. In the same prison, the section reserved for convicted detainees is in much better condition, as convicted detainees seem to demonstrate a better sense of self-discipline.

There were also issues with water supply, hygiene and basic amenities. It was recommended that peer support could assist in encouraging newly admitted detainees to be more responsible and respectful towards others.

During follow-up visits, the NPMD was informed that the peer support program had been resumed and a positive shift had been observed as regards detainees' behavior generally.

Riche Lieu Open Prison

Riche Lieu Open Prison is a minimum-security facility that accommodates only Category D detainees (those convicted for minor offences and those awaiting release). Its main focus is rehabilitation through self-discipline and responsibility, aiming to prepare inmates for reintegration into mainstream society upon release as law-abiding citizens. Unlike high-security prisons, its compound is surrounded by chain link fencing instead of high brick/concrete walls.

The prison and its compound is spread over an area of about 44.25 acres of land. It has a capacity of accommodating about 194 detainees in four dormitories at any given time. It also has additional cells for those who violate prison rules. It operates under the responsibility of an Officer in Charge (OIC) who is a Senior Prison Officer and he is supported by about 63 staff members including prison officers. Inmates undergo vocational training in various fields, such as metalwork, painting, aquaculture, animal farming, tailoring, building, and cooking. Religious practices, educational and recreational activities are also encouraged, including access to books, games, and media.

Detainees are provided with free medical care. They are also entitled to have visits, including one-on-one communication via phone or Skype with relatives. Pre-release programs are run by NGO's such as, Kinouété and Not a Number which provide invaluable skills training that may assist detainees in their rehabilitation process.

Several skills training programs are offered by the prison, such as agricultural production, hydroponic farming, orchards keeping, and apiculture. Solar panels have also been installed in order to satisfy part of the energy needs of the prison. There has been a poultry farm expansion and a spice processing unit has been set up recently. The aquaculture project has been particularly successful, earning a Gold Award at the National Productivity and Quality Excellence Awards.

The aquaculture initiative provides training opportunities to many detainees and thus helps in their rehabilitation process while at the same time also producing fresh fish for consumption in the prison. The waste water from the fish pond provides nutrient-rich water used to irrigate various crops. Future projects include an eco-friendly egg tray production system using banana fibers, which will further support rehabilitation efforts while reducing costs of having to purchase such items from the open market.

Annual events such as musical concerts and prize ceremonies are held for detainees, they can also participate in the Payback Mauritius Scheme, which helps them repay their debt to society while learning new skills.

New Wing Prison

The facility receives an average of fifty detainees per day, and generally, its operations proceed without significant disruption. The prison has a capacity of 345 detainees, and it is now operating at full capacity. The prison complex consists primarily of four yards, four building blocks for detainees and administrative offices, a bakery, a laundry facility, a kitchen, and a medical unit. The issue of pelting that is dropping of illicit items such as packets of cigarettes, drugs, mobile phones amongst

others, over the wall of the prison compound by drones and by the general members of the public had previously been a matter of a significant concern. However, the introduction of additional sentries has substantially alleviated this problem. Further, efforts to address pest(s) proliferation are ongoing and the peer support program has proven to be beneficial to inmates. Detainees are currently not being provided with blankets due to security concerns, as detainees had been using them as improvised ropes in order to scale the boundary walls around the prison.

Following its 2024 visits to New Wing Prison, the NPMD communicated several recommendations to the Mauritius Prison Service (M.P.S) for prompt implementation. These included increasing recreational activities to reduce opportunities for mischief or indiscipline among detainees, and the replacement of defective television sets. The NPMD also recommended the provision of additional toilets and showers to accommodate the increasing number of detainees, as well as undertaking immediate repairs to the sewage and water piping systems. Additionally, the NPMD called for the closing of the openings in the boundary walls and the installation of protective metal louvers on windows in Blocks A, B, and C.

It was noted that a foul odor emanated from a blocked drain at the bakery entrance and it had to be urgently attended to. The general hygiene conditions in the kitchen needed improvement. It is recommended that convicted and remand detainees ought to be provided with distinct prison uniforms. It is further recommended that Asian-style toilets in the yard be replaced with European-style ones, and to ensure that the toilets inside the cells are properly covered, regularly cleaned, and provided with running water at all times.

Further recommendations related to the need for improvements to be made to the lighting system and the repair of water leakage in the visiting room. Fixed aluminum louvers ought to be installed on the windows in Landing 2 and 3 of Blocks

B and C in order to prevent unauthorised communication with the Women's Prison. Regular pest control and debugging exercise(s) ought to be carried out. The NPMD also suggested that vehicles used for the transportation of detainees be equipped with CCTV cameras and should be kept clean at all times.

The Open Prison for Women, Beau Bassin

This prison can accommodate 18 detainees at any given time. In July 2024, the NPMD conducted unannounced visits thereat. Different aspects of the conditions of detention were closely examined, including aspects such as the conditions of the infrastructure, ventilation, lighting, the general condition(s) of the kitchen and the adjacent premises, the content and quality of the various rehabilitation programs (vocational trainings) offered to convicted detainees, the monitoring of the CCTV cameras, recreational activities offered to detainees, the facilities offered to detainees to practice their religion(s) and the right to receive visits from relatives, amongst others.

The NPMD noted that generally the conditions of detention at the Open Prison for Women were more or less satisfactory.

The Special Prison for Women, Barkly

Unannounced visits were conducted at the Special Prison for Women at Barkly and similar aspects as above were examined by the NPMD team as regards the general conditions of detention thereat. The prison had remained closed for a very long period of time. There were no detainees at the time of visit. Detainees are only transferred at the Special Prison for Women from the Women Prison Beau

Bassin, in cases where they have committed serious breaches of Prison Rules /Discipline.

The NPMD noted that generally the conditions of detention at the Special Prison for Women Barkly were more or less satisfactory.

The Women Prison, Beau-Bassin

The general conditions of detention thereat have been thoroughly examined and observed by the NPMD, following which recommendations were sent to the Mauritius Prison Service (M.P.S) for implementation.

Several recommendations made by the NPMD have been implemented at the Women Prison Beau Bassin. For example, cells, dormitories and ablutions rooms have been freshly painted while implementation of other recommendations is under consideration because of procedural/bureaucratic requirements.

The NPMD had previously recommended that the sewage and/or drainage system be repaired urgently. The NPMD was informed that the matter is under process and that all the relevant bodies will act in accordance with prescribed rules and regulations. Considerations have also been given to some other recommendation(s) made by the NPMD, such as renovation works at the prison hospital, which is presently found in an old building whose infrastructure is in a poor state.

The **Mother Care Unit** at the Women Prison is different from the general dormitories and individual cells. In fact, this particular section is occupied by detainees who are mothers and they are authorized to keep their children with them until the age of five.

This specially designated section in the prison allows mothers to provide necessary care and attention to their children. The Mother Care Unit provides a child friendly, calm and healthy environment, where children have access to amenities such as cradles, bathtubs, clothes and other baby items. A separate kitchen has also been accommodated inside the Mother Care Unit where mothers are able to prepare food for their children depending on their individual preferences.

Furthermore, the children are able to attend school and/or kindergarten as the case may be. This ensures that, as far as possible, the children have a minimum contact with the outside world. This is essential for their normal and proper social development.

From January to December 2024, the Mother Care Unit accommodated a total of 70 mothers and 70 children; In December 2024 there were 6 foreign mothers and 6 babies in the Mother Care Unit. Most of the foreign detainees are on remand and have been charged with drug dealing offences. Some of them are on remand in prison for very long periods of time. In December 2024, the child of one such detainee who was kept with her mother until the age of 5 was sent to her country of origin for relatives to take care of her. The Mauritius Prison Service (M.P.S), in collaboration with the Passport and Immigration Office (P.I.O) ensured the safe arrival of the child to her country of origin. However, the mother is still on remand at the Women's Prison after 5 years. Such situation reflects the harsh realities of mothers in prison.

This issue has to be seriously and urgently addressed by our Criminal Justice System. Such long periods of remand in jail are in breach of human rights. Where there are Prison Transfer Agreements between Mauritius and other countries, the transfer of foreign convicted detainees to their countries of origins must be considered after having served one third of the sentence in Mauritius. In such cases,

matters ought to be expedited so as to alleviate further pain and suffering on foreign detainees and their families.

THE HEALTHCARE SYSTEM IN PRISONS

D. Puras, the former United Nations (UN) Human Rights Council’s Special Rapporteur on the right to physical and mental health once pointed out that “prison health is public health”. As a matter of fact, the care provided to detainees in prison needs to be compliant with basic human rights standards.

During its regular visits to prisons and meetings with the medical staff of the Mauritius Prison System, the NPMD observed and took note of the numerous medical treatments and medical projects that have been established in the prisons. At present, the Mauritius Prison Service (MPS) provides general medical treatment in all prisons. It also provides specialized medical treatment by psychiatrists, psychologists, gynecologists, dermatologists; The Mauritius Prison Service also provides methadone to detainees with drug addiction problems and treatment to detainees with HIV.

In 2024, the NPMD registered about 25 complaints relating to medical condition(s) of detainees. In such cases, the NPMD conducts individual interviews with concerned detainees and conveys their concerns to the medical staff of the prison. Follow-up visits are then conducted in order to ensure that proper medical assistance is provided accordingly.

Several recommendations have also been made to the Mauritius Prison Service pertaining to complaints such as; regular examination by psychiatrists and psychologists. The NPMD has recently recommended the appointment of one psychologist in every prison. The NPMD has further recommended that the hospital

at Central Prison Beau-Bassin be renovated in order to provide the same medical facilities and treatment as the Eastern High Security Prison. The renovation of the medical complex at the Women’s Prison Beau-Bassin has also been recommended.

The mental health care of prison officers and staff is also vital. The NPMD recommends that internal procedures ought to be established so that prison officers and/or staff are given psychological counseling in cases of suicide in prisons.

The right to health goes far beyond the provisions of medication and medical treatment. Persons in custody often find themselves abandoned by relatives and friends. Such detainees may require specialized treatment by relevant medical specialists.

SUICIDES IN MAURITIUS PRISONS

In the year 2024, there were 4 cases of suicide committed in prison as compared to 2 in 2023. The table below shows the trend in prison suicide for the last 6 years.

Suicides committed in prison

Year	2019	2020	2021	2022	2023	2024
No of suicides	1	2	1	Nil	2	4

The NPMD/NHRC insists that the Mauritius Prison Service (M.P.S) ought to take all reasonable steps to prevent cases of suicide or attempted by plugging all systemic loopholes. It also has a duty to properly investigate such cases wherein they do occur. The M.P.S is responsible for the safe custody of detainees upon admission

and there is a range of measures and procedures in order to ensure the security of detainees. Suicidal tendencies of inmates must be detected on time by the M.P.S. Therefore, it is important to organise suicide prevention counseling sessions in both prisons and the Correctional Youth Centre (CYC). The M.P.S ought to also look into aspects such as overcrowding, duration of lock-up time, sanitation, broad social environment in prisons; personal history of detainees, access to health services including mental health as relevant factors that may cause psychological/emotional disturbances leading to suicidal tendencies. Special attention must be paid by the M.P.S to detainees with personal history of substance abuse problems and suicidal tendencies. The challenge is to identify potential victims during admission.

The role of healthcare professionals

There is considerable emphasis on the role of health-care professionals in the United Nations Standard Minimum Rules for the Treatment of Detainees (the Nelson Mandela Rules) Rule 30 states that a physician or other qualified health-care professionals shall talk with and examine every prisoner as soon as possible following his or her admission. The rules require that particular attention be paid to identifying special medical conditions prior to admission, as well as any signs of psychiatric and psychological pathologies including suicidal tendencies or tendency to inflict self-harm. It is therefore critical to detect warning signs before it is too late. It is also important for the health-care personnel to report without delay to the Officer in Charge (OIC) of the prison any adverse effect that disciplinary sanctions or other restrictive measures may be having on the physical or mental health of a detainee and advise the OIC accordingly.

It is common knowledge that prolonged detention may have serious adverse psychological effect on certain individuals. Very often policies and procedures may not be clear enough on how to identify and manage detainees with suicidal tendencies. It is also necessary for the M.P.S to allocate sufficient resources for the proper monitoring of such cases in prison(s).

Profiles of suicidal detainees

Risk factors would include detention in solitary confinement or segregation for long periods, lack/absence of family support, bullying in prison and disciplinary measures taken against them.

Preventing suicide

Timely detection is essential for suicide prevention. While the detainee goes through a series of interaction with healthcare and mental health personnel upon admission where risk factors can be detected, it is in the yard or detention blocks where the signs of imminent suicides need to be carefully observed by Prison Officers. A sad news, a guilty verdict with a harsh sentence, family break-up, long periods of confinement, feelings of hopelessness, giving away their personal belongings may be some of the many indications of possible suicidal tendencies. It is therefore essential that Prison Officers be given the necessary training so that they may detect warning signs and symptoms. A routine security check during lock-up is the right time to watch for indications of suicidal tendencies.

Family members of detainees should be encouraged to inform prison authorities whenever they feel that the detainee expresses the wish to end his life. Red band inmates may also provide relevant information to Prison Officers whenever they detect suicidal tendencies when interacting with detainees.

There are only two full-time psychologists attending to the 11 prisons in Mauritius. The challenge is immense. Training in suicide prevention should be included in the initial training curriculum of Prison Officers. They should also be trained in first aid and resuscitation techniques. In case a suicide attempt occurs, the officer must be sufficiently trained to secure the area and provide first aid until the arrival of trained medical staff.

III. THE MAURITIUS POLICE FORCE (M.P.F)

The Mauritius Police Force (M.P.F) is the National Law Enforcement Agency of Mauritius and is under the command of the Commissioner of Police as stipulated by section 71(2) of the Constitution of Mauritius.

For administrative and operational purpose(s) the Mauritius Police Force is divided into eight (8) Divisions namely; the Northern Division, the Eastern Division, The Southern Division, the Western Division, the Central Division, the Metropolitan South Division, the Metropolitan North Division and the Rodrigues Police. Each division is under the responsibility of a Divisional Commander who is a senior officer not below the rank of Assistant Commissioner of Police (ACP).

POLICE CELLS

The Police Divisions have varying number of Police Stations. A significant number of police stations have detention cells where, suspects are locked up during the initial period of police enquiry pending their release on bail or remand to prison by order of a Competent Court.

These detention cells are “places of detention” that falls within the ambit of the National Preventive Mechanism Act 2012 and therefore the NPMD has the statutory obligation to carry out regular visits in accordance with the provisions of

the National Preventive Mechanism Act 2012 in order to ensure that the conditions of detention therein are in compliance with the United Nations Standards Minimum Rules for the Treatment of Prisoners.

The NPMD also carried out follow up visits in order to monitor whether previous recommendations made by the NPMD has been effectively implemented. The NPMD considers that the monitoring of places of detention through visits is one of the most efficient ways of preventing combating torture, ill- treatment and other cruel, inhuman and degrading treatment or punishment of detainees by Police Officers who otherwise may feel a sense of impunity.

During the visits to places of detention, the NPMD enquires into all aspects of the conditions of detention and based on its findings and observations a series of recommendations are made to the Commissioner of Police or other relevant authorities.

Awareness campaigns, talks and lectures are also organized by the NPMD for the benefits of Police Officers of all ranks including new recruits. They are given all relevant information as regards the statutory mandate of the NPMD. They are also educated about the United Nations Standard Minimum Rules for the treatment of prisoners (The Nelson Mandela Rules) the provisions of Convention against Torture (CAT) and the Optional Protocol to the United Nations Convention against Torture (OPCAT).

A series of interactive sessions were held in the month of September 2024 with Senior Police Officers, such as, Divisional Operation Managers (DOM) of all Police divisions in Mauritius and Officers of the Police Technical Unit at the NPMD office at Ebène Heights, Cybercity, Ebène. They were sensitized on the obligation to comply with minimum human rights standards on all issues pertaining to the

conditions of detention in Police cells such as the physical conditions of the cells, condition of hygiene and sanitation, lightings and ventilation as well as medical and psychological treatment of detainees.

Follow up visits were conducted after the above meeting, in order to gauge the effectiveness of the sensitization exercises. The NPMD noted that the exercise was quite effective. In the Northern Division, for example, all the polycarbonate shields on the cell doors had already been removed in order to provide better ventilation and inflow of air in the cells, cleaning and painting of cells had been carried out in several police detention cells that provided a protective coating to the walls. Pest control and debugging exercises are now carried out at more regular intervals and new mattresses and blankets that are provided to detainees are now more regularly replaced.

Hereunder are the statistics of visits of Police Detention Cells/Detention Cells/Retention Centre(s) carried out by the NPMD during the year 2024:

Sno	Places of detention	No. of visits
1	Police Cells	100
2	Detention Centres	7
3	Le Chaland Retention Centre	3

Northern Division Police Cells

The NPMD visited Terre Rouge Police Cell, Pamplermouses Police Cells, Trou aux Biches Police Cells, Pointe aux Cannoniers Police Cells, Piton Police Cell, Piton Detention Centre, Poudre D'or Police Cell and Rivière du Rempart Police Cells and also follow up visits have been carried out.

Recommendations for Police Cells in Northern Division

The NPMD recommended that all the polycarbonate shields affixed on the cell doors be removed at the earliest so as to improve ventilation for a better air flow in the cells.

At Piton Police Station, recommendations have been made for a European style toilet system to be installed and water proofing works to be carried out in order to prevent leakage of water from the ceiling. The replacement of the defective tap in the shower area, the replacement of the tiles on the floor of the toilet and shower area and the installation of an extractor along the cell corridor so as to improve ventilation. At Poudre D'or Police Station where the detention cell is used exclusively for the detention of female detainees it was recommended that the CCTV camera monitor be removed from the charge room and be relocated to another place, so as to protect the privacy and intimacy of female detainees. At Rivière du Rempart Police Station, recommendations were made for repairs to the septic tank to be carried out regularly. Generally, recommendations were made for regular debugging and pest control exercises to be carried out in all detention cells and Detention Centres in all Police Divisions throughout the country.

Metropolitan North Division

The National Preventive Mechanism Division (NPMD) visited several detention cells in the Metropolitan North Division, namely at the following police stations; Vallée Pitot, Roche Bois, Plaine Verte and Pope Hennessy.

At Vallée Pitot Police Station, the NPMD team found that detainees were not provided with beds. Instead, they were required to sleep on mattresses on the floor. The cells also lacked adequate ventilation. Consequently, the NPMD recommended the provision of proper bedding and mattresses for detainees.

At Plaine Verte there is one Asian style toilet and no bathroom. The toilet is not fitted with a proper flushing system and it is also being used as a bathroom which is very unhygienic and not in compliance with United Nations Minimum Standard for Treatment of Prisoners. The NPMD therefore recommended that immediate renovation works be carried out so that the bathroom is separated from the toilet and a proper flushing system be installed; and that until the implementation of the above recommendations it would be advisable not to keep detainees in the cells for more than twenty four (24) hours.

Metropolitan South Division

The NPMD visited several detention cells in the Metropolitan North Division, namely at the following police stations; Pointe aux Sables, La Tour Koenig and Pailles.

At Pailles police station, the cells are primarily used for female detainees. However, the CCTV monitor is situated inside the charge room, where members of the public or police officers may have direct access. This raises serious concerns regarding the privacy of female detainees. The NPMD recommended that the CCTV monitor be relocated to a more appropriate location

Central Division

In the exercise of its statutory mandate, the NPMD conducted inspections of detention cells within police stations in the Central Division during the year 2024. The Central Division comprises three police stations with operational detention facilities, namely at Midlands Police Station, Curepipe Police Station, and Vacoas Police Station.

At Curepipe Police Station, it was recommended that both male and female cells be freshly painted. In general, the overall environment was found to be clean and tidy. For Vacoas Police Station, the NPMD recommended the installation of an air extractor to improve ventilation. The current air quality within the cells was deemed to be very poor, posing a potential health risk to both detainees and staff members. Additionally, the provision of sanitary bins was recommended.

Upon conducting follow-up visits to the abovementioned police station, the NPMD noted that the recommendations were implemented and the conditions of detention are now satisfactory.

Western Division

Police cells were inspected several times during the year 2024 and a follow-up visit was effected in December 2024 following the meeting with Senior Officers of the Mauritius Police Force (M.P.F). In general, police cells in the Western Division were satisfactory condition. However, some improvements were required as regards some of the police detention cells that were inspected.

At Bambous Police Station, it was observed that the four cells had been closed down for repair works to be carried out in accordance with previous recommendations made by the NPMD. However, we were informed that due to budgetary constraints and long drawn bureaucratic procedures more time was required for structural repairs works to be carried out given that necessary financial resources would have to be allocated from public funds. Nevertheless, the NPMD insisted on the absolute necessity to implement the recommended repair works in order to comply with minimum human rights standards.

At Petite Riviere Juvenile Detention Centre, the NPMD observed that the general layout of the Detention Centre with individual cells along a single corridor could be improved to make it more Child/Juvenile friendly. Following previous recommendations made by the NPMD, hygiene standards have now significantly improved, the ablution area is now more regularly cleaned and the corridor, toilet and shower areas have been brightly repainted.

Southern Division

During the month of May 2024, the NPMD conducted visits of several police detention cells in the Southern Division, namely at the following police stations; Grand Bois, Camp Diable, Rose Belle, Mahebourg, Rivière des Anguilles, Chemin Grenier, Bel Ombre, Airport, Blue Bay and Souillac.

In the course of the above exercise, the NPMD inspected the conditions of the bathrooms, the toilets, the general state of the detention cells, the food provided to detainees, the control room for the CCTV cameras and the exercise bays. The NPMD also carried out detailed examination of registers, files and all other relevant documents concerning detainees.

Following its findings and observations, the NPMD made numerous recommendations such as the installation of extractor fans and a new sink along the cell corridor, the removal of ligature points, a fresh coat of paint in some of the detention cells, urgent repairs of toilets and/or flushing system(s), amongst others. Some of the detention cells for instance at Mahebourg police station required major renovation works so as to comply with basic human rights standards.

The inspection of detention cells do not represent an end in itself, but rather the first step in a multi layered process that aims at improving both the treatment of

detainees and their physical conditions of detention through the continuous cooperation and constant interaction between relevant stakeholders.

Follow-up visits were also conducted at the above police detention cells so as to monitor and assess the effective implementation of the above recommendations. The NPMD observed that some of the recommendations had already been implemented whereas others were under consideration. For example, at Rose Belle Police Station, an extractor fan had already been installed and a new sink had been placed along the cell corridor, polycarbonate sheets had been removed so as to facilitate the removal of the visible ligature points in the detention cells and survey works were underway with a view to conduct the reparation works of the toilets.

Furthermore, the NPMD was informed that due to long drawn administrative procedures, bureaucratic red tape and budgetary constraints, the implementation of some of the above recommendations may take additional time.

As regards, the issue of overcrowding in the police detention cells, especially in the Southern Division, the NPMD has recommended that a Detention Centre ought to be constructed in the Southern Division so as to effectively address the issue of overcrowding. We were informed by Senior Officers of the Mauritius Police Force (M.P.F) that the matter is under consideration and that ultimately administrative/bureaucratic procedures must be strictly complied with given that the implementation of the above recommendation would require substantial budgetary allocation(s) from public funds.

Eastern Division

The Eastern Division has very few police stations that have operational detention cells namely: St. Pierre, Quartier Militaire, Flacq, Bel Air, and Trou d'Eau Douce. However, there are certain issues that need to be addressed at the earliest. At St. Pierre Police Station for instance, the CCTV system is operational but the monitoring area is poorly lit, and the ventilation is inadequate, and the detention cells are poorly maintained. At Quartier Militaire Police Station, there are serious structural issues as regards the boundary walls resulting in security risks to detainees. The previous recommendations of the NPMD have not yet been implemented. The police cells at Flacq Police station have been recently painted. However, there are issues relating to ventilation, with detainees unable to breathe fresh air. At Bel Air Police station the cells are overcrowded. The floors need to be renovated and CCTV system ought to be replaced. At Trou d'Eau Douce Police station the cells are poorly maintained. Constant follow-up visits to the above Police stations reveal that most of the NPMD's recommendations such as installing air extractors, improving cleanliness, replacing/improving the CCTV system, and enhancing security, have not been acted upon as at date.

It appears that within the Mauritius Police Force, decision making has to undergo long drawn and protracted bureaucratic red tape and that the process cannot be accelerated given that public funds are involved and that there are good governance and principles of transparency to be strictly complied with.

IV. DETENTION CENTRES

Moka Detention Centre

This facility comprises 14 cells for males and 4 cells for female. Within the female section, there are 3 shower units and 2 toilets. However, one of the showers is not operational, and the light bulbs in the shower units are defective, resulting in inadequate lighting. Moreover, the area is poorly ventilated. The NPMD also noted

that the blankets provided to detainees were past their expiring date. It was recommended that:

- i. a fan/extractor be installed along the corridor in order to enhance air circulation,
- ii. the broken shower must be repaired/replaced,
- iii. the faulty light bulbs ought to be replaced in order to ensure sufficient lighting,
- iv. the blankets ought to be replaced and thereafter be regularly dry cleaned.

In the male section toilets and shower unit(s) near Cell 1 are in a state of disrepair. The flushing system of the toilets is dysfunctional; taps are defective and the lighting and ventilation is poor. In the VIP cell, the Asian-style toilet is still in place and has not yet been replaced by a European style one as recommended earlier by NPMD. Even the blankets seemed to be in shabby condition.

It was recommended that:

- i. the shower and toilet flush near Cell 1 be repaired, or replaced urgently;
- ii. the Asian-style toilets be replaced with European-style ones;
- iii. the lighting be fixed;
- iv. fans/extractors be installed along the corridors;
- v. the blankets be replaced;
- vi. pest control and debugging exercise(s) be carried out regularly;
- vii. The CCTV monitoring room, need to be air conditioned because the ventilation therein is very poor.

The Metropolitan Detention Centre

In 2024, the NPMD visited the Metropolitan Detention Centre, commonly known as 'Alcatraz.' It is found in an old colonial building that has been converted. The Detention Centre has several wooden structures, which used to be a perfect breeding ground for the proliferation of insects and parasites. However, the

implementation of several recommendations previously made by the NPMD in 2023 has resulted in significant improvements. During the 2024 inspection, the NPMD observed that all CCTV cameras within the detention cells and key areas of the building were operational. Notably, the masking of cameras viewing shower units and toilets to protect the privacy of detainee privacy has been implemented. Consistent and regular water supply is now being provided. Furthermore, the Pest Control Unit of the Ministry of Health now conducts regular debugging exercises as previously recommended. All blankets undergo dry-cleaning twice in a month, and mattresses are routinely debugged. The NPMD further noted that the cells were clean and that additional lightbulbs/tubelights had been fixed along the first-floor corridor. Wall fans had been installed on the first floor, significantly improving ventilation. The NPMD intends to conduct regular follow-up visits to ensure that the proper maintenance of the Metropolitan Detention Centre continues in the future.

Vacoas Detention Centre

During its 2024 inspection of Vacoas Detention Centre, the NPMD observed that the overall conditions of detention within the cells designated for male detainees were satisfactory. Furthermore, the NPMD noted that the previous recommendations had been substantially implemented. All cells were found to have been recently cleaned and were well-maintained. Notably, a previous recommendation concerning ligature points within the washroom had been addressed. New water taps in the shower units were installed at lower positions, effectively mitigating the risk of detainees utilizing these taps as ligature points. Overall, the NPMD found that the general conditions of detention within both male and female detention cells had significantly improved.

Le Chaland Retention Centre

The Le Chaland Retention Centre is a designated place wherein foreign nationals who are on illegal stay in Mauritius are “detained” pending Court appearance or pending deportation to their countries of origin.

The Retention Centre is under the direct responsibility of the Passport and Immigration Office which itself is a department/unit of the Mauritius Police Force (M.P.F). It is to all intents and purposes “a place of detention” which falls within the ambit of Section 2 of the National Preventive Mechanism Act 2012. Given the above, the NPMD is under the statutory obligation to effect regular visits to the Centre in order to ensure that the conditions of detention/retention therein are in compliance with basic human rights standards.

The Retention Centre is an independent building structure comprising of two blocks on the ground floor and two on the first floor but is part of Le Chaland Police Complex.

In 2024 the NPMD team visited Le Chaland Retention Centre on three (3) occasions and noted that the general condition of detention had improved following implementation of recommendation made by NPMD. However, some important recommendations such as the installation of CCTV camera(s) in the building and the surrounding compound have not yet been implemented. From information provided to us, it can be inferred that procurement and contract procedures seem to be unduly protracted and tedious, wherever/whenever budgetary allocations are provided from public funds.

We noted however, that the food served to inmates at the Retention Centre provided by the Special Mobile Force (SMF) Catering Unit based at the SSR International Airport is palatable.

The NPMD further recommended that pest control and debugging exercises should be carried out at regular intervals so as to prevent the proliferation of mosquitoes indoors and outdoors.

Given the number of inmates who are detained at any given time the NPMD is of the view that the number of Police Officers seems insufficient for the proper maintenance of order at the Centre. The NPMD therefore insisted on the reinforcement of the security personnel inside and outside the Retention Centre.

However, there has been a positive change of circumstances recently. The NPMD has been informed that the problem of understaffing has been solved. The day to day operation and management of the Retention Centre has now been entrusted to the National Coast Guard (NCG) on a 24/7 basis.

As per statistic(s) below, during the year 2024 nine hundred and forty six (946) foreign nationals were arrested by the P.I.O on grounds of illegal stay and were detained at Le Chaland Retention Center.

Given that the number of foreign nationals on illegal stay in Mauritius seems to be rising exponentially, the Mauritius Police Force (M.P.F) has identified an additional building within the compound of the Special Mobile Force (S.M.F) at the Sir Seewoosagur Ramgoolam International Airport (SMF-SSRIA) which will serve as a new Retention Centre. Major renovations works are being carried out so that the Centre can be operational at the earliest, before Le Chaland Retention Centre gets overcrowded.

It is to be noted, however, that this New Retention center at the SMF-SSRIA will be used to accommodate male detainees only, just like Le Chaland Retention Centre.

Female detainees who are on illegal stay in Mauritius are generally kept in Police cells or at the Women Prisons Beau Bassin pending their deportation. This is patently discriminatory and unacceptable from a human rights perspective. The NPMD recommends that after the opening of the Retention Centre at the SMF- SSRIA for male detainees, Le Chaland Retention Centre ought to be renovated and converted into an exclusively Female Retention Centre.

No. of Foreign Nationals Detained at Le Chaland Retention Centre for the Year 2024

SNo.	Nationality	Number
1	Indian	67
2	Bangladeshi	445
3	Malagasy	245
4	Indonesia	1
5	Nepalese	19
6	Nigerian	119
7	Liberian	03
8	Ghanaian	12
9	Cameroonian	09
10	Mauritanian	01
11	Tanzanian	08
12	Rwandan	02
13	French	02
14	Ukranian	01
15	Kenyan	01

16	Chinese	01
17	Moroccan	03
18	Burudian	02
19	Estonian	01
20	Egyptian	03
21	Sierra Leonian	01
TOTAL		946

Source from the Passport and Immigration Office

Number of Foreign Nationals Detained at Central Prison Beau Bassin and Women Prison Beau Bassin for the Year 2024

Nationality	Male (Central Prison)	Female (Women Prison)	Total
Bangladeshi	08	5	13
Malagasy	14	32	46
Nigerian	04	07	11
Ghanian	02	02	04
French	-	02	02
Cameroonian	02	02	04
Estonian	01	01	02
Liberian	-	01	01
Sierra Leonean	-	01 (+01 Infant)	01
TOTAL	31	53	84

Source from the Passport and Immigration Office

- Number of Male Foreigners nationals repatriated following a Court Order: 31
- Number of Female Foreign nationals repatriated following a Court Order: 52

One Sierra Leonean with her Infant is still detained at Beau Bassin Women Prison.

V. THE REHABILITATION YOUTH CENTRE (RYC) AND THE CORRECTIONAL YOUTH CENTRE (CYC)

A team from the NPMD inspected the RYC and CYC in July 2024. Since the proclamation of the new Children’s Act 2020, these institutions scarcely have inmates.

RYC (Boys)

The RYC (boys) had no inmates and a skeleton staff was on duty. Wild vegetation had invaded the compound and could constitute both health and security risk.

RYC (Girls)

In July 2024 there was only one inmate at the RYC (girls). She was busy studying for her National Certificate of Education (NCE) examination, under the supervision of a teacher. During a quick interview, she stated that she was well treated and motivated to complete the NCE exams. She had also followed a hotel training program with the Beachcomber Group for a few months.

The facilities were found clean and tidy, the dormitory which was on the first floor was also well kept. On some occasions the inmate was allowed to spend the week-end at an aunt’s place in Beau-Bassin so that she could get used to living with other people.

CYC (Girls)

During the visit, the CYC (girls)'s compound was full of dry leaves and dry twigs and branches of trees awaiting removal by the rubbish collectors. All the rooms were clean and tidy as well as the shower and toilet area. However the interior needed a fresh coat of paint.

There was one inmate at the time of visit. She was arrested on 14 May 2024 and was charged with “Aiding and Abetting” in a case of larceny. There are five other adult co-accused in the case; two of them have already been bailed out.

The inmate averred that she lived with her aunt and she frequently ran away from home. She had also started to take drugs and had even taken heroine a few times together with her boyfriend. During her detention she had gone through some craving periods but had received proper treatment. She felt she was well looked after with the help of the officer in charge. The latter explained that the inmate ate and slept properly and did some daily chores at the CYC (Girls) to keep herself busy and this enabled her to derive some earnings. In doing so, the inmate recognised that she was able to save more money than she had ever done in her life.

CYC (Boys)

There were 2 convicts and 6 remand inmates at the CYC Boys at the time of visit. The dormitories were found clean and tidy as well as the ablution area. There was no teacher available at the CYC (Boys). The class was used for some painting sessions from time to time. However, the inmates could play football and did some gardening. The library was out of date and had a few old books.

Most of the inmates were charged with larceny. Most of them stole so money to purchase drugs. Many had already been warned by the police for past unlawful acts but they paid no heed to the warning. Ultimately they had to be arrested and detained.

VI. BROWN SEQUARD MENTAL HEALTH CARE CENTRE

The High Security Wards of the Brown Sequard Mental Health Care Centre (BSMHCC) also form part of the places of detention that fall within the statutory mandate of the NPMD. Therefore, the NPMD has the legal obligation to effect regular visits thereat, in order to assess whether they are in compliance with basic human rights standards.

Detainees at the BSMHCC are generally provided the same treatment as all other patients of the hospital. Detainees are admitted either in the Male or Female High Security Ward. They are given similar treatment as the other patients and are examined daily by medical specialists.

In 2024 based on its findings and observations after its visits, the NPMD made several recommendations as regards the Female and Male High Security Wards. Such recommendations include the state of the beds, the mattresses, the corrugated iron sheets in the yard, amongst others.

Many of the above recommendations have been implemented; The cupboards in the dining room have been replaced, 5 beds have been replaced for the patients and request has already been made for 2 semi fowler beds, 12 mattresses have been replaced, the water taps in the ablution room have been repaired, the light bulbs in the padded cell have been replaced, the drying rack has been repaired pending its replacement by a new one and the corrugated iron sheets in the yard have been replaced. The NPMD noted the positive outcome and commends the Management of the BSMHCC.

VII. STUDY VISIT OF MALAGASY DELEGATION ORGANIZED BY THE ASSOCIATION FOR THE PREVENTION OF TORTURE (APT)

From Monday 29 July to Friday 2 August 2024, a team from the NPM of Madagascar came to Mauritius on a study visit. The NPMD prepared a work plan so that they could visit different categories of places of detention, thus enabling the Malagasy delegation to have a broad exposure to the legal framework and the practical environment within which the NPMD operates. At the end of each day, a debriefing exercise was held so that members could exchange notes and observations and share their experiences.

NPM techniques and procedures

As specified in the concept note and planning document, after fixing the objectives of the visits, each participant was invited to adopt his/her own individual approach when dealing with the different aspects of an inspection exercise including observations, discussions, detainees' interviews, documents consultation. They had also the opportunity to approach the inspections from different angles depending upon the detainees' profile. The use of technology to promote human rights of detainees was also explored, for example the body scanner in the prisons. Information on body search techniques prior to technology acquisition, was also transmitted to them by Prison Officers. Information gathered from different sources had not only enabled them to distinguish facts from perceptions but also to better understand the state of mind of detainees. The team had the opportunity to understand the overall context within which recommendations are made. They also exchanged their views and observations after their inspection tour.

The team also met with victims of human trafficking who were housed in a designated shelter. Those victims were initially detained in police cells as they were alleged to be involved in illegal activities. However, after further police investigation their status was changed on the advice of the Director of Public Prosecution (DPP). They were now qualified as victims who could be potential prosecution witnesses.

The study visit was able to highlight the qualitative difference between the distinct legal frameworks within which the National Human Rights Commission of Mauritius and Madagascar operate and the manner in which it could influence the scope and methodology of the respective NPM's. The practice of “unannounced visits” by the NPM is not a common practice in Madagascar.

The visit of the Beau-Bassin Women Prison was an opportunity for the Malagasy NPM to discover how the gender-specific characteristics and needs of women in detention are respected in compliance with the United Nations Rules for the Treatment of Female Prisoners known as the Bangkok Rules. Healthcare, education, training and income generating activities were the subject of long interactive discussions with detainees and prison officers with a view to implement similar model(s) in Madagascar.

VIII. STATISTICS FROM THE NATIONAL PREVENTIVE MECHANISM DIVISION

Nature of complaints: January to December 2024

Nature of Complaints	No. of Complaints	Complaints Received
Conditions of detention	49	<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	80	<ul style="list-style-type: none"> • Medical assistance • Status of case • Access to education • Time spent on remand
Petition	1	<ul style="list-style-type: none"> • Reduction of sentence
Legal	1	<ul style="list-style-type: none"> • Legal aid
TOTAL	131	

Statistics visits and complaints: January to December 2024

	No. of visits	No. of complaints	Resolved	Ongoing
Prisons	232	127	124	3
Police Cells and Detention Centres	105	4	4	
RYC/CYC	8			
Brown Sequard Mental Health Care Centre (High Security Units)	2			
Jawaharlal Nehru Hospital(Ward 01 admitted detainees)	1			
Queen Elizabeth Hospital (Male & Female ward)	1			
TOTAL	349	131	128	3

IX. THE TOTAL PRISON POPULATION FOR MEN, WOMEN AND CYC (BOYS AND GIRLS) AS AT 31 DECEMBER 2024

Detainees	Prison Population on 31 December 2024		Total
	Remand	Convicted	
Male Detainees	1029	1345	2374
Female Detainees	114	52	166
CYC Boys Inmates	1	1	2
CYC Girls Inmates	1	0	1
TOTAL	1145	1398	2543

XI. PRISON STATISTICS FROM PERIOD JANUARY 2024 TO DECEMBER 2024

- (i) Total number of adults and minors detainees (Remand & Convict) admitted by age group

Total Convicted

Age Group	Adult		Minor-CYCs	
	Male	Female	Boy	Girl
14 years	-	-	-	-
15— below 18 years	-	-	7	-
18 - 21 years	272	11	-	-
22 - 25 years	808	38	-	-
26 - 30 years	1265	48	-	-
31 - 35 years	1032	43	-	-
36 - 50 years	1192	45	-	-
51- 60 years	167	11	-	-
61-65 years	25	2	-	-
Over 61 years	17	-	-	-
TOTAL	4778	198	7	-

Source from Mauritius Prison Service

Total Remanded

Age Group	Male	Female	Boy	Girl
14 years	-	-	-	1
15— below 18 years	-	-	9	1
18 - 21 years	455	25	-	-
22 - 25 years	919	62	-	-
26 - 30 years	1212	72	-	-
31 - 35 years	892	62	-	-
36 - 50 years	1056	79	-	-
51 - 60 years	128	6	-	-
61 - 65 years	22	2	-	-
Over 65 years	13	-	-	-
TOTAL	4697	308	9	2

Source from Mauritius Prison Service

Total number of foreign nationals

Gender	Convicted	Remand	TOTAL
Male	22	179	201
Female	13	84	97
TOTAL	35	263	298

Source from Mauritius Prison Service

(ii) Number of persons remanded in Year 2024, as per Nature of Provisional Charge

	Male	Female
Murder/Manslaughter	77	7
Sexual offence	70	-
Wounds & blows	5	1
Larceny with violence	66	5
Larceny	2573	91
Drunkenness, disorder, breach of condition of bail	392	13
Drugs	943	64
Swindling, Embezzlement, Forgery	458	21
Conspiracy	-	2
Arson	11	-
Possession of offensive weapon	7	-
Aiding and abetting in the commission of a crime	17	5
Escaping from legal custody	5	-
Procuring prostitutes	-	10
Involuntary homicide by imprudence	2	-
Assault	53	16
Ill-treatment on elderly person	-	7
Illegal stay in Mauritius	-	63
Extortion	-	3
Sequestration	2	-
Giving instruction to commit crime	1	-
Attempt at murder	15	-
TOTAL	4697	308

Source from Mauritius Prison Service

(iii) Total number of persons convicted in year 2024, as per Offence Charged

	Male	Female
Murder / Manslaughter	20	2
Sexual offence	30	1
Wounds & blows	69	-
Larceny with violence	107	4
Larceny	2805	110
Drunkenness, disorder, Breach of condition of Bail,	1190	16
Drugs	329	27
Dwindling, Embezzlement, Forgery	68	10
Arson	4	-
Possession of offensive weapon	22	-
Aiding and abetting in the commission of a crime	37	3
Taking part in a riot.	2	2
Escaping from legal custody	12	1
Carrying trade on public without licence	5	-
Illegal trafficking in stolen goods	77	-
Protection from domestic violence	-	2
Failing to comply with protection order	-	1
Unlawful Public collection	-	1
Exposing a child to harm	-	2
Extortion	-	3
Assault with Premeditation	-	4
Subjecting an elderly person to verbal ill-treatment	-	4
Conspiracy	-	1
Possession of articles unlawfully obtained	-	1
Domestic Violence	-	2
Being a non-citizen engaging in an occupation for reward without being the holder of a valid work permit	-	1
Giving instruction to commit crime	1	-
TOTAL	4778	198

Source from Mauritius Prison Service

(iv) Number of persons convicted in year 2024, as per length of sentence

	Male	Female	Total
Less than one month	1615	71	1686
01 month - 03 months	1462	72	1534
04 months - 06 months	750	25	775
07 months - 12 months	576	13	589
13 months - 19 months	153	04	157
20 months - 23 months	9	02	11
2 years — 3 years	148	-	148
4 years - 5 years	18	02	20
Over 05 years	47	09	56
TOTAL	4778	198	49

Source from Mauritius Prison Service

REMAND DETAINEES

Three prisons are dedicated mainly for remand detention as remand detainees are kept separate from convicts: New Wing Prison where admission is done, the remand detainees are then moved either to Beau-Bassin Central Prison or Grand River North West (GRNW) Remand Prison. Each prison is equipped with a video conferencing system to enable a detainee to appear before the Bail and Remand Court (BRC) until his case is lodged and adjudicated upon Remand periods which can last from a few weeks to years for more serious cases, are however fully deducted from the sentence if a detainee is convicted.

The legal framework

Section 5 of the Constitution, concerning the protection of the right to personal liberty provides the following:

Any person who is arrested or detained shall be brought without undue delay before a court; without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including, in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial;

There is a presumption in favour of bail for every defendant or detainee in the Bail Act, but the court may refuse to grant bail where there are reasonable grounds to believe that the detainee may -

- fail to appear in court when required
- commit another offence
- interfere with the witnesses or tamper with evidence

Cohabitation in prison

The first obstacle faced by the prison administration in its task with remand detainees is the behaviour resulting from the outcome of criminal risk factors when the individual is exposed to a bad environment. Lack of discipline, low self-esteem, and disrespect for authority often described as “street behaviors” and a much higher “wear and tear” of the facilities compared to convict prisons are common characteristics in remand prisons.

Although remand detainees are kept separate from convicts, first time offenders do cohabit with harsher habitual criminals, who are on remand for a new case. The latter are pivotal figures surrounded by cliques with a strong influence on the collective behaviour. This situation has serious repercussions as it is known that exposure to more experienced co-inmates increases recidivism. With prison yards containing everyday more than a hundred detainees between unlock and lock-up time, there is enough opportunity for contamination among detainees from a criminal perspective.

This situation is exacerbated by the presence of “top” criminals on remand, who through their role of pivotal figures induce peer effects in criminal experience. The term “university” has been coined from this friction between first offenders and more experienced criminals leading to possible criminal partnerships outside prison. Criminal theories agree on the effect of social influence due to peer effect on post-incarceration recidivism and formation of criminal networks in prison. For certain types of crimes, it was found that inmates strengthen their criminal capital in prison because of exposure to offenders in their field of specialization (reinforcing peer effect).

Difficulties in initiating rehabilitation during remand detention

The objective of rehabilitation is to give the detainees the best chance to reintegrate society while being a law-abiding citizen. It is difficult to plan a rehabilitation program for a remand detainee as he might be discharged at any time either on bail or unconditionally.

In Mauritius around half of the detainees kept in prison are on remand detention. From a strictly legal aspect, remand detainees may choose to work or not. However, even if they had all chosen to work, there is not enough work to keep all of them busy in remand prisons. Consequently, most of them remain idle all day between meals, after their daily tasks.

After working one week or so the remand detainee is able to obtain earnings to purchase some butter, cheese, jam or phone time. Due to the high number of detainees and scarcity of work, he will have to wait for another 4 or 5 weeks before being able to work again. Notwithstanding the fact that some prison officers, being satisfied with the work done by a remand detainee may request for the same detainee again.

Remand detention has complex implications which goes far beyond detainees' rights like the right to a fair trial. Reducing long periods of remand detention and preventing cross-contamination of criminal experiences in prison could help to reduce crime.

CHAPTER V

RODRIGUES

The NPMD conducted numerous visits to places of detention so as to assess the conditions of detention and also to make a follow-up as regards the implementation of its previous recommendations made in 2023. The NPMD had meetings with the Commission of Health, Social Security, Fire Services, Prisons and Reforms Institution. A workshop was also organized by the NPMD team in collaboration with the Mauritius Police Force (M.P.F) and the Mauritius Prison Service (M.P.S). The purpose of the workshop was to enhance the awareness of human rights principles and to explain the mandate of the NPMD and the NHRC, the Convention Against Torture (CAT) and the Optional Protocol to the Convention Against Torture (OPCAT). The objective of the NPMD was to sensitize all relevant stakeholders on the need to uphold the rights of detainees and to foster inter-agency cooperation.

Police Stations

The NPMD visited Plaine Corail Police Station, Port Mathurin Police Station, La Ferme Police Station, Rivière Coco Police Station and Grande Montagne Police Station. The NPMD commends the construction of a new police station at Grande Montagne. The building has human rights compliant detention cells with one European style toilet and a new model of cell door that is relatively easy to manipulate.

The NPMD observed that Plaine Corail Police Station was not operational at the time of visit. The NPMD had previously recommended that major renovation works of the detention cells ought to be carried out before it can be operationalised.

The NPMD was informed that survey works had already been completed since 2023 and the delay in the implementation of NPMD's recommendations was due to protracted and cumbersome administrative procedures that were still being processed at the level of the Mauritius Police Force (M.P.F).

The NPMD recommended that CCTV cameras ought to be installed in all the operational police stations in Rodrigues. A correspondence to that effect has already been sent to the Commissioner of Police and other relevant stakeholders.

It was also recommended that in cases of suicide in places of detention, the NPMD/NHRC ought to be formally notified so that it can officially investigate the matter and take a stand. The NPMD/NHRC has the duty to share the above information as part of its reporting obligations to different national and international institutions. The NPMD was assured that henceforth the above procedure will be followed.

Pointe la Gueule Prison

While visiting the above prison, the NPMD identified several issues that needed to be addressed by the prison authorities in order to comply with the basic human rights of detainees. As regards the new prison, the NPMD made some general recommendations concerning the library, recreational activities, the introduction of new workshops to provide detainees with training and skills that would enhance their rehabilitation prospects, such as jewelry making, tailoring, basket weaving, hairdressing, painting and artisanal crafts which are already being provided in prisons in the island of Mauritius. Recommendations were also made pertaining to the recruitment of medical staff from the Polytechnic School in Rodrigues who would

be able to provide medical services in the prison. It was also recommended that a prison psychologist ought to be permanently posted at the prison. The latter could also provide his professional services to the Rehabilitation Youth Centre (RYC) and Correctional Youth Centre (CYC), whenever required.

The NPMD has been recently informed that many of the above recommendations have been wholly or partly implemented or are about to be implemented; for example (i) recreational activities are being conducted twice weekly for detainees, (ii) a request has been made for the renewal of books for the library, (iii) pillows have been replaced, (iv) the existing dormitories are about to be renovated, (v) the needful is being done so that at least one full time prison psychologist can be recruited and care for the inmates in prison(s), RYC and CYC (Boys and Girls).

The NPMD commends the alacrity with which the Mauritius Prison Service and Rodrigues Prison Authority have responded and demonstrated the will to implement the above recommendations made by the NPMD.

As regards the previous recommendations made by the NPMD concerning the New Prison at Pointe la Gueule, some shortcomings were noted. For instance, it was observed that the newly constructed prison did not accommodate offices for the administration and the medical staff. The NPMD insisted on the implementation of the above recommendations. The M.P.S has informed the NPMD that a multipurpose complex will be constructed next to the new prison so as to accommodate the welfare and medical units. The NPMD highlighted some security issues as regards the boundary wall surrounding the New Prison and the main entrance door. The NPMD has been informed that the Commission for Public Infrastructure will consider the

possibility of constructing a concrete perimeter wall around the New Prison after feasibility approval and allocation of funds.

Rehabilitation Youth Centre (RYC Boys and Girls)

During the visit, there were no inmates at both RYCs and the NPMD observed that the general conditions as regards infrastructure, fixture and fittings were satisfactory; notwithstanding the fact that the RYC (Girls) has been constructed in 2018. The RYC (Boys) has an IT room, a library, a kiosk for outdoor activities and a football ground amongst other amenities. The NPMD also observed that CCTV cameras have been installed at the RYC (Girls).

Queen Elizabeth Hospital, Crève Coeur

For specialized medical treatment, detainees are admitted to Queen Elizabeth Hospital, Crève Coeur. Due to a lack of space in the specialized units, detainees are admitted in the general wards and are kept under the continuous and constant supervision of prison officers who are posted there as sentry. However, in case a detainee becomes aggressive, he is isolated in a separate room accommodated for the purpose. The NPMD recommended that the isolation rooms be padded for the security of inmates who are prone to inflicting self-injury and that a psychologist ought to provide counseling to such inmates.

However, the NPMD was told that the implementation of the above recommendation would have to undergo protracted and cumbersome administrative procedures and will take time. The NPMD will conduct follow-up visits in order to ensure that the above recommendations are implemented.



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Mauritius**

I. Introduction

1. The Committee considered the combined second and third periodic reports of Mauritius¹ at its 740th and 741st meetings,² held on 26 and 27 August 2024. It adopted the present concluding observations at its 749th meeting, held on 2 September 2024.
2. The Committee welcomes the combined second and third periodic reports of Mauritius, which were prepared in accordance with the Committee's reporting guidelines and in response to its list of issues prior to reporting,³ and the additional information submitted by the State party.
3. The Committee appreciates the constructive dialogue held with the high-level delegation of the State party, which included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee notes with appreciation the measures taken by the State party to implement the Convention, following the recommendations contained in its concluding observations on the initial report of the State party.⁴ It welcomes the ratification, in 2021, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It also notes the adoption and the establishment of the following to promote the rights of persons with disabilities:
 - (a) The Protection and Promotion of the Rights of Persons with Disabilities Act of 2024;
 - (b) The Workers' Rights Act of 2019;
 - (c) The Copyright Act of 2014, which domesticated the provisions of the Marrakesh Treaty;
 - (d) The Building Control (Accessibility and Gender Compliance in Buildings) Regulations of 2017, as amended in 2022;
 - (e) The Action Plan on Disability 2016–2020.

* Second reissue for technical reasons (24 October 2024).

** Adopted by the Committee at its thirty-first session (12 August–5 September 2024).

¹ [CRPD/C/MUS/2-3](#).

² See [CRPD/C/SR.740](#) and [CRPD/C/SR.741](#).

³ [CRPD/C/MUS/QPR/2-3](#).

⁴ [CRPD/C/MUS/CO/1](#).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about:

(a) The incomplete harmonization of disability-related national legislation and policies, including the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024, with the human rights model of disability and the perpetuation of the medical model in disability assessment criteria;

(b) The maintenance of the State party's reservations to articles 9 (2) (d) and (e) and 24 (2) (b) of the Convention, and the confusion caused by the reservation made to article 11 of the Convention upon signature, which has no legal effect, as it was not confirmed upon ratification;

(c) The fact that the State party has not yet ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party:**

(a) **Complete the harmonization of all disability-related national legislation and policies and disability assessment criteria in line with the Convention, adopting a unified concept of disability in all professional and legal areas that reflects a shift from the medical model of disability to the human rights model;**

(b) **Withdraw its reservations to article 9 (2) (d) and (e) of the Convention and to article 11, made upon signature, in line with its prior commitments, and consider withdrawing its reservation to article 24 (2) (b) to ensure quality inclusive education for all children with disabilities;**

(c) **Ratify the Optional Protocol to the Convention without further delay.**

7. The Committee is concerned about the lack of meaningful consultation with and involvement of persons with disabilities, through their representative organizations, in the development of legislation and policies, including the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 and the Action Plan on Disability 2016–2020.

8. **Recalling its general comment No. 7 (2018), the Committee recommends that the State party ensure and facilitate close consultation with and the active involvement of persons with disabilities, including women, children and young persons with disabilities, through their representative organizations, in all public decision-making processes and in the implementation of legislation, plans and policies, including the action plan on disability for 2025–2030.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that:

(a) While the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 prohibits discrimination on the basis of disability, articles 3 and 16 (3) of the Constitution still lack specific reference to such discrimination, which would provide further constitutional protection to persons with disabilities, including against multiple and intersectional discrimination;

(b) National law lacks explicit recognition of denial of reasonable accommodation as a form of discrimination;

(c) Complaints mechanisms, such as the Equal Opportunities Commission, remain largely inaccessible and ineffective for persons with disabilities wishing to report and seek redress for incidents of discrimination.

10. **The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Amend articles 3 and 16 (3) of the Constitution to expressly prohibit discrimination on the basis of disability, including multiple and intersectional discrimination, in order to provide greater constitutional protection for persons with disabilities;**

(b) **Take legislative and policy measures to recognize denial of reasonable accommodation as a form of discrimination against persons with disabilities in all areas of life and adopt procedures and standards on implementation;**

(c) **Ensure that complaints mechanisms are accessible to persons with disabilities wishing to file complaints and that they provide effective remedies when persons with disabilities face discrimination.**

Women with disabilities (art. 6)

11. The Committee is concerned about:

(a) The lack of a gender perspective in disability-related legislation and policies, and the absence of explicit reference to intersectional discrimination against women and girls with disabilities in the national legislative framework, including in relation to access to health, education and political and public life;

(b) The lack of representation of women with disabilities among the members of the National Women's Council and the National Women's Entrepreneur Council, among other bodies.

12. **The Committee, recalling its general comment No. 3 (2016) and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into all gender legislation and strategies on the basis of the human rights model of disability, mainstream a gender perspective into disability policies and programmes and recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities;**

(b) **Ensure the inclusion and active involvement of women and girls with disabilities in the National Women's Council and the National Women's Entrepreneur Council.**

Children with disabilities (art. 7)

13. The Committee is concerned that:

(a) While the Children's Act of 2020 prohibits discrimination against a child on the basis of disability, it does not address any of the other requirements and interests of children with disabilities;

(b) There is insufficient disability-inclusive training for officials of the Early Childhood Care and Education Authority, and there is a lack of effective awareness among the parents and guardians of children with disabilities regarding the existence and functions of this Authority;

(c) The National Children's Council lacks the active involvement of children with disabilities in its activities;

(d) There is insufficient information about the National Children's Policy Paper and Costed Action Plan, which was expected to incorporate targeted measures for children with disabilities, and about the complaints received and specific actions taken by the Office of the Ombudsperson for Children in relation to children with disabilities.

14. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,⁵ the Committee recommends that the State party:**

(a) **Reinforce the Children’s Act of 2020 to recognize the right of all children with disabilities to full social inclusion and to consider elements of universal design and reasonable accommodation, and take effective measures to ensure the provision of quality inclusive services for children with disabilities in the public and private sectors, with sufficient allocation of the necessary resources;**

(b) **Improve training on the requirements of children with disabilities for officials of the Early Childhood Care and Education Authority and raise public awareness of the existence of and services provided by the Authority;**

(c) **Strengthen the implementation of policies, mechanisms and processes, including by the National Children’s Council, to facilitate close consultation with and the active involvement of children with disabilities and ensure that they are able to express their views freely on all matters concerning them on an equal basis with other children, in a manner that respects their evolving capacity;**

(d) **Ensure the inclusion in the National Children’s Policy Paper and Costed Action Plan of time-bound targeted measures for children with disabilities, informed by the results of the 2022 housing and population census, with benchmarks to facilitate the inclusion of children with disabilities in all areas of life, including family and community life.**

Awareness-raising (art. 8)

15. The Committee is concerned about:

(a) The insufficient awareness about the dignity, abilities and rights of persons with disabilities in society, including among public officials and in the private sector;

(b) The absence of a long-term strategy for raising awareness about the rights of persons with disabilities and the human rights model of disability, and the lack of close consultation with and active involvement of persons with disabilities, through their representative organizations, in the design, implementation and monitoring of awareness-raising initiatives.

16. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including organizations of children with disabilities and of women and girls with disabilities:**

(a) **Adopt a strategy to raise awareness of the rights of persons with disabilities; combat prejudice against them; and monitor the effectiveness of awareness-raising programmes, including periodic training for public officials in all areas of government, the private sector and the media to bring these concepts and the use of appropriate language to combat the stigmatization of persons with disabilities to their attention;**

(b) **Reinforce the capacity and resources of the Disability Empowerment Unit and National Empowerment Authority to carry out these functions, in collaboration with the National Human Rights Commission and other bodies.**

Accessibility (art. 9)

17. The Committee is concerned that:

(a) Buildings in the State party remain largely inaccessible, despite the 2022 amendment to the Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 to facilitate access to buildings for persons with disabilities;

⁵ See www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations.

(b) There is a lack of information about the level of compliance with accessibility requirements across all the islands of the State party and the level of involvement of public-private partnerships in ensuring accessibility.

18. Recalling its general comment No. 2 (2014), and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Enforce relevant laws, regulations and policies to ensure accessibility for persons with disabilities on the basis of the principles of universal design and with the aim of eliminating accessibility barriers in all areas, and take measures to raise awareness of accessibility for persons with disabilities in the construction industry;**

(b) **Take measures to ensure accessibility across all the State party's islands, with clear indicators to track progress, and promote public-private partnerships to expedite improvements in accessibility.**

Situations of risk and humanitarian emergencies (art. 11)

19. While noting the National Disaster Risk Reduction and Management Act of 2016, the National Disaster Risk Reduction Management Centre and related systems and tools, the Committee is concerned about:

(a) The absence of consideration of the rights of persons with disabilities in the Climate Change Act of 2020 and in the climate change adaptation strategies and their related action plans;

(b) The insufficient attention paid to persons with disabilities in the context of the recovery from the coronavirus disease (COVID-19) pandemic;

(c) The absence of the ongoing and effective collection of information on the location and requirements of persons with disabilities in preparation for situations of risk and humanitarian emergencies;

(d) The continued need to ensure that all persons with disabilities, including persons who rely on the use of sign language, are able to receive information in accessible formats during an emergency, including disasters;

(e) The absence of a systematic and effective way to ensure that methods for training officials and other individuals involved in emergencies are based on the human rights model of disability;

(f) The lack of consultation with and involvement of persons with disabilities, through their representative organizations, in the development, implementation and monitoring of risk management plans regarding emergencies, including disasters.

20. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and its guidelines on deinstitutionalization, including in emergencies,⁶ the Committee recommends that the State party ensure the protection and safety of persons with disabilities in situations of risk, including by:

(a) **Reviewing its legal framework and action plans to reinforce the rights of persons with disabilities and to ensure the inclusiveness and accessibility of preparedness and disaster risk reduction measures and management with regard to situations of risk and humanitarian emergencies, including climate change;**

(b) **Mainstreaming disability into its COVID-19 recovery plans and other economic and social programmes to tackle the negative impact of the pandemic;**

⁶ CRPD/C/5.

(c) **Determining through surveys and other instruments, on an ongoing basis, the location and requirements of persons with disabilities to ensure that their rights are protected during situations of risk and humanitarian emergencies;**

(d) **Ensuring that all persons with disabilities, including persons who rely on the use of sign language, are able to receive information in accessible formats during an emergency, including natural disasters;**

(e) **Ensuring that methods for training officials and other individuals involved in emergencies are based on the human rights model of disability in line with the Convention;**

(f) **Creating a systematic method for close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the development, implementation and monitoring of relevant laws, bodies and related systems and tools, such as the National Multi-Hazard Emergency Alert System, in order to protect the rights of persons with disabilities during emergency situations and ensure accessible and disability-inclusive disaster risk management.**

Equal recognition before the law (art. 12)

21. The Committee remains concerned that regimes of substituted decision-making and guardianship are still in place and that no progress has been made to institute supported decision-making mechanisms in line with the Convention, leading to a failure to recognize the will and preferences of persons with disabilities.

22. **Recalling its general comment No. 1 (2014) and its previous recommendation,⁷ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, abolish guardianship measures in law and in practice and redirect organizational and financial resources from substituted decision-making towards developing supported decision-making mechanisms that respect the dignity, autonomy, will and preferences of persons with disabilities, regardless of the level or mode of support that they may require.**

Access to justice (art. 13)

23. The Committee is concerned that:

(a) There are delays in replicating the physical accessibility features of the Supreme Court building at all courts across the State party, and there are gaps in the availability, provision and awareness of procedural and age-appropriate accommodations for all persons with disabilities throughout the legal process;

(b) There is a lack of widespread and comprehensive knowledge of the Convention among legal professionals, police officers, judges, magistrates, prison officers and other stakeholders, despite its partial incorporation into their training syllabuses, and of relevant training opportunities provided by entities such as the Institute of Judicial and Legal Studies;

(c) There is an absence of data on the number of formal cases and complaints involving persons with disabilities, including information on accountability and remedies provided to persons whose rights have been violated.

24. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, which it endorsed in 2020, and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Expand the scope and increase awareness of measures to ensure procedural, age-appropriate and gender-responsive accommodations, including individualized support, within the justice system and improve the physical accessibility of court buildings and judicial and administrative facilities, to ensure that persons with**

⁷ CRPD/C/MUS/CO/1, para. 22.

disabilities are able to participate effectively at all stages of judicial, administrative and other proceedings and in all areas of the law;

(b) Strengthen training programmes for members of the legal profession, law enforcement officers, members of the judiciary, prison officers and other justice system personnel on the provisions of the Convention and on access to justice for persons with disabilities;

(c) Collect, analyse and disseminate disaggregated data on the number of cases involving persons with disabilities at each stage of the legal process in criminal, civil, administrative and other proceedings and in the context of mechanisms for alternative dispute resolution, grievances and complaints, including information on accountability and remedies.

Liberty and security of person (art. 14)

25. The Committee is concerned that:

(a) Despite several amendments to limit indefinite and prolonged hospitalization, the Mental Health Care Act of 1998 still allows for the involuntary hospitalization and institutionalization of persons with disabilities, including children, based on perceived or actual impairments or level of dangerousness;

(b) The Mental Health Commission and the Managerial Committee tasked with overseeing involuntary deprivation of liberty lack sufficient operational independence and understanding of the Convention to effectively perform their designated functions.

26. Recalling its guidelines on the right to liberty and security of persons with disabilities⁸ and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party take all legislative, administrative, policy and judicial measures necessary:

(a) To amend the provisions of the law and end policies and practices that allow for the involuntary hospitalization and institutionalization of persons with disabilities, including children, on the basis of actual or perceived impairments or their presumed dangerousness to themselves or to others;

(b) To review the current legal framework and practices to ensure that the Mental Health Commission and the Managerial Committee are sufficiently independent in practice from mental healthcare centres and that their members receive training on the obligations of the State party under the Convention.

Freedom from exploitation, violence and abuse (art. 16)

27. The Committee is concerned that:

(a) The annual statistics provided by the State party on the number of cases of violence against persons with disabilities registered by the police and the courts may not reflect the actual situation, resulting in part from the lack of effective awareness among the general population and persons with disabilities about reporting mechanisms and measures for the protection of persons with disabilities from exploitation, violence and abuse in all settings, including in the family, at school and in the workplace;

(b) Shelters remain largely inaccessible to persons with disabilities, in particular women and girls with disabilities, who are victims of violence;

(c) There is insufficient information about whether family welfare and protection officers and enforcement officers effectively carry out assessments and independent monitoring in all shelters and institutions, irrespective of the licence status of the shelter or institution, and whether allegations are effectively investigated.

⁸ [A/72/55](#), annex.

28. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities,⁹ and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Elaborate a policy to prevent and reduce violence against persons with disabilities, and establish a system for the regular collection, analysis and publication of statistical data on complaints regarding violence, including gender-based violence, against and the exploitation of persons with disabilities in all settings, such as the family, workplaces, schools and institutions. The system should include prosecution and conviction rates and information about sentences for perpetrators and reparations, including compensation, for victims/survivors;**

(b) **Raise awareness about the protection of persons with disabilities from exploitation, violence and abuse and ensure that they are provided with accessible information about how to avoid, recognize and report cases of violence, exploitation and abuse and about available complaint mechanisms and remedies, including compensation and rehabilitation;**

(c) **Ensure that services and shelters for persons with disabilities who are victims of violence, in particular women and girls with disabilities, are accessible physically and in terms of information and communication, with disability-inclusive protocols in place;**

(d) **Ensure that there is independent, effective and regular monitoring and oversight of all shelters, facilities and programmes that provide services to persons with disabilities, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, and ensure that cases are effectively investigated and resolved.**

Protecting the integrity of the person (art. 17)

29. The Committee is concerned about reports that women and girls with disabilities continue to be subjected to forced sterilization and abortion.

30. **The Committee recommends that the State party thoroughly investigate allegations of forced sterilization and abortion and ensure that perpetrators are prosecuted and that proper redress is provided to the victims/survivors.**

Living independently and being included in the community (art. 19)

31. The Committee is concerned that:

(a) The Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 and relevant action plans fail to sufficiently recognize the right of persons with disabilities to autonomy and full social inclusion and fail to promote deinstitutionalization and inclusion in the community for persons with disabilities;

(b) Insufficient measures have been taken to achieve deinstitutionalization for persons with disabilities and to provide individualized support for independent living and accessible services in the community, an example being the “carer’s allowance” of 3,500 Mauritian rupees per month, which is insufficient to hire a support person;

(c) There is insufficient availability of appropriate, affordable and accessible housing for persons with disabilities that enables them to live independently and be included in the community.

32. **Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities¹⁰ and its previous recommendations,¹¹ the Committee recommends that**

⁹ See https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

¹⁰ [A/HRC/52/32](#).

¹¹ [CRPD/C/MUS/CO/1](#), para. 32.

the State party, in close consultation with and with the active involvement of persons with disabilities:

(a) **Explicitly recognize in its legislation the rights of persons with disabilities to freedom of choice, autonomy and full social inclusion; conduct awareness-raising campaigns on these rights; and improve the relevant action plans, ensuring that they are equipped with time-bound benchmarks and supported by the necessary human, technical and financial resources to ensure the effective transition of persons with disabilities from institutions to independent living in the community on an equal basis with others;**

(b) **Redirect its budget allocations and take measures to achieve deinstitutionalization for persons with disabilities living in institutions of any kind, to phase out institutions and residential homes, to increase the amount of the “carer’s allowance” and to develop individualized support, such as in-home and community personal support and services in the community that are accessible to all persons with disabilities on an equal basis with others, including in relation to healthcare, education, employment and accessible transport;**

(c) **Increase the range, affordability and accessibility of public housing for persons with disabilities, including by increasing rental subsidies and increasing the 4 per cent allotment of housing units currently reserved for persons with disabilities in the housing project launched in 2023.**

Personal mobility (art. 20)

33. The Committee is concerned that:

(a) The financial support provided to cover the costs of assistive devices such as wheelchairs, hearing aids and spectacles is largely insufficient;

(b) The duty-free purchase of adapted cars is available only for persons with disabilities who are employed and are under the age of 60 years;

(c) There are limitations on physical access to public transport, both in urban and in rural areas, such as the incomplete accessibility of semi-low floor buses to all persons using mobility aids and assistive devices and the physical difficulty of reaching Metro Express stations.

34. **The Committee recommends that the State party:**

(a) **Revert to the original scheme of directly providing assistive devices, such as wheelchairs, hearing aids and spectacles, in lieu of financial support;**

(b) **Expand eligibility for the duty-free purchase of any type of car to all persons with disabilities requiring a vehicle;**

(c) **Review the public procurement of transport facilities, vehicles and equipment to ensure that the specifications include accessibility criteria, such as ramps for persons using mobility aids and assistive devices, and take measures to facilitate physical access to Metro Express stations.**

Freedom of expression and opinion, and access to information (art. 21)

35. The Committee is concerned that the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 does not cover the right to information in an accessible format, with limited measures in place to promote the accessibility and affordability of printed and electronic information and communications.

36. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Establish accessibility standards for information and communication media and technologies, as well as websites, in line with universal standards;**

(b) **Ensure that printed and electronic information and communication are provided in accessible formats, such as Braille, Easy Read, sign language, plain language, captioning and tactile, augmentative and alternative forms of communication, and that assistive communication technology is made affordable for persons with disabilities;**

(c) **Promote the development and use of Mauritian Sign Language, including its recognition as an official language in law, the training and deployment of professional interpreters and its expanded use on national television and other media services.**

Respect for privacy (art. 22)

37. The Committee is concerned that the Data Protection Act of 2017 and other relevant laws fail to explicitly protect and facilitate the privacy of persons with disabilities and to provide for procedures to ensure the confidentiality of their data, including in health-related situations.

38. **The Committee recommends that the State party introduce legal provisions to protect the privacy and integrity of all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, in all situations, and develop a clear and accessible legal mechanism to protect their personal data and respond to reports of privacy breaches.**

Respect for home and the family (art. 23)

39. The Committee is concerned about:

(a) The lack of express recognition in law of the rights of persons with disabilities with respect to family, parenthood and relationships;

(b) The challenges faced by families in raising their children, including parents with disabilities, parents of children with disabilities and single parents;

(c) The absence of information in accessible formats on the sexual and reproductive health and rights of persons with disabilities, in particular women and girls with disabilities.

40. **The Committee recommends that the State party:**

(a) **Recognize explicitly in law the rights of persons with disabilities, including women with disabilities and persons with intellectual and/or psychosocial disabilities, to marry, found a family and exercise parental responsibilities on an equal basis with others;**

(b) **Strengthen measures to provide appropriate support and accessible training programmes to ensure that all parents with disabilities and parents of children with disabilities can exercise their parental rights and fulfil their child-rearing responsibilities, including in the areas of child development, health and education;**

(c) **Adopt programmes and policies to provide persons with disabilities with family planning education in accessible formats and age-appropriate information on sexual and reproductive health and rights.**

Education (art. 24)

41. The Committee is concerned that:

(a) There is limited understanding of quality inclusive education, and there is a prevalence of and continued investment in segregated educational settings, such as the “special education needs institutions” and the “integrated units” in primary schools, where children with disabilities are segregated;

(b) There are challenges in ensuring that students with disabilities can seek reasonable accommodation, individualized support and resources at schools, to ensure equal educational opportunities;

(c) The accessibility of curricula, pedagogies and infrastructure in primary, secondary and tertiary education remains weak, especially in subjects such as science and mathematics; there is no multisectoral evaluation system for students with disabilities; and official certificates are not always provided to students with disabilities upon completion of educational curricula or programmes;

(d) There is a lack of disaggregated data on children with disabilities deprived of education.

42. Recalling its general comment No. 4 (2016), targets 4.5 and 4.a of the Sustainable Development Goals and its previous recommendation,¹² the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, including learners with disabilities, through their representative organizations, and their families:

(a) Ensure the inclusion of students with disabilities in mainstream education at all educational levels; promote a culture of inclusion among parents, educators and pupils; and adopt a strategy for the transition from the “special education needs” model to quality inclusive mainstream education that is free at all levels;

(b) Ensure that students with disabilities can easily seek individualized support and are provided with reasonable accommodation based on individualized, human rights-based assessments of educational requirements;

(c) Ensure that teaching materials are adapted to the requirements of students with disabilities; design and deliver curricula and pedagogies in accessible formats, including sign language, Easy Read, Braille and electronic formats, and in a manner that embraces digital technology; properly train educators at all levels; promote and implement an optimal multisectoral evaluation system for students with disabilities that is required by law; ensure that students with disabilities properly receive official certificates upon completion of educational curricula or programmes; and improve the accessibility of infrastructure and procedures at schools;

(d) Collect, analyse and disseminate disaggregated data on students with disabilities, and use this information to inform educational planning and policies, in particular for children who were unable to enrol in mainstream schools, who participate in “special education needs institutions” and educational programmes affiliated with non-governmental organizations, who are attending school on a part-time basis or who requested but were denied individualized support and accommodation, among others, as well as data on educational attainment, on completion and dropout rates, on suspension and expulsion rates and on the use of restrictive practices. Data should be disaggregated in accordance with the forms of intersectional discrimination that children with disabilities experience and by other relevant sociodemographic characteristics, including age, sex, gender, geographical location and migrant, asylum-seeker, refugee and refugee-like status.

Health (art. 25)

43. The Committee is concerned about:

(a) Insufficient universal design features and accommodations for persons with disabilities at many healthcare facilities, including imaging and mammography equipment that is inaccessible to wheelchair users;

(b) The barriers in access to sexual and reproductive health services for women and girls with disabilities;

(c) The attitudinal barriers among medical professionals concerning the access of persons with disabilities to healthcare, resulting from a lack of effective awareness and training.

¹² Ibid., para. 34.

44. **Recalling targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure the development of and promote investment in universal design for medical devices and equipment and healthcare facilities, and reinforce measures to provide persons with disabilities with information about healthcare in accessible formats;**

(b) **Implement measures to provide women and girls with disabilities with appropriate and accessible sexual and reproductive health services in a manner that is age- and gender-responsive, on an equal basis with others;**

(c) **Build the capacity of all medical and health professionals at the local level on the rights of persons with disabilities, on the provision of healthcare based on the human rights model of disability and on inclusive methods of communication.**

Habilitation and rehabilitation (art. 26)

45. The Committee is concerned about the shortage of comprehensive and cross-sectoral habilitation and rehabilitation services, including for children with disabilities, despite the existence of community-based rehabilitation officers under the Ministry of Health and Wellness.

46. **Recalling the link between article 26 of the Convention and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State party take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technology, within the community, and on all islands and in all districts of the State party.**

Work and employment (art. 27)

47. The Committee is concerned about:

(a) The low rate of and difficulty in access to employment for persons with disabilities in the open labour market, in particular women and young persons with disabilities, as reflected in the results of the 2022 housing and population census;

(b) The lack of enforcement of the amended Training and Employment of Disabled Persons Act of 1996 in relation to sanctions for employers who have not been compliant with the quota system for the employment of persons with disabilities.

48. **Recalling its general comment No. 8 (2022), and in line with target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Promote access to work and employment in the open labour market for persons with disabilities and ensure that they have access to such employment and are included in private and public work environments, on an equal basis with others, in a manner that respects their right to freely choose their work, in particular for women and young persons;**

(b) **Take the measures necessary to strictly enforce the new quota system under the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024, including through sanctions and expanded fiscal incentives, and to provide information about employers who are not compliant with the law, including information collected through the register of employers of persons with disabilities that is to be maintained by the National Empowerment Authority and was formerly maintained by the Training and Employment of Disabled Persons Board.**

Adequate standard of living and social protection (art. 28)

49. The Committee is concerned that:

(a) The term “basic invalidity pension” is derogatory, and this pension is withdrawn after a person reaches the age of 60 years, as it is replaced with the basic retirement pension, which fails to take into account the increased costs associated with disability in older age;

(b) The eligibility requirements for social protection entitlements remain linked to disability assessment criteria based on a medical model of disability;

(c) Persons with disabilities are required to appear periodically before the relevant authorities, including the Medical Board and a national pensions officer, to be re-assessed for eligibility for social protection, which may create an undue burden.

50. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which are aimed at empowering and promoting the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:**

(a) **Rename the basic invalidity pension and consider removing the age ceiling of 60 years so that it can continue to be provided in addition to the basic retirement pension, in order to ensure that the social protection system supports persons with disabilities, including at an older age, to have an adequate standard of living that can cover minimum disability-related costs;**

(b) **Adopt the human rights model for disability assessments to foster fairness in social protection and avoid the approach of solely considering medical reports when assessing the eligibility of persons with disabilities for social protection entitlements;**

(c) **Reduce the re-assessment burdens for persons with disabilities who have already been determined to be eligible for social protection entitlements.**

Participation in political and public life (art. 29)

51. The Committee is concerned that:

(a) National legislation, including the Constitution and Local Government Act of 2011, continue to restrict the right of persons with intellectual and/or psychosocial disabilities to register as voters, to vote in elections and to be elected to the National Assembly and to local government;

(b) Persons with disabilities continue to face barriers in exercising their right to vote due to the insufficient accessibility of polling stations, voting procedures and information about elections, including public electoral debates and electoral programmes;

(c) There is a lack of representation of persons with disabilities among elected officials, in the civil service and in political and public decision-making processes, in particular in matters that affect the daily living conditions of persons with disabilities.

52. **The Committee recommends that the State party:**

(a) **Amend the Constitution and electoral laws that restrict the right of persons with disabilities to vote and stand for election or deny them that right and introduce legislative and policy measures to ensure their effective and full participation in electoral processes and in political and public life on an equal basis with others;**

(b) **Build on the existing measures that are being implemented in order to progress towards the full accessibility of voting procedures, facilities, materials and election campaigns, by ensuring accessibility at polling stations and access to political information through print and online election materials in accessible formats, such as Braille, plain language, Easy Read, sign language and accessible websites;**

(c) **Facilitate measures and processes that empower persons with disabilities, including women with disabilities, to run for political office and to apply for the civil service, and ensure close consultation with and the active involvement of persons with**

disabilities, through their representative organizations, at all levels of decision-making, planning, implementation and monitoring with regard to elections and their inclusion in other forms of public affairs.

Participation in cultural life, recreation, leisure and sport (art. 30)

53. The Committee is concerned that:

(a) Accessibility requirements are limited to newer sports and recreational facilities, and other sporting, recreational, entertainment, leisure, cultural and tourism venues, activities and services remain largely inaccessible to persons with disabilities, notably persons with physical and visual impairments and reduced mobility, including deaf, blind, deafblind and partially sighted persons;

(b) There is no action plan to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

54. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Adopt measures and allocate resources to promote and protect the right of persons with disabilities, in particular children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others, in urban and rural areas, including through the improved accessibility of existing infrastructure and the creation of new accessible infrastructure;**

(b) **Develop a comprehensive action plan to further amend legislation and enhance accessibility and the provision of reasonable accommodation to ensure the effective implementation of the Marrakesh Treaty.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

55. The Committee is concerned that:

(a) There is a lack of clarity on the different information management systems that the State party has used over the years to collect data on persons with disabilities, including those that are no longer operational, and there are insufficient disaggregated data about persons with disabilities across different sectors;

(b) There is insufficient consultation with and involvement of persons with disabilities, through their representative organizations, in the design of data-collection systems and the collection and analysis of data, including with regard to the 2022 housing and population census.

56. Recalling the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State party:

(a) **Strengthen the centralized register of persons with disabilities of the National Empowerment Authority to facilitate the systematic collection, analysis and dissemination of data, disaggregated by age, sex, gender, ethnicity, place of residence and other criteria, including about women and girls with disabilities, persons with disabilities who may be affected during an emergency situation, persons with disabilities who are involuntarily or voluntarily being deprived of their liberty in mental healthcare centres and persons with disabilities who are employed;**

(b) **Utilize this information to concretely and effectively inform the development of laws, policies, plans, programmes and services;**

(c) **Ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the design, planning and implementation of data collection and research related to persons with disabilities and in the analysis and dissemination of the results.**

International cooperation (art. 32)

57. The Committee is concerned about the lack of meaningful participation of persons with disabilities, through their representative organizations, at all stages of the development, implementation, monitoring and evaluation of international agreements and multilateral cooperation programmes, including memorandums of understanding with various States and the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

58. **The Committee recommends that the State party adopt concrete measures to ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, in international cooperation agreements and programmes, in particular in the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals at all levels. It also recommends that the State party take the measures necessary to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted in 2018 by the African Commission on Human and Peoples' Rights.**

National implementation and monitoring (art. 33)

59. The Committee is concerned that:

(a) There has been a delay in the establishment, as the designated focal point and coordinating body for the implementation of the Convention in the State party, of the National Empowerment Authority, which is meant to replace the National Council for the Rehabilitation of Disabled Persons, the Training and Employment of Disabled Persons Board and the Loïs Lagesse Trust Fund;

(b) The independent monitoring mechanism envisioned under the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 lacks the independence to monitor the implementation of the Convention, as it is chaired by the Ministry of Social Integration, Social Security and National Solidarity and includes as members representatives of the National Empowerment Authority and the Ministry of Foreign Affairs, Regional Integration and International Trade;

(c) There is a lack of a clear strategy and sustainable funding for the full and effective participation of persons with disabilities and their representative organizations in all aspects of the implementation and monitoring of the Convention.

60. **Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee,¹³ the Committee recommends that the State party:**

(a) **Expedite the establishment of the National Empowerment Authority; ensure its effective coordination and operation, managed by a sufficient number of staff equipped with relevant expertise; enable organizations of persons with disabilities to directly nominate representatives, including women with disabilities, to serve on the Board of the Authority; and ensure that these representatives have a voice equal to that of any other member of the Board;**

(b) **Reconsider the composition of its independent monitoring mechanism in conformity with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles), and ensure that it is properly resourced and empowered to undertake transparent and independent monitoring;**

¹³ CRPD/C/1/Rev.2, annex.

(c) **Ensure sustainable and adequate funding for close consultation with and the active involvement of persons with disabilities and their representative organizations in the implementation and monitoring of the Convention.**

IV. Follow-up

Dissemination of information

61. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 34, on personal mobility, and 50, on adequate standard of living and social protection.**

62. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

63. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

64. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.**

Next periodic report

65. **Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 8 February 2032, the date by which the State party's combined fourth to sixth periodic reports are due. The replies of the State party to that list of issues will constitute its combined fourth to sixth periodic reports.**