



**“OUR NATION MUST REMAIN OPEN TO RENEWAL, WHETHER AS REGARDS STRENGTHENING CONSTITUTIONAL GUARANTEES, ADVANCING ENVIRONMENTAL AND SOCIO ECONOMIC RIGHTS, MODERNISING OUTDATED LAWS, OR ENSURING THAT EQUALITY AND JUSTICE GUIDE EVERY PUBLIC INSTITUTION”**

*Extract from the speech of His Excellency, Mr Dharambeer Gokhool, GCSK, President of the Republic of Mauritius (delivered on the 10 Dec 2025 on the occasion of the International Human Rights Day)*

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## The Chairperson's Foreword



**The year under review unfolds at a pivotal moment in our national journey. Following the General Elections of 2024, a new **Government Programme for 2025–2029** set out an ambitious agenda centred on **democratic renewal, institutional reform, and strengthened governance.****

**Satyajit BOOLELL, SC**  
Chairperson

**The Government Programme places notable emphasis on reinforcing democracy, establishing a Constitutional Review Commission, reforming approaches to drug policy, and creating a National Crime Agency to enhance coordinated responses to crime. These initiatives are significant. Each carries direct human rights implications; from constitutional safeguards and separation of powers to due process guarantees, proportionality in law enforcement, rehabilitation, and protection against abuse of authority.**

Of particular significance during this period was Mauritius' election on 14 October 2025 to the United Nations Human Rights Council, securing 181 votes and ranking first among African States. This overwhelming support reflects international confidence in Mauritius' longstanding commitment to human rights, democratic governance, and the rule of law. Such recognition is both an honour and a responsibility. It reinforces the expectation that our national institutions – including the National Human Rights Commission – must continue to uphold the highest standards of independence, credibility, and integrity. We remain committed to contributing meaningfully to this global mandate.

In June 2025, a new team was appointed to the National Human Rights Commission. Our arrival coincided with this broader moment of national recalibration and with it, a profound sense of responsibility. Against this backdrop of national reform, the Commission itself has undergone renewal. Since assuming office, I have prioritised a comprehensive restructuring of our internal systems. Institutional independence must not merely be declared – it must be demonstrated through transparent procedures, strengthened oversight mechanisms, and coherent strategic direction.

Reform, however, is not an inward-looking exercise. It must translate into public confidence. One of my strongest convictions is that human rights must be made visible and understandable to the ordinary citizen. Too often, rights are perceived as legal abstractions – invoked only in times of crisis. They must instead become part of everyday awareness.

This year, we took deliberate steps to expand public engagement. Human rights must not remain confined to reports and legal frameworks; they must be understood by citizens in their daily lives. The year kickstarted with the Round Table Forum on Disabilities and Inclusion, presided by His Excellency, Mr. Dharambeer Gokhool, G.C.S.K, on 28 Jul 2025, where I advocated for a thorough review of the Promotion of the Rights of Persons with Disabilities Act and the need for fostering enhanced coordination among all stakeholders.

The establishment of a dedicated monthly page in *l'express* has allowed us to speak directly to the public in clear and accessible language. The launch of our newsletter has strengthened transparency and ensured regular communication with stakeholders and partners. We have also undertaken visits to Rodrigues to ensure human rights remain accessible to everyone.

At the same time, we have reaffirmed the Commission's oversight role through substantive engagement and reporting. The Melrose Prison and the Air Mauritius reports reflect our commitment to addressing complex issues with independence, rigour, and fairness. These reports are not endpoints; they are part of an ongoing process of institutional accountability and constructive reform.

We have also sought to cultivate a culture of reflection and dialogue by marking Nelson Mandela Day, Human Rights Day, and Martin Luther King Jr. Day. These observances remind us that the struggle for equality, dignity, and justice is not abstract – it is deeply human and profoundly relevant to our own society.

## Looking ahead to the next three years of this mandate, our focus will be clear and deliberate:

- **Strengthening institutional independence in line with the Paris Principles;**
- **Advocating for a broader mandate of the Commission, which should not be limited to Chapter II of the Constitution but include all human rights treaties to which Mauritius is a party, in particular social, economic and cultural rights, environmental rights, rights of people with disabilities and rights of older people;**
- **Expanding public education so that human rights literacy becomes mainstream;**
- **Consolidating reform recommendations into actionable policy proposals;**
- **Engaging constructively with constitutional and legislative review processes, such as the Constitutional Review Commission, of which I am a member;**

For me, this mandate is deeply personal. Human rights are not abstract ideals – they are about the dignity of the detainee, the voice of the journalist, the accessibility of the classroom, the fairness of the courtroom, the safety of the community, care and respect of our homes and the belonging of every Mauritian. Ultimately, the success of this Commission will not be measured solely by the number of reports issued or activities conducted. It will be measured by whether human rights become a lived reality.



**As we move forward, our ambition is simple yet profound:  
Human rights must move from promise to practice.  
From principle to protection.  
From aspiration to everyday experience.**

By the end of this mandate, I would like every citizen to feel that human rights are not distant legal concepts, but daily essentials – as fundamental as food, water, education or health.

Because a nation truly advances not only when its economy grows, but when its people feel respected, protected, and heard.

That is the Mauritius we must continue building together.



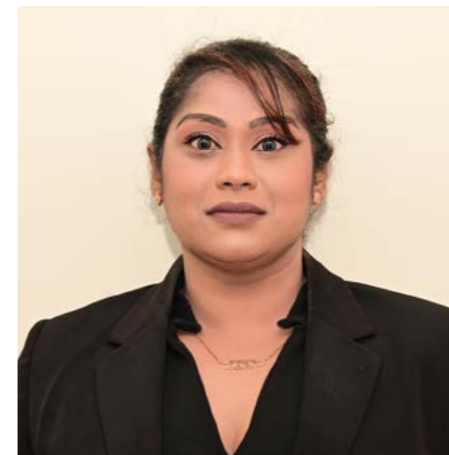
**Satyajit BOOLELL, SC**  
Chairperson

# Meet Our New Team



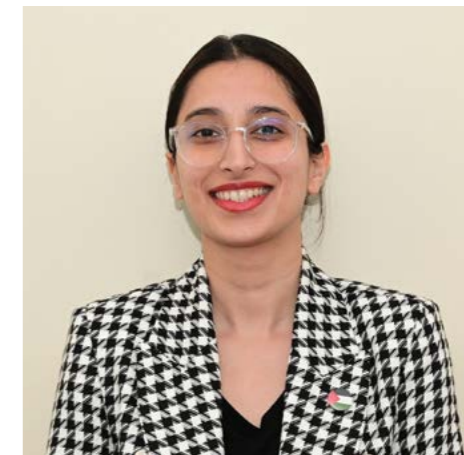
**Mr. Satyajit BOOLELL, SC**  
Chairperson

Mr Boolell, SC is a former Director of Public Prosecutions and Parliamentary Counsel and a former Vice-President of the International Association of Prosecutors. He was called to the bar of England and Wales in 1985 and joined the Attorney General's Office a year later, in 1986. He also holds an LLM from Kings College, London. His international expertise includes participation in UN conferences and work with the Commonwealth Secretariat. From 2022-2025, he was the Honorary President of DIS-MOI, an NGO concerned with the promotion of human rights.



**Mrs. Melany NAGEN**  
Deputy Chairperson,  
Human Rights Division

Mrs Nagen holds a Bachelor of Laws (LLB) from the University of Hertfordshire and was called to the Bar of England and Wales in 2012. She also completed an LLM from Middlesex University Mauritius. In 2026, Mrs Nagen has enrolled as a doctoral student (PHD) in Criminal Justice whilst serving as Deputy Chairperson. She has also been a Lecturer in Law for the past 10 years contributing to teaching the next generation of law practitioners.



**Mrs. Najah ABDULA AHMED**  
Deputy Chairperson,  
National Preventive Mechanism Division

A barrister by profession, Mrs Ahmed was actively engaged in civil society work advocating for detainees' rights and women's rights, prior to being appointed as Deputy Chairperson of the National Preventive Mechanism Division of the National Human Rights Commission. Her work includes overseeing prison visits, engaging with detainees and officers, addressing complaints and contributing to recommendations aimed at improving conditions of detention.



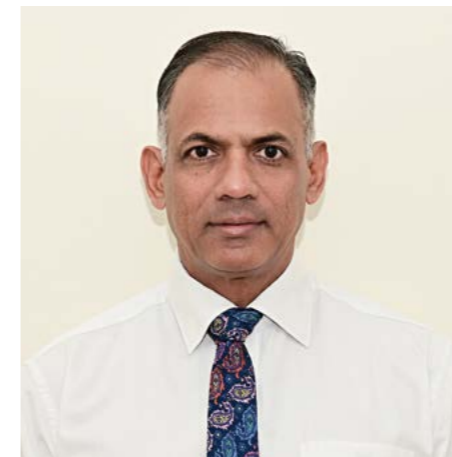
**Mrs. Touria PRAYAG**  
Member  
Human Rights Division

Mrs Prayag is a graduate in English Literature and Linguistics and holds a Masters in Linguistics from Edinburgh University and a Diploma in Linguistics and English Language Teaching from Moray House College. Touria's experience includes lecturer, Dean of the Faculty of Humanities and Communication and Editor-in-Chief of Weekly. She is also the author of four books, two of which are best sellers.



**Mr. Jean Marie F. RICHARD**  
Member  
Human Rights Division

Mr Richard holds a Masters in Journalism Communication and Political Studies from Université Robert Schuman Strasbourg and also a Masters in European Studies from the Institute for Higher European Studies. He has extensive experience as a Communications and Media Consultant and was one of the co-founder of the first private radio in Mauritius.



**Mr. Vijay RAMANJOOLOO**  
Member  
National Preventive Mechanism

Mr Ramanjooloo is a clinical psychologist serving his second mandate at the National Preventive Mechanism Division of the NHRC. With over 20 years of experience in NGOs and the prison environment, he has also taught at university and participated in seminars and conferences locally and internationally. He also serves as an international classifier for athletes with intellectual impairment.



**Mr. Joseph G. Michel VIEILLESSE**  
Member  
National Preventive Mechanism

Mr Vieillesse was a former manager of an NGO accompanying detainees and their families during their rehabilitation and reintegration in the community. Currently, his duties consist, among others, visiting detention places to ensure that the objectives of the Optional Protocol to the Convention against Torture and Degrading Treatment are respected.

## Chapter 1

### Vision Statement

1. Institutional priorities
2. Reform Priority Areas

**“JUSTICE DELAYED IS JUSTICE DENIED.”**

**William E. Gladstone**

# Vision Statement

**The National Human Rights Commission stands at a moment of renewal and resolve. We reaffirm our constitutional and statutory mandate to promote, protect, and monitor human rights for all persons without discrimination.**

This mandate is not procedural – it is principled. It is rooted in the conviction that dignity must remain the foundation of governance and that justice must remain accessible to all.

Guided by the Paris Principles, the Commission will continue to strengthen its institutional autonomy, pluralism, accountability, and accessibility. Independence is not merely a structural safeguard; it is the lifeblood of credibility. Pluralism is not symbolic; it ensures that diverse voices are heard. Accountability is not optional; it is the measure of trust. Accessibility is not administrative; it is the bridge between rights on paper and rights in practice.

The Commission envisions a Mauritius in which human rights are not perceived as distant legal guarantees, but as living standards reflected in daily life – in schools, workplaces, public services, institutions, and communities. Through principled oversight, constructive engagement, and sustained public education, the NHRC will continue to strengthen a culture where dignity, equality, and fairness are embedded in national consciousness.

Our work remains anchored in international human rights norms, yet firmly grounded in Mauritian realities. As the world evolves, so too must our vigilance. Our responsibility is not only to address present challenges, but to anticipate the future and ensure that the promise of rights remains relevant to generations yet to come.



## Institutional priorities

### Alignment with the Paris Principles – A Commitment to Credibility

The **Paris Principles**, adopted by the United Nations General Assembly in 1993, establish the internationally recognised standards governing the status, mandate, and functioning of National Human Rights Institutions (NHRIs). They define the minimum institutional safeguards required for an NHRI to operate effectively, independently, and credibly in promoting and protecting human rights.

The Principles emphasise several core elements: a **broad legal mandate, institutional independence, adequate resources, pluralism, accessible complaint mechanisms, monitoring and advisory functions, and a strong role in human rights education and engagement.** Together, these safeguards ensure that an NHRI can act impartially, engage constructively with public authorities, and remain accountable to the public it serves.

For the National Human Rights Commission, alignment with the Paris Principles is not a formality. It is a continuous commitment to institutional maturity. It strengthens our credibility at home and internationally. It enhances public trust. It reinforces our ability to address systemic issues with fairness and independence.

Compliance is therefore not a static achievement. It is an ongoing process of reflection, reform, and renewal. Each review of our structures, procedures, and performance is part of our responsibility to remain effective guardians of human dignity.

Continuous review against the Paris Principles is therefore both a measure of institutional maturity and a commitment to progressive improvement.

## Compliance with Paris Principles

Core Paris Principles Area	Current Status (Indicative)	Strengths Observed	Areas for Strengthening	Planned Actions
Legal foundation & mandate	Established	Statutory mandate under Chapter II of the Constitution and relevant legislation, including oversight functions	Further clarification of the Commission's mandate in domestic law to ensure explicit alignment with international treaties	Continued legislative review and engagement with relevant authorities, including the CRC; consideration of reforms to constitutionally entrench the NHRC's mandate; Representations made to the AG
Independence & autonomy	Functioning	The Commission operates independently and is not subject to the direction or control of any person or authority in the exercise of its functions – s 3(2) of the PHRA	Strengthening institutional safeguards relating to the appointment process, security of tenure, and removal procedures in order to ensure full transparency and independence consistent with SCA guidance.	Engagement with relevant authorities to review appointment and governance frameworks, including possible introduction of transparent and participatory selection procedures; Representations made to the AG
Adequate resources	Developing	Budgetary allocation is provided for the functioning of the NHRC and staff may be recruited on contractual terms where necessary.	Ensuring that the Commission is provided with sufficient and predictable funding to enable it to effectively discharge its mandate independently and sustainably.	Advocacy for strengthened budgetary arrangements, including making the budget of the NHRC appear as a vote item for an independent body under the Appropriation Act

Core Paris Principles Area	Current Status (Indicative)	Strengths Observed	Areas for Strengthening	Planned Actions
Accessibility & complaints handling	Improving	Accessible complaint mechanisms exist and outreach activities have been undertaken to facilitate access to the Commission, including visits to places of detention.	Further strengthening accessibility through digital systems, simplified procedures and enhanced outreach to vulnerable and geographically distant communities, including Rodrigues.	Improvement of online complaint mechanisms, procedural, and exploration of additional accessibility measures including outer islands engagement initiatives
Pluralism & stakeholder engagement	Active	Engagement with civil society organisations and stakeholders through consultations and collaborative activities.	Maintaining structured engagement with civil society and other stakeholders.	Ongoing stakeholder dialogue platforms and strengthened cooperation with civil society and academic institutions through MOUs
Monitoring & advisory role	Established	The Commission issues reports and recommendations on human rights issues and provides advisory opinions where relevant.	Strengthening systematic follow-up mechanisms to monitor the implementation of recommendations issued by the Commission and treaty bodies.	Development of structured recommendation-tracking mechanisms and enhanced monitoring frameworks; Open and public access to all publications of the NHRC
Promotion & education mandate	Ongoing	Public awareness initiatives are undertaken through newsletter publications, media engagement by publishing a monthly dedicated page in a local newspaper, and educational activities.	Expanding outreach and education initiatives to reach broader segments of the population, including youth and marginalised communities.	Development of national awareness initiatives, partnerships with educational institutions, and expanded public communication strategies

Core Paris Principles Area	Current Status (Indicative)	Strengths Observed	Areas for Strengthening	Planned Actions
Transparency & accountability	Strong foundation	The Commission publishes an Annual Report and maintains public reporting practices regarding its activities and recommendations	Strengthening accountability mechanisms, including structured engagement with Parliament and the public regarding the implementation of recommendations	Development of performance indicators, enhanced reporting frameworks, and continued publication of NHRC outputs
International engagement	Active	Participation in international and regional human rights processes, including contributions to treaty bodies and engagement with international forums.	Further integration of international human rights standards into domestic practices and strengthening cooperation with international mechanisms.	Continued participation in international human rights processes and strengthened coordination of reporting and follow-up mechanisms; Legislative reform to integrate international treaties in domestic legislations; Representations made to the AG

## Reform Priority Areas

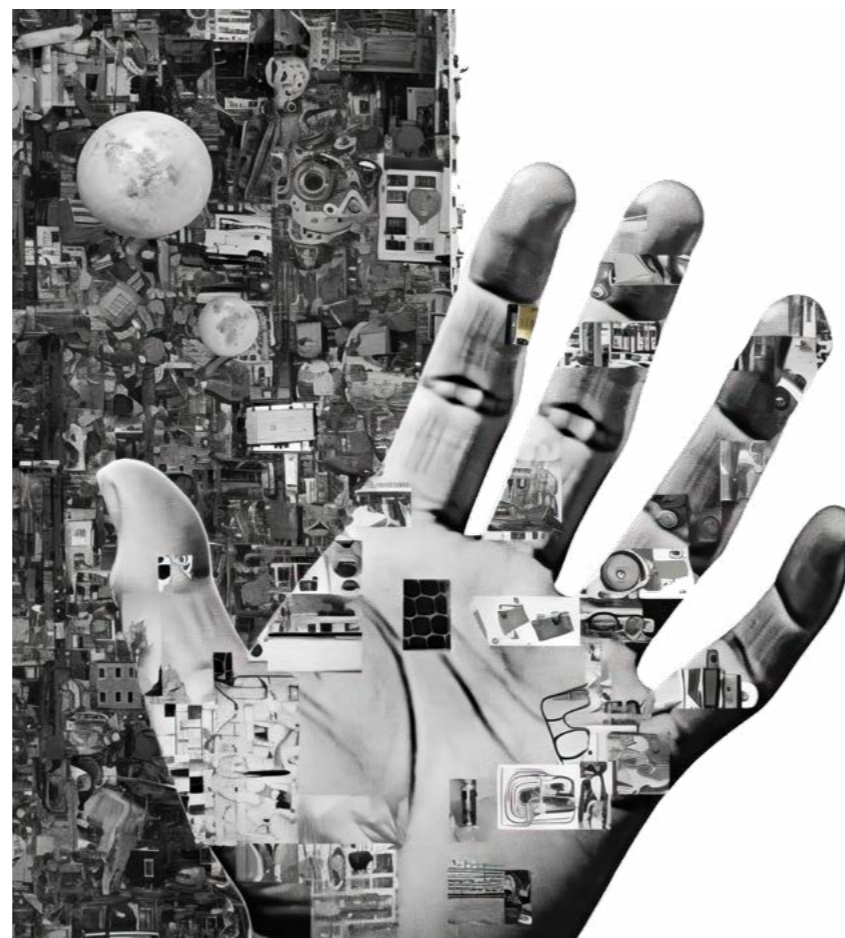
### Modernising the NHRC Mandate and Legislative Framework

A core reform priority identified by the Commission concerns the modernisation of the legislative framework governing its mandate and powers. In the context of the recent accreditation review and in pursuit of full alignment with the Paris Principles, the Commission proposed a comprehensive review of the Protection of Human Rights Act to strengthen institutional independence, clarify appointment and removal safeguards, and enhance operational coherence.

Central to these proposals is the need to broaden the Commission’s jurisdiction beyond **Chapter II of the Constitution** and to empower it to act directly on the basis of the international human rights treaties to which Mauritius is a State Party. Human rights protection in a modern democracy cannot be confined to constitutional text alone; it must reflect the full spectrum of international obligations voluntarily undertaken by the State. Incorporating treaty-based standards within domestic oversight would ensure that the Commission operates with “as broad a mandate as possible,” as required by the Paris Principles, and would allow it to address contemporary human rights challenges with greater clarity and authority.

#### The proposed reforms also include:

- Making the NHRC an entrenched institution under the Constitution
- Consolidating overlapping mandates within a unified institutional structure;
- Integrating the police complaints mechanism into a strengthened rights-based framework; to avoid duplicitous processes and ensure there is a more efficient and effective mechanism
- Enhancing transparency obligations;
- Modernising complaint procedures through digital platforms;
- Introducing clearer timelines for case resolution;
- Proving clear demarcation of lines of responsibilities and accountability;
- Providing for security of tenure of the staff and members of the Commission by reviewing the mode of appointment and termination.



These recommendations are not institutional enlargement for its own sake. They are measures designed to secure structural independence, reinforce public confidence, and preserve Mauritius’ standing within the international human rights system. A strengthened National Human Rights Act would ensure that the Commission remains resilient, credible, and equipped to meet evolving challenges – nationally, regionally, and globally.

### Reform Prioritisation Matrix - Institutional Priorities Aligned to the Paris Principles

This matrix shows how reforms are selected, justified, and sequenced by the Commission.

Institutional Priority	Linked Paris Principles Benchmark	Human Rights Priority	Illustrative Reform Actions
Strengthening institutional independence and governance	Legal independence; autonomy; transparent appointment procedures	High – essential for institutional credibility and public trust	Governance review; clarify operational safeguards; strengthen appointment/transparency procedures
Improving complaints handling & accessibility	Accessibility; protection mandate	High – direct impact on individuals seeking remedies	Development of digital complaint platforms; simplified procedures; outreach to vulnerable groups and remote regions
Enhancing monitoring & advisory functions	Broad mandate; reporting and recommendation functions	High – systemic impact on human rights implementation	Structured follow-up mechanisms; thematic monitoring frameworks; improved coordination with oversight bodies
Capacity development of staff & commissioners	Institutional effectiveness; professional competence	Medium–High	Training on investigation standards, emerging human rights issues, and international human rights law; digital competencies
Strengthening engagement with civil society and international organisations	Pluralism; cooperation	Medium–High	Regular stakeholder consultations; partnerships with civil society; cooperation with international and regional human rights institutions through MOUs
Public human rights education and awareness	Promotion mandate	Medium	National awareness campaigns; youth education initiatives; public information programmes
Addressing emerging human rights challenges	Broad and evolving mandate	Medium–High	Policy research on emerging rights issues such as digital rights, socio-economic rights, and environmental human rights and environmental human rights
Monitoring implementation of recommendations	Accountability and effectiveness	High – bridges the gap between recommendations and implementation	Development of recommendation -tracking systems; periodic public reporting on implementation status

## Chapter 2

### Human Rights Division

1. Overview of the Division's Mandate (to rename the title in the document)
2. Key Achievements
3. Complaints Data and Analysis
4. Thematic Reports Issued
5. Memorandum of understanding
6. Project: Rehabilitation and Reintegration of Ex-Detainees (See article TP6)
7. Human Rights Awareness and Public Engagement
8. Official Missions

**“THE RIGHTS OF EVERY MAN ARE  
DIMINISHED WHEN THE RIGHTS OF  
ONE MAN ARE THREATENED.”**

**John F. Kennedy**

# Human Rights Division Overview of the Division's Mandate

The Human Rights Division (HRD) of the National Human Rights Commission derives its mandate from the Protection of Human Rights Act 1998. Within this statutory framework, the Division is entrusted with the responsibility to investigate, monitor, and make recommendations in relation to alleged violations of the fundamental rights and freedoms guaranteed under the Constitution of Mauritius. It receives and examines complaints from individuals who allege that their constitutional rights have been infringed by public officials, public bodies, or institutions performing public functions. The Division is not limited to acting upon complaints alone; it may also initiate investigations on its own motion (*suo motu*) where circumstances suggest that a violation may have occurred. In conducting its inquiries, the HRD is empowered to summon persons, require the production of relevant documents, examine witnesses, and hold hearings in order to establish the factual matrix of a case. These powers, which are comparable to those of a commission of inquiry, enable the Division to function effectively and independently in discharging its mandate.

The Division also performs an important access and monitoring function. It is authorised to visit and inspect places of detention, including police cells, prisons, and other custodial facilities. Through these visits, the HRD assesses the treatment of detainees and the conditions under which persons are deprived of their liberty. This monitoring role ensures compliance with constitutional standards and Mauritius' international human rights obligations, and complements the preventive mandate exercised by the National Preventive Mechanism Division.

Following the completion of an investigation, the HRD may issue recommendations to the relevant authorities for corrective action. Although its recommendations are not legally binding, they carry considerable persuasive authority within the constitutional framework and serve as an important catalyst for reform.

The HRD also promotes awareness and understanding of human rights across society, advises Government on legislative and administrative measures to strengthen protection mechanisms, encourages compliance with international human rights treaties to which Mauritius is a party, and engages in education, training, and sensitisation initiatives.

## Key Achievements

### Sample of cases dealt with by the Human Rights Division in the year 2025-2026

- 1** The complainant, a mathematics teacher employed at a PSEA school, was physically assaulted by a student's father. Despite the gravity of the incident, the school administration failed to adopt appropriate measures to safeguard the complainant's rights. The Human Rights Division (HRD) intervened and directed the school management to implement several protective measures, including:

  - Restricting access to the school premises during official hours, thereby preventing the entry of unauthorised persons;
  - Prohibiting vehicular access to the school compound during instructional time;
  - Ensuring that the main gate remains secured and closed during school hours;
  - Assigning the gatekeeper to strictly monitor all individuals entering the premises; and
  - Requiring that any visitor authorised to enter be accompanied at all times by a designated member of the administrative staff.
- 2** It was reported that parking spaces reserved for persons with disabilities were being unlawfully occupied by vehicles without valid disability permits. The HRD intervened, resulting in the deployment of security officers to verify disability identification coupons before granting access. Additionally, metal barriers were installed to protect the reserved areas. Non-compliance cases are now referred to the Police Post of the hospital for enforcement. The HRD's intervention effectively upheld the rights of persons with disabilities.
- 3** The HRD was informed that two minors, whose parents were victims of human trafficking, were residing with their family at the Passerelle Women Shelter. Upon the HRD's intervention, arrangements were successfully made for both minors to be enrolled at secondary school, ensuring their right to education was upheld.
- 4** The complainant reported that her son was physically assaulted by a teacher, resulting in a hand injury requiring a plaster cast. Following the HRD's intervention, the following measures were implemented:

  - The assault was reported to the Pope Hennessy Police Station, and a Form 58 was duly issued;
  - The minor received appropriate medical treatment;
  - Psychological assistance was provided to both the minor and the mother;
  - The minor was placed under the supervision of an Educational Social Worker; and
  - Victim support services were extended through the Brigade pour la Protection de la Famille and the Family Welfare and Protection Officer.

# Key Achievements

## Sample of cases dealt with by the Human Rights Division in the year 2025-2026

- 5** The complainant, a resident of Agalega, alleged that her daughter, a Grade 10 student at Medco Agalega Secondary School, was subjected to severe bullying and physical assaults by other students, resulting in psychological distress. The HRD intervened, prompting an official inquiry and mediation proceedings that led to reconciliation among the parties. Disciplinary sanctions were imposed on two students, including temporary suspension. Additionally, awareness sessions were held during morning assemblies, and the Ministry of Education arranged for psychological support to be provided to the affected minor.
- 6** The complainant's husband, a senior pharmacist at the Ministry of Health, reported that despite having completed numerous overtime duties, his overtime payments had not been settled due to misplaced administrative files. Following HRD's intervention, the outstanding payments were processed, ensuring that the complainant's husband's labour rights were duly respected.
- 7** The complainant reported that a neighbouring resident was operating an illegal poultry farm, causing air pollution and foul odours. The HRD's investigation revealed that the respondent's permit had expired in 2004 and was non-renewable. Consequently, a stop order was issued by the relevant authority, thus restoring the environmental rights of the affected residents.
- 8** The complainant reported that her neighbour had undertaken unauthorised construction works on an adjoining wall. The HRD intervened, resulting in the issuance of a pulling-down order by the relevant authority, thereby safeguarding the complainant's right to property.
- 9** The complainant reported that her husband, having previously visited Mauritius, was denied re-entry due to overstaying his visa. The HRD intervened by addressing the matter to the Prime Minister's Office, which subsequently authorised the removal of his name from the restricted list. Consequently, the complainant's husband regained lawful access to Mauritius.

## Complaints Data and Analysis

**237**  
Complaints

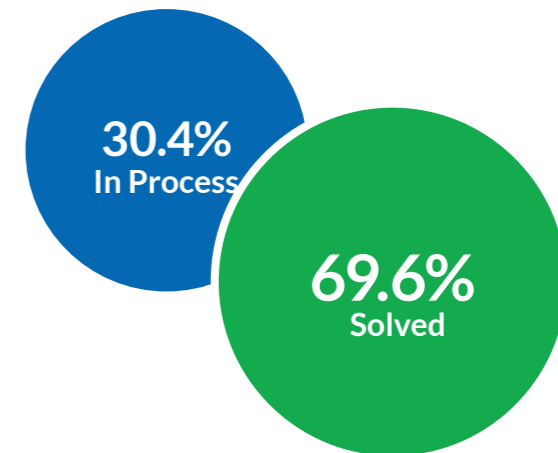
Registered

## Gender Statistics



**165**  
Solved

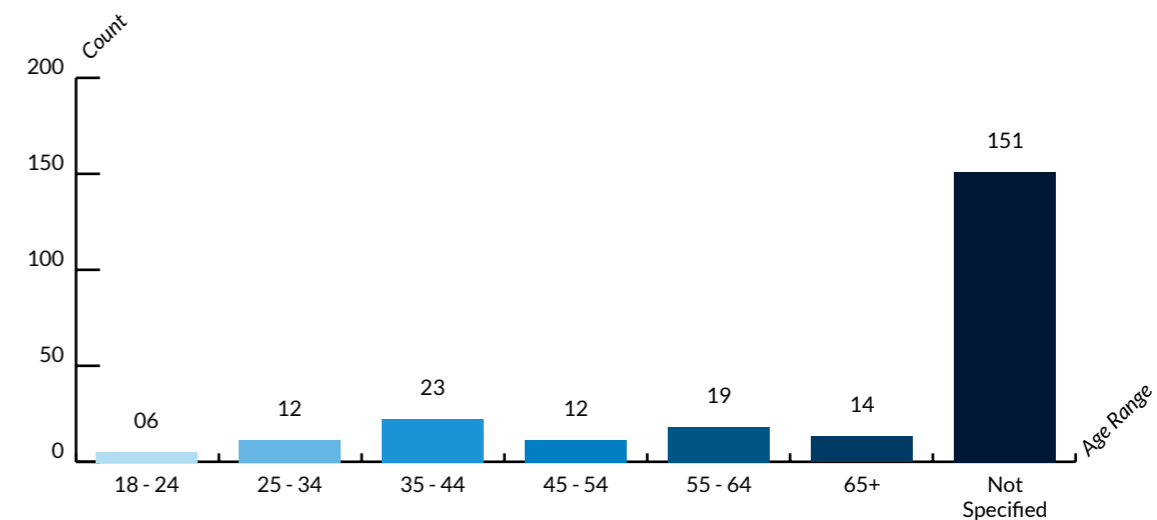
Hearing + Conciliation



**72**  
In Process

Work in progress

## Age Range Distribution (Complaints)



# Thematic Reports Issued

## A. Disturbances at Melrose Eastern High Security Prison (EHSP) on 17 July 2025

The National Human Rights Commission conducted a fact-finding inquiry into disturbances that occurred at the Eastern High Security Prison (EHSP) in Melrose on 17 July 2025. (See Annex 1)

## B. Complaint by the Air Mauritius Retirees Association (AMRA) Concerning Withdrawal of Privileges

### Summary

The National Human Rights Commission (NHRC) examined a complaint submitted by the Air Mauritius Retirees Association (AMRA) concerning the decision of Air Mauritius Ltd to suspend concessionary travel privileges previously granted to current and former employees who had initiated legal proceedings against the national airline.

The NHRC conducted a formal hearing on 14 October 2025 and found that the withdrawal of travel privileges applied exclusively to employees and retirees who had exercised their right to bring legal proceedings. It concluded that this measure constituted a form of disguised economic sanction that had the effect of intimidating and discouraging individuals from pursuing lawful claims.

Following the NHRC's intervention and initial hearing, Air Mauritius issued a public communiqué on 23 October 2025 announcing the reinstatement of travel privileges for affected employees and retirees on humanitarian grounds, while maintaining that no violation of fundamental rights had occurred. The Commission maintains that the employees and retirees were being sanctioned for having initiated legal proceedings against the company.

# Memorandum of Understanding

## A. NHRC and Middlesex University Mauritius

### Advancing Human Rights Education

On 20 November 2025, the National Human Rights Commission (NHRC) of Mauritius entered into a Memorandum of Understanding (MoU) with Middlesex International. The collaboration is firmly grounded in the NHRC's statutory mandate under the Protection of Human Rights Act 1998, which empowers the Commission to assist in the formulation and implementation of programmes for the teaching of, and research into, human rights within universities and professional circles.

## B. NHRC and Law Reform Commission

On 6 March 2026, the National Human Rights Commission of Mauritius and the Law Reform Commission formalised their collaboration through the signing of a Memorandum of Understanding, reinforcing institutional cooperation in advancing the rule of law and the protection of fundamental rights.



The partnership is centred on justice-sector reform, including prisoner rehabilitation, reintegration and second-chance opportunities, the expansion of Community Service Orders for minor and first-time offenders, reduction of unnecessary incarceration, and the development of frameworks for spent convictions and diversion programmes. It also promotes sentencing awareness, judicial training, and evidence-based reform to ensure that detention and sentencing policies align with constitutional principles of dignity, proportionality and rehabilitation.

Beyond penal reform, the Memorandum provides a structured platform for collaboration on emerging human rights challenges, including climate change impacts on Mauritius as a Small Island Developing State, the protection of LGBTQIA+ rights, the balance between freedom of expression and freedom of religion, and human rights issues arising from digital technologies, artificial intelligence and cybercrime.

The agreement establishes mechanisms for sustained consultation and coordination, affirming Mauritius' commitment to strengthening legislative reform and ensuring that human rights protection extends beyond investigation to meaningful structural and policy development.

# Rehabilitation and Reintegration

## Rehabilitation and Reintegration of Ex-Detainees

### A National Pilot Initiative towards a Sustainable Reintegration Framework (2025–2030)

Each year, hundreds of individuals are released from places of detention in Mauritius and return to society with the hope of rebuilding their lives. Yet for many, release does not mark a new beginning but rather the start of a precarious and often isolating journey. Despite having served their sentences and, in many cases, acquired technical or vocational skills while incarcerated, former detainees frequently encounter stigma, unemployment, social rejection and a lack of structured support. These obstacles significantly undermine their chances of successful reintegration and contribute to persistently high rates of recidivism.

Available data indicate that for high-risk groups, recidivism may reach approximately 70 per cent within the first 12 months following release. This reality carries profound consequences, not only for the individuals concerned and their families, but also for society as a whole. High recidivism places pressure on the criminal justice system, strains public resources, affects community safety and erodes social cohesion. It also represents a failure to fully realise the rehabilitative purpose of detention and the fundamental principle that punishment should be accompanied by meaningful opportunities for reintegration.

This chapter outlines a national pilot initiative aimed at addressing this challenge through a structured, partnership-based approach to rehabilitation and reintegration. Developed in collaboration with the Rotary Club of Port Louis, the initiative seeks to test a practical, employment-centred reintegration model that can inform the development of a sustainable national framework for the period 2025–2030.

At the heart of this initiative is the recognition that reintegration cannot be achieved by the prison system alone. While considerable efforts have been made to provide technical and vocational training within detention facilities, these efforts are often disconnected from the realities ex-detainees face upon release. Employers remain hesitant to recruit individuals with criminal records, communities may be unprepared to support their return and former detainees themselves often lack the social networks and guidance required to navigate the transition

back into society. Reintegration is therefore a multi-dimensional process that requires coordination between state institutions, civil society organisations, the private sector and local communities.

The pilot programme developed with the Rotary Club of Port Louis represents the first structured, wage-subsidised employment pathway for ex-detainees in Mauritius. Although limited in scale, involving five participants, the initiative is deliberately designed as a controlled and closely monitored intervention. Its purpose is not only to support the individuals directly involved, but also to generate evidence, refine methodologies and build confidence among key stakeholders.

Under the pilot, participating ex-detainees are placed in supervised employment for a period of 12 months. The Rotary Club of Port Louis has been approached to subsidise 50 per cent of each participant's salary during this period. This financial incentive plays a critical role in reducing employers' perceived risk and encouraging them to engage with the programme. At the same time, it

ensures that ex-detainees receive a regular income, gain work experience and begin to rebuild professional identities grounded in responsibility and contribution.

The decision to begin with a pilot project reflects an understanding that reintegration is complex and context-specific. A pilot allows for the identification of practical challenges, including issues related to workplace integration, compliance, supervision and psychosocial support. It provides the flexibility to adjust procedures, clarify roles and responsibilities and establish best practices before any attempt is made to scale the programme nationally. Importantly, it also generates empirical evidence that can be used to inform policy decisions, budgetary allocations and potential legislative reforms. The choice of the Rotary Club of Port Louis as a partner is central to the credibility and potential success of the initiative. The Rotary movement has a long-standing track record in community development, social service and ethical leadership. Its membership includes a diverse network of professionals and employers across multiple sectors, creating valuable opportunities for employment placement and mentorship. The Rotary Club's strong public reputation and apolitical, non-governmental character further enhance trust among employers and the wider public. In addition, its capacity to mobilise resources and funding in a timely manner makes it particularly well suited to support a pilot of this nature.

Beyond the immediate benefits to participants, the pilot initiative has significant national implications. If successful, it will produce a tested model for employment placement that can be adapted and replicated across different sectors and regions. It will offer a practical template for employer engagement, demonstrating that with appropriate support

and safeguards, the recruitment of ex-detainees is both feasible and socially beneficial. The programme will also generate case studies and data that can be used to assess impact, measure outcomes and refine monitoring and evaluation tools.

These outputs are essential for the development of a comprehensive national reintegration strategy. Over time, they may inform the design of dedicated legislation, the allocation of public funding and the establishment of institutional mechanisms to support reintegration on a larger scale. In this sense, the pilot initiative is not an isolated project but a foundational building block in a broader effort to transform how Mauritius approaches rehabilitation and reintegration.

Governance and coordination are key components of the initiative. A steering committee will be established to oversee the pilot and ensure effective collaboration among all parties involved. The committee will include representatives of the National Human Rights Commission, the Rotary Club of Port Louis, the non-governmental organisation Kinouete, and the Prime Minister's Office. This multi-stakeholder structure reflects a whole-of-society approach and ensures that human rights considerations, operational realities and policy objectives are addressed in a coherent manner.

The involvement of the National Human Rights Commission underscores the human rights dimension of reintegration. Access to work, dignity, non-discrimination and social inclusion are central to the successful reintegration of ex-detainees and to the prevention of reoffending. By situating reintegration within a human rights framework, the initiative affirms that former detainees remain rights-holders and that society has a collective interest in supporting their return as active and responsible members of the community.

In conclusion, the rehabilitation and reintegration of ex-detainees represents both a challenge and an opportunity for Mauritius. This pilot initiative offers a pragmatic and innovative response, grounded in collaboration, evidence and shared responsibility. While modest in scale, its potential impact is significant. By testing a structured employment-based reintegration model, the initiative lays the groundwork for a sustainable national framework capable of reducing recidivism, enhancing public safety and strengthening social cohesion over the years to come.

# HUMAN RIGHTS AWARENESS AND PUBLIC ENGAGEMENT

## A. Nelson Mandela Day commemoration

“To deny people their **human rights** is to challenge their very **humanity**”

Nelson R. Mandela

### On July 17, at the initiative of the National Human Rights Commission (NHRC),

In collaboration with the Nelson Mandela Center for African Culture and the NGO DISMoi, a morning of discussions was held at the Nelson Mandela Center in La Tour Koenig on the impact of Nelson Mandela on human rights around the world.

This event took place ahead of the global day dedicated to the memory of the South African icon of the struggle against apartheid and to commemorate the advent of a democratic and egalitarian society in his country: Nelson Mandela Day on July 18 each year.

The event elaborated on the personality of Nelson Mandela, on his capacity to forgive and put aside all bitterness, which enabled him to ensure a peaceful and democratic transition in his country after so many years of injustice and continue the fight for a Human Rights Culture.

Finally, to close the morning, a minute of silence was observed in solidarity with the people of Gaza as a protest against the ongoing genocide in that territory and in support of the Palestinian cause.



## B. Human Rights Day Commemoration

### Human Rights Day 2025 – Human Rights as an Everyday Essential

For the first time in its institutional history, the National Human Rights Commission formally commemorated Human Rights Day on 10 December 2025. This milestone event marked an important step in strengthening the Commission’s public visibility and reaffirming its commitment to bringing human rights closer to the daily realities of the people of Mauritius.

Held under the theme “Human Rights as an Everyday Essential,” the celebration underscored a central message of this mandate: that human rights are not abstract legal principles reserved for courtrooms or international forums, but foundational guarantees that shape everyday life - in our schools, workplaces, communities, institutions, and homes.

The event was honoured by the presence of eminent national and international figures, including the President of the Republic of Mauritius, His Excellency Mr Dharambeer Gokhool, GCSK, the Honourable Attorney General, Mr Gavin Glover, SC and the United Nations Resident Coordinator, Ms. Lisa Simrick. Their participation reflected a shared commitment to advancing a culture of rights, accountability, and democratic governance. [The full speeches of Mr Satyajit Boolell, SC, His Excellency Mr Dharambeer Gokhool, GCSK and Mr Gavin Glover, SC can be found in our December newsletter – (See Annex 4)]

A particular highlight of the commemoration was the contribution of Professor Clare Anderson and Dr Melissa Ifill, who travelled specifically for the occasion and delivered keynote addresses focusing on historical and contemporary dimensions of the prison system. Their interventions provided valuable academic and human rights perspectives on detention, accountability, and the importance of reform within custodial institutions.

The inaugural commemoration of Human Rights Day signalled the Commission’s renewed emphasis on education, dialogue, and public engagement. It reaffirmed that building a culture of human rights requires not only legal safeguards but sustained national reflection, inclusive conversation, and collective ownership of the values that underpin our democracy.

### C. Martin Luther King Day Commemoration

**“Injustice anywhere is a threat to justice everywhere”**,

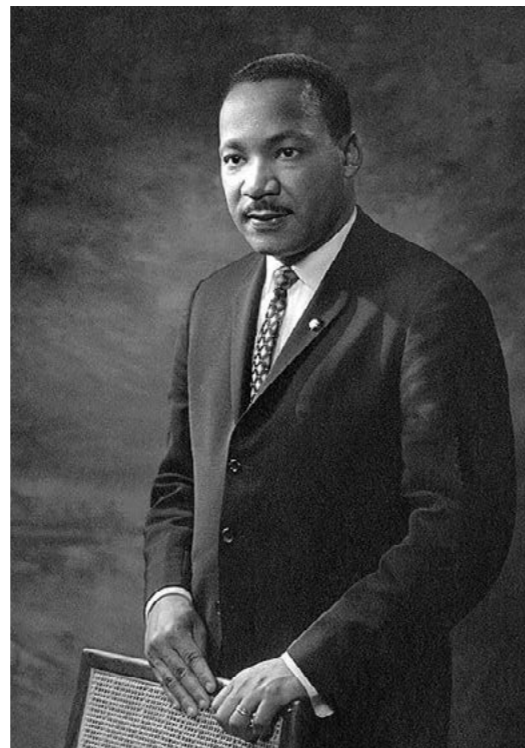
**Nelson R. Mandela**

The official ceremony marking ‘Martin Luther King Day’ took place in a packed lecture theatre at the University of Mauritius on Wednesday, January 28, 2026. On this day, the National Human Rights Commission (NHRC) in collaboration with the Faculty of Social Sciences and Humanities of the University of Mauritius, organised a commemorative event to mark the day dedicated to the life, work and struggle of Dr Martin Luther King for the establishment of equal civil rights in the United States and against segregation in the southern states of the country.

This gathering brought together several institutions working in the wake of the historical reparation of slavery, awareness, and its societal and historical consequences.

The event ended with a quote from Malcolm X, namely

**“YOU CAN’T BORROW YOUR FREEDOM FROM THE PERSON WHO PROFITS FROM YOUR CHAINS! FREEDOM IS TAKEN BY THOSE BOLD ENOUGH TO CLAIM IT”**



### D. Meeting with Young Queer Alliance and Freedom to Marry Global

**Report on the Meeting with Young Queer Alliance and To Marry Global**

#### Context and Purpose of the Meeting

As part of its ongoing mandate to promote and protect human rights, the Commission held a dedicated meeting with representatives of civil society organisations actively engaged in the advancement of the rights of LGBTQ+ persons, with a particular focus on equality, dignity and non-discrimination. The meeting brought together representatives of Young Queer Alliance and To Marry Global, with the latter represented by Mr Cameron Tolle and Mr Evan Wolfson, both internationally recognised advocates for marriage equality and broader LGBTQ+ rights.

The purpose of the meeting was threefold: first, to exchange information on the current human rights situation affecting LGBTQ+ persons, particularly young people. Second, to assess the legal, social and institutional barriers that continue to undermine equality and full enjoyment of rights. Third, to explore avenues for cooperation between the Commission and civil society actors in strengthening human rights protection frameworks.

#### Human Rights Framework and Normative Standards

Discussions were grounded in international and regional human rights standards, including the principles of equality and non-discrimination enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The representatives of To Marry Global recalled that sexual orientation and gender identity, while not always explicitly mentioned in earlier human rights frameworks, are now clearly recognised by international human rights mechanisms as protected

grounds under the broader prohibition of discrimination.

The meeting emphasised that marriage equality and legal recognition of diverse family forms are not isolated demands but are directly linked to a wide range of human rights, including the right to privacy, family life, dignity, social protection, health, inheritance and freedom from discrimination. Mr Evan Wolfson highlighted that the denial of marriage rights often functions as a symbolic and practical exclusion, reinforcing stigma and legitimising unequal treatment across multiple spheres of life.

## Situation of LGBTQ+ Youth and Intersectional Vulnerabilities

Young Queer Alliance provided an overview of the lived realities of LGBTQ+ youth, drawing attention to the intersection of age, sexual orientation, gender identity and, in many cases, socio-economic vulnerability. Particular concerns were raised regarding access to education free from harassment, mental health support and exposure to violence and bullying, both online and offline.

The organisation stressed that young LGBTQ+ persons are disproportionately affected by discrimination and exclusion at formative stages of their lives, which can have long-lasting consequences on their well-being, educational attainment and economic opportunities. The lack of explicit legal protections and the persistence of social stigma were identified as key structural factors perpetuating these vulnerabilities.

## Marriage Equality as a Human Rights Issue

Representatives of To Marry Global presented marriage equality as a core human rights issue rather than a purely cultural or moral debate. Mr Cameron Tolle underscored that the right to marry and to found a family, when selectively denied, creates a hierarchy of citizenship that is incompatible with democratic values and the principle of equal protection of the law.

The discussion highlighted comparative experiences from various jurisdictions where the recognition of same-sex marriage has led not only to legal equality but also to broader social change, including increased visibility, reduced stigma and stronger institutional commitments to non-discrimination. At the same time, the representatives cautioned that legal reform alone is insufficient if not accompanied by public education, judicial training and effective implementation mechanisms.

## Role of National Institutions and the Commission

A significant part of the meeting focused on the role of national human rights institutions, including the Commission, in advancing the rights of LGBTQ+ persons. Participants acknowledged that such institutions are uniquely positioned to bridge the gap between international human rights norms and domestic implementation.

The Commission's potential roles were identified as including monitoring and reporting on discrimination, advising public authorities on law and policy reform, supporting strategic litigation where appropriate, and facilitating dialogue between state institutions and civil society. Emphasis was placed on the importance of independence, credibility and accessibility of the Commission in building trust with marginalised communities.

## Freedom of Expression, Belief and Equality

The meeting also addressed the often-contentious intersection between religion or belief and the right to equality. The representatives of To Marry Global emphasised that human rights law provides a framework for balancing these rights without allowing one to be used as a justification for discrimination.

It was noted that safeguarding LGBTQ+ persons from discrimination does not entail opposing or restricting religious beliefs or personal convictions, but rather ensuring that such beliefs are not transformed into laws, policies or practices that deny equal legal recognition. In this context, the request was framed specifically as one of access to civil marriage and legal protection, not as an infringement on religious doctrine. The Commission's role in fostering nuanced, rights-based public discourse was highlighted as particularly important in maintaining this distinction.

## Data, Evidence and the Importance of Visibility

Another key theme was the lack of reliable data on discrimination and human rights violations affecting LGBTQ+ persons, particularly youth. Young Queer Alliance stressed that under-reporting is widespread due to fear of retaliation, lack of trust in institutions and social stigma.

Participants agreed that improved data collection, while respecting privacy and safety, is essential for informed policymaking and effective human rights interventions. The Commission was encouraged to support research initiatives, include sexual orientation and gender identity considerations in its monitoring activities, and ensure that LGBTQ+ issues are reflected in its annual and thematic reports.

## Education, Awareness and Cultural Change

Beyond legal and institutional measures, the meeting highlighted education and awareness-raising as critical components of sustainable human rights progress. Both organisations emphasised the importance of comprehensive, age-appropriate education that promotes respect, diversity and empathy.

The role of public institutions, educators and community leaders in shaping social attitudes was discussed, with a shared understanding that cultural change is gradual but essential. The Commission was encouraged to use its convening power to foster inclusive dialogue and to counter misinformation and harmful stereotypes.

## Key Outcomes and Way Forward

The meeting concluded with a shared commitment to continued engagement and cooperation. Participants agreed on the importance of maintaining open channels of communication between the Commission and civil society organisations working on LGBTQ+ rights. Potential areas for future collaboration include joint awareness initiatives, contributions to policy consultations and capacity-building activities for public officials.

In closing, the meeting reaffirmed that the promotion and protection of the rights of LGBTQ+ persons, including the right to equality in marriage and family life, are integral to the broader human rights agenda. Ensuring that all individuals, regardless of sexual orientation or gender identity, can live with dignity, security and full participation in society remains a fundamental responsibility of the state and its human rights institutions.

## E. The Death Penalty in Mauritius: Human and Legal Perspectives

### The Death Penalty in Mauritius: Human and Legal Perspectives

The Human Rights Commission of Mauritius participated in a round table entitled “The Death Penalty in Mauritius: Human and Legal Perspectives, Challenges and Human Rights Implications”, organised by the Institut Français de Maurice on Thursday 6 November 2025 at the seat of the Institute. The session was moderated by Mr Thomas Chamaillé, teacher at Lycée des Mascareignes, and brought together Mrs Touria Prayag, member of the Human Rights Commission, Mr Vinod Boolell, former Supreme Court Judge, and Mr Nataraj Muneesamy, Assistant Director of Public Prosecutions. The discussion aimed to provide a comprehensive, multidisciplinary analysis of the death penalty in Mauritius, examining its historical, legal, constitutional and human rights dimensions, as well as its broader implications in the international and comparative context.

The panel began by examining the historical evolution of the death penalty in Mauritius. Capital punishment was introduced through the colonial legal system, notably via the Penal Code of 1838, which prescribed execution for serious offences such as murder and treason-related crimes. Earlier historical instances, including the beheading of Ratsitatane in 1822, illustrated the long-standing use of executions as instruments of state authority and control. The discussion recalled that the last execution in Mauritius took place in 1987, when Eshan Alexandre Nayeck was executed. Since then, no executions have been carried out. However, the panel stressed that the cessation of executions does not amount to full abolition, and that the continued legal and constitutional references to capital punishment create a precarious and potentially reversible situation.

The panel emphasised that while capital punishment has existed across many civilisations, from ancient Egypt and pre-colonial African kingdoms such as Benin, to Aztec societies and certain religious legal traditions, historical prevalence cannot justify its contemporary retention. On the contrary, these legacies expose patterns of

institutionalised violence that modern democratic societies are ethically and legally bound to reassess. In the Mauritian context, the colonial origins of the death penalty remain central to understanding its persistence within the legal framework, despite evolving human rights standards.

The discussion then turned to the legislative and constitutional framework governing the death penalty in Mauritius. Particular attention was paid to the Abolition of the Death Penalty Act, whose title suggests definitive abolition. However, the panel underlined that, in substance, the Act resulted in a suspension of executions rather than the complete eradication of capital punishment from the legal order. Crucially, the Constitution continues to contemplate the possibility of the death penalty in limited circumstances, thereby preserving its legal existence. This coexistence of statutory abolition and constitutional retention was described as a source of legal ambiguity and institutional vulnerability, leaving open the possibility of reactivation through legislative or political shifts. Parliamentary debates, including those recorded in the Hansard of 3 August 1995, demonstrated that the issue was deeply contested and that political consensus was fragile rather than absolute. Earlier initiatives, such as motions introduced by Sir Gaëtan Duval as early as 1961, further illustrated the long and unresolved nature of the debate.

A substantial portion of the round table focused on constitutional considerations. Sections 3, 4 and 7 of the Mauritian Constitution guarantee fundamental rights, including the right to life and protection from inhuman or degrading treatment or punishment. These guarantees echo Articles 2 and 3 of the European Convention on Human Rights. The panel highlighted that the mere constitutional survival of the death penalty, even in a dormant form, sits uneasily with these protections. Mandatory death sentences were identified as particularly incompatible with constitutional principles, as they eliminate judicial discretion, prevent consideration of mitigating circumstances, and undermine respect for human dignity. Case law such as *De Boucherville* and *Philibert* was cited to illustrate how prolonged detention under the shadow of capital punishment may itself amount to inhuman or degrading treatment. The panel stressed that constitutional interpretation must be dynamic and responsive to contemporary values rather than frozen in historical compromise.

The discussion situated Mauritius within a broader international and comparative framework. Landmark decisions such as *S v Makwanyane* in South Africa, along with jurisprudence from Malawi, Belize, Hungary and several United States jurisdictions, have increasingly recognised the death penalty as incompatible with human dignity. United Nations human rights mechanisms, including the Human Rights Committee, have repeatedly affirmed the need for abolition. Mauritius has consistently voted in favour of United Nations resolutions calling for a global moratorium on executions and refuses extradition where there is a real risk that an individual may face the death penalty. Nevertheless, the panel noted that Mauritius has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the total abolition of capital punishment, thereby reinforcing the perception of suspension rather than irreversible abolition.

The deterrence argument was critically examined. Drawing on United Nations data and comparative criminological studies, the panel observed that there is no credible evidence that the death penalty reduces homicide, drug trafficking or serious crime. The irreversible nature of capital punishment, combined with the risk of judicial error, arbitrariness and discriminatory application, particularly against socio-economically marginalised groups, was identified as a profound injustice incompatible with the rule of law.

The discussion broadened to consider the purposes of punishment, including deterrence, retribution, rehabilitation, denunciation and public protection. The panel emphasised that modern justice systems should prioritise proportionality, rehabilitation and prevention rather than symbolic vengeance. Comparative examples, notably from Scandinavian countries, demonstrated that public safety can be effectively achieved without resorting to irreversible state violence.

In conclusion, the panel issued a clear warning against political or emotionally driven calls to reinstate executions. Echoing Robert Badinter's caution against the dictatorship of emotion, the discussion underscored that the continued suspension, rather than full abolition, of the death penalty remains a dangerous legal and constitutional compromise. It leaves open the possibility of regression in times of crisis or populist pressure. The round table concluded that Mauritius must move decisively towards unequivocal abolition by removing all constitutional references to capital punishment, ratifying relevant international instruments, and reaffirming its commitment to human dignity, democratic values and the rule of law.

## F. Un Global Compact Network Indian Ocean – Environmental Solutions Workshop

# UN Global Compact Network Indian Ocean – Environmental Solutions Workshop 19 February 2026

On 19 February 2026, the Human Rights Division attended the Environmental Solutions Workshop organised by the UN Global Compact Network Indian Ocean under its flagship programme, Indian Ocean Forward Faster (FOFF). The workshop brought together corporate actors, civil society organisations and institutional stakeholders to reflect on climate resilience, circular economy practices and biodiversity conservation. Discussions explored innovative and practical strategies to advance environmental sustainability while ensuring that human rights considerations remain central to policy development and business practices.

The workshop demonstrated that environmental degradation, climate change and biodiversity loss have direct consequences on the enjoyment of fundamental rights, including the rights to life, health, food, water and adequate housing.

It is also important to note that the National Human Rights Commission is increasingly placing strong emphasis on the nexus between environmental protection and human rights, recognising that environmental harm directly impacts the dignity, health and well-being of individuals and communities. The Commission is actively engaging with concepts such as climate justice, underscoring that the adverse effects of climate change disproportionately affect vulnerable groups and must be addressed through a rights-based approach. It is also examining issues such as noise pollution, acknowledging that while it is traditionally viewed as an environmental concern, excessive and persistent noise can interfere with the right to health, private life and peaceful enjoyment of one's home.

## G. Nationwide Sensitisation and Community Outreach (2025–2026)

### 70 Talks on human rights during the period of 2025-2026

During the period of 2025-2026, the Commission delivered a number of human rights sensitisation sessions in secondary schools targeting students of Grade 9 and above in collaboration with the Ministry of Education and Human Resource, ensuring that young people are equipped with foundational knowledge of constitutional rights, equality, dignity and civic responsibility.

Parallel outreach initiatives were conducted in partnership with the National Women's Council and the Ministry of Youth and Sports at community centres, village halls and youth hubs across the island, addressing themes such as human rights awareness, women's rights, domestic violence, digital rights, and gender equality. The NHRC also engaged specialised audiences, including the Physically Handicap Association, women's centres, university students, and public institutions, as well as contributing to national conversations through radio interventions on domestic violence.

#	Venue	Title
1	St Mary's West College Petite Riviere	Human Rights
2	Mare D'Australia Community Centre	Awareness Campaign National Women's Council
3	Quatre Cocos Village Hall	Awareness Sessions on Human Rights National Women's Council
4	MITD Mont Roches	Awareness Sessions on Human Rights National Women's Council

#	Venue	Title
5	Rose Belle Youth Hub	Human Rights Ministry of Youth and Sports
6	Camp Thorel Arya Smaj Hall	Awareness Campaign National Women's Council
7	DAV College, Morc St Andre	Human Rights Ministry of Youth and Sports
8	MITD Mont Roches	Awareness Sessions on Human Rights National Women's Council
9	MITD Cote D'OR	Human Rights Ministry of Youth and Sports
10	MGSS Solferino	Human Rights Ministry of Youth and Sports
11	MITD Mont Roches	Awareness Sessions on Human Rights National Women's Council
12	Charles Telfair Education	Men's Health Curtin Mauritius
13	Bois Cheri Youth Centre	Human Rights Ministry of Youth and Sports

#	Venue	Title
14	Social Welfare Centre Piton	Awareness Campaign National Women's Council
15	MITD Mont Roches	Awareness Sessions on Human Rights National Women's Council
16	Riche Mare Community Centre	Awareness Campaign National Women's Council
17	Learning Centre Royal Road Bambous	Awareness Campaign National Women's Council
18	BPS Fatima	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
19	St Joseph College	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
20	DAV Port Louis	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
21	Bhujoharry College	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
22	MITD Mont Roches	Awareness Sessions on Human Rights National Women's Council

#	Venue	Title
23	Laventure Day Care Centre Hall	Awareness Campaign National Women's Council
24	Grande-Retraite Community centre	Awareness Campaign National Women's Council
25	Telegu Temple Hall Grande Riviere North West	Awareness Campaign National Women's Council
26	MAM (Movement Aide a la Maternity)	Awareness Campaign National Women's Council
27	Congomah Village Hall	Awareness Campaign National Women's Council
28	Notre Dame Community Centre	Awareness Campaign National Women's Council
29	Pamplemousses Social Welfare Centre	Awareness Campaign National Women's Council
30	Rajcoomar Gujadhur SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
31	Rose Belle Multi Complex	Awareness Campaign National Women's Council
32	Morc St Andre Community Centre	Awareness Campaign National Women's Council
33	A Nu Grandi L'Amitie	Human Rights Ministry of Youth and Sports

#	Venue	Title
34	Caroline Social Welfare Centre	Awareness Campaign National Women's Council
35	Loreto College Mahebourg	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
36	Sodnac SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
37	Swami Sivananda SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
38	Sebastopol Community Centre	Awareness Campaign National Women's Council
39	Seewa Bappoo SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
40	Municipality of Quatre Bornes	Awareness Campaign National Women's Council
41	Windsor College Girls	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource

#	Venue	Title
42	Modern College	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
43	Physically Handicap Association Rose Hill	Awareness Campaign National Women's Council
44	Long Mountain Social Welfare Centre	Awareness Campaign National Women's Council
45	Shrimati Indira Gandhi SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
46	New Eton College	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
47	Riche Terre Community Centre	Awareness Campaign National Women's Council
48	Riviere du Poste Community Centre	Awareness Campaign National Women's Council
49	London College	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource

#	Venue	Title
50	Riviere des Anguilles Community Centre	Awareness Campaign National Women's Council
51	Mauritius Alliance of Women, Quatre Bornes	Awareness Campaign National Women's Council
52	Hindu Girls	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
53	Triolet Social Welfare Centre	Awareness Campaign National Women's Council
54	Grand Bay Social Welfare Centre	Awareness Campaign National Women's Council
55	Bon Accueil Community Centre	Awareness Campaign National Women's Council
56	Pamplemousses Village Hall	Awareness Campaign National Women's Council
57	Ramsoondar Prayag SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
58	Quatre Soeurs Social Welfare Centre	Awareness Campaign National Women's Council
59	Baz Freres Lourdes Hall St Croix Port Louis	World Population Day Awareness session on Human Rights National Women's Council

#	Venue	Title
60	Online Session	Online awareness session empowering young people to create positive change in their communities recognition of International Human Duties Day by the United Nations Uzaifa Udhin Junior Chamber International (JCI) Quatre Bornes Local President
61	Renganaden Seeneevassen SSS	Sensitization sessions on human rights for students of Grade 9 and above Ministry of Education and Human Resource
62	Radio Plus Port Louis	Domestic Violence
63	Poudre D'Or Hamlet	Awareness Campaign National Women's Council
64	Ministry of Finance	Results Group 2 Prosperity
65	Phoenix Women Council	Human and Women Rights
66	CAB Petite Riviere	Human Rights
67	Middlesex University	Guest Talk on "Signing MoU"
68	Women Council- Caroline	Human and Digital Rights
69	Richelieu Women Centre	Human Rights
70	Payotte	Human Rights

## H. Thematic Newsletters

# Public Awareness through Thematic Newsletters

Over the reporting period, the Human Rights Commission implemented four thematic two-monthly newsletters as a core component of its public awareness and human rights education mandate. These publications formed part of the Commission's statutory responsibility to promote, protect, and entrench a culture of human rights through outreach, prevention and informed public dialogue. Far from being simple informational tools, the newsletters were conceived as rights based interventions aimed at translating legal principles into accessible language and situating human rights within the lived experiences of individuals and communities in Mauritius.

Each newsletter addressed a distinct theme: rehabilitation and reintegration, cyberbullying, pre trial detention and human trafficking, and xenophobia. These newsletters reflected priority areas identified through engagement with stakeholders. Collectively, they demonstrate a proactive approach to human rights protection, recognising that awareness raising and education are indispensable complements to investigation, reporting and advocacy.

### Rehabilitation and Reintegration: Upholding Dignity beyond Detention

The first newsletter (August 2025) addressed rehabilitation and reintegration from a firmly rights based perspective, affirming that the deprivation of liberty does not extinguish fundamental rights. The publication underscored the State's obligation to respect the dignity of persons in detention and to facilitate their social reintegration upon release, in line with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

By highlighting the structural barriers faced by former detainees—stigma, limited access to employment, weakened family ties, and social exclusion—the newsletter reframed rehabilitation

as both a human rights imperative and a matter of social justice. It stressed that reintegration is essential to preventing recidivism and promoting public safety, and that punitive approaches which neglect rehabilitation ultimately undermine both individual rights and collective well being.

The Commission used this publication to promote a shift in public discourse, moving away from narratives centred solely on punishment towards an understanding of rehabilitation as a shared societal responsibility. The newsletter also highlighted the importance of coordinated action among public institutions, civil society organisations, employers, and communities to ensure sustainable reintegration pathways. (See Annex 2)

### Pre Trial Detention and Human Trafficking: Safeguarding Liberty and Protecting the Vulnerable

The second newsletter (October 2025) addressed two critical areas of concern: pre trial detention and human trafficking. Although distinct, both issues raise serious human rights implications relating to liberty, due process, and vulnerability to abuse.

On pre trial detention, the newsletter reaffirmed the presumption of innocence as a cornerstone of the justice system. It examined the human rights impact of prolonged or unnecessary pre trial detention, including overcrowding, family disruption, loss of livelihood and exposure to degrading conditions. The publication emphasised that detention prior to conviction must remain exceptional, proportionate and subject to judicial oversight, in accordance with constitutional and international standards.

By highlighting systemic challenges such as judicial delays and limited use of alternatives to detention, the newsletter contributed to public understanding of how structural inefficiencies can translate into rights violations. It encouraged reflection on reforms aimed at balancing public security with the protection of individual liberties.

The section on human trafficking framed the issue as a grave violation of human dignity and freedom. The newsletter highlighted the exploitation of vulnerable individuals for forced labour, sexual exploitation and other abusive practices, stressing that trafficking can occur within national borders and often remains hidden. It promoted a victim centred, human rights based response, calling for protection, assistance and access to justice for survivors, while cautioning against approaches that criminalise victims or subordinate their rights to immigration control. (See Annex 3)

## Cyberbullying: Protecting Rights in Digital Spaces

The third newsletter (December 2025) focused on cyberbullying as an emerging human rights concern in the digital age. Framed through the rights to dignity, privacy and security of the person, the publication recognised that harm inflicted online can be as serious and enduring as harm occurring offline. Particular emphasis was placed on the impact of cyberbullying on children, adolescents and other vulnerable groups.

The newsletter analysed cyberbullying as a form of abuse that can include harassment, intimidation, humiliation and the non consensual dissemination of personal content. It highlighted the psychological and social consequences for victims, including educational or professional disruption, anxiety, depression and social isolation, in some drastic cases leading to suicide. By situating these harms within a human rights framework, the Commission reinforced the message that digital spaces are not exempt from standards of respect and accountability. In addition to outlining existing legal protections and institutional responsibilities, the publication adopted a preventive approach, promoting digital literacy, responsible online conduct and early intervention. The newsletter encouraged educators, parents, platforms and users themselves to play an active role in fostering safe and inclusive digital environments, consistent with human rights values. (See Annex 4)

## Xenophobia: Promoting Equality and Non Discrimination

The fourth newsletter (February 2026) addressed xenophobia as a direct challenge to the principles of equality and non discrimination. The publication examined how fear, misinformation and socio economic pressures can fuel hostility towards migrants and non nationals, resulting in exclusionary practices and discriminatory attitudes.

Approaching xenophobia as a human rights issue, the Commission reaffirmed that human dignity is universal and not contingent on nationality, origin or legal status. The newsletter analysed both overt and subtle forms of xenophobia, including stereotyping, discriminatory access to services and hostile public discourse. It also highlighted the broader societal consequences of xenophobia, noting its corrosive effect on social cohesion and democratic values.

Through myth busting and contextual analysis, the publication sought to encourage informed and balanced discussion on migration, while promoting empathy, dialogue and respect for diversity. In doing so, it contributed to the prevention of discrimination and the promotion of peaceful coexistence. (See Annex 5)

## Conclusion: Newsletters as Preventive Human Rights Action

Collectively, these four newsletters illustrate the Human Rights Commission's commitment to prevention through education. By translating complex legal norms into accessible and relevant content, the publications served as practical tools for empowering the public, strengthening accountability and fostering a culture of respect for human rights.

As a human rights activity, the newsletter series complemented the Commission's monitoring, advisory and reporting functions, reinforcing the understanding that sustainable human rights protection requires both institutional action and societal engagement. Through these thematic publications, the Commission advanced its mandate to promote dignity, equality and justice, while encouraging collective responsibility for the protection of human rights in Mauritius.

## I. Strategic Media Partnerships

# Strategic Media Partnerships for Human Rights Awareness

As part of its mandate to promote and entrench a culture of human rights, the Human Rights Commission pursued a sustained collaboration with *L'express*, a leading Mauritian newspaper, through a monthly series of full page contributions. This partnership reflects the Commission's recognition of the media as a critical vector for human rights education, capable of reaching broad and diverse audiences beyond institutional or legal circles. By engaging the general public through this publication, the Commission sought to normalise human rights discourse, challenge entrenched prejudices and encourage informed civic reflection on issues of fundamental importance.

The collaboration was conceived as a long term public awareness initiative. Each page addressed a specific human rights theme, carefully framed to be accessible, thought provoking and grounded in both national realities and international human rights standards. The selection of topics like disability, the rights of LGBT persons, electoral reform and genocide, reflects the Commission's commitment to addressing both persistent structural inequalities and broader questions of democracy, memory and collective responsibility.

### Disability: "Different, No Less"

The first published page focused on disability. This contribution challenged deeply rooted societal perceptions that associate disability with incapacity or dependency. Adopting a rights based approach, the articles emphasised that persons with disabilities are rights holders entitled to equality, autonomy and full participation in society, rather than passive recipients of charity or care.

A distinctive feature of this page was the inclusion of a section for children, presented as a dialogue between a mother and her child. Using simple language and familiar situations, the

exchange explained disability as a natural aspect of human diversity and encouraged empathy, respect and understanding from an early age. By addressing children directly, the Commission extended human rights education beyond adult audiences and reinforced the importance of shaping inclusive attitudes early in life.

By invoking the principles of equality and non discrimination, the publication aligned public discussion with the values enshrined in the Convention on the Rights of Persons with Disabilities. Through its accessible language and intergenerational approach, the page promoted respect for difference and challenged readers of all ages to reconsider their assumptions. **(See Annex 6)**

### LGBT Rights: "The Right to Say 'I Do'"

The second page addressed the rights of lesbian, gay, bisexual and transgender persons, focusing on marriage and legal recognition. In a social context where issues relating to sexual orientation and gender identity can generate polarised debate, the Commission adopted a measured, rights based framing centred on equality before the law and human dignity.

Rather than engaging in abstract argument, the page highlighted the concrete consequences of exclusion from legal recognition, including insecurity for couples, lack of protection in times of illness or separation and unequal access to rights linked to family life. It underscored that denying recognition is not a symbolic issue but one with real and lasting human impact.

The article situated the discussion within constitutional principles and international human rights norms, reaffirming that human rights are universal and not subject to majority approval. By clarifying common misconceptions and separating personal belief from legal obligation, the page sought to encourage informed and respectful public dialogue, consistent with democratic values. **(See Annex 7)**

## Electoral Reform: “Rethinking Representation”

The third page focused on electoral reform. Framed as a democratic and human rights issue rather than a partisan debate, the page examined the relationship between electoral systems and the effective enjoyment of political rights, including the right to participate in public affairs and to be meaningfully represented in decision-making processes.

A central feature of this publication was an in-depth interview with Professor Tarun Khaitan, a leading authority in constitutional law, equality and democratic governance. Professor Khaitan is widely recognised for his scholarly work on constitutional design, minority rights and the relationship between democracy and inclusion and had been invited to advise on the electoral reform discussions then under consideration. His participation brought both intellectual depth and international perspective to a debate of significant national importance.

Through the interview format, the page explored key questions surrounding representation, fairness, and legitimacy in electoral systems. Professor Khaitan addressed the purposes of electoral reform beyond technical adjustment, emphasising that representation must be assessed in terms of whose voices are heard, whose interests are reflected and whether institutional arrangements foster trust in democratic processes. He also highlighted the risks of reform processes that are driven solely by political expediency rather than grounded in constitutional principles and long-term democratic health.

The interview enabled complex concepts such as proportionality, inclusiveness and equality of political influence to be presented in a clear and accessible manner for a general readership. By situating the Mauritian debate within broader comparative and constitutional perspectives, the page encouraged readers to view electoral reform as part of a wider conversation about democracy, accountability and social cohesion.

Rather than advocating a specific model, the contribution underscored the importance of transparency, public participation and principled reasoning in any reform process. By facilitating direct engagement with an internationally respected expert, the Commission reinforced its role as a convener of informed public dialogue and affirmed that electoral reform is, at its core, a human rights issue that concerns all citizens. **(See Annex 8)**

## Genocide: “When Euphemisms Kill”

The fourth page addressed genocide. This contribution examined the role of language in enabling mass atrocities, highlighting how euphemisms, denial and minimisation can obscure violence and contribute to dehumanisation.

The page approached genocide from a historical perspective as well as an enduring human rights concern with contemporary relevance. It emphasised the duty to name crimes accurately, to preserve memory and to resist narratives that normalise or justify atrocities. The articles underscored that the erosion of truth is often a precursor to large scale human rights violations.

This contribution also reinforced the importance of vigilance against hate speech, discrimination and indifference, reminding readers that genocide prevention begins long before violence occurs. In doing so, it connected remembrance with responsibility and underscored the preventive dimension of human rights work. **(See Annex 9)**

## Faith, Non-Violence and Human Dignity: Martin Luther King Jr.’s Enduring Relevance

The fifth page of the publication was devoted to the life and legacy of Dr Martin Luther King Jr., examined through the lens of human rights. Framed as a reflection on moral leadership, non-violent resistance and the protection of human dignity, the page explored how King’s ideas continue to inform the contemporary understanding of equality, justice and the rule of law.

The contribution situated King’s activism within its legal and constitutional context, highlighting the tension between formal guarantees of equality and their denial in practice under systems of racial segregation. Particular attention was given to the role of law as both an instrument of oppression and a vehicle for reform, illustrating how sustained, principled resistance can expose unjust laws and compel institutional change.

Drawing on key moments such as the Montgomery Bus Boycott, the Birmingham campaign and the Letter from Birmingham Jail, the page examined the ethical foundations of civil disobedience and the responsibility to challenge laws that undermine human dignity. King's insistence that injustice anywhere threatens justice everywhere was presented as a universal principle, extending beyond its historical context to modern societies grappling with discrimination and exclusion.

By linking faith-based ethics, non-violence and constitutional ideals, the page invited readers to consider how human rights advances are often driven by moral clarity as much as by legal reform. Rather than treating King as a distant figure of the past, the contribution positioned his legacy as a continuing reference point for societies committed to equality, social cohesion and democratic accountability.

Through this reflection, the Commission reaffirmed its role in fostering informed dialogue on human rights values, underscoring that the protection of dignity and equality remains a shared responsibility. (See Annex 10)

## Media Engagement as Preventive Human Rights Action

The monthly collaboration with l'express represents a strategic human rights activity that aimed at extending the Commission's public outreach. By engaging a national newspaper as a partner, the Commission brought complex human rights issues into mainstream public discourse, encouraging reflection, dialogue and awareness across diverse segments of society.

Each page combined accessibility with intellectual rigour, demonstrating that human rights education can be both principled and publicly engaging. As part of the Commission's annual activities, this media partnership illustrates the central role of communication in prevention, the promotion of equality and the strengthening of democratic culture. Through this sustained engagement with the press, the Commission reaffirmed its commitment to making human rights a living, shared concern in Mauritius.

We are because you are

## “When Minds Are Shared, We Grow Stronger.”

The concept consists of hosting every fortnight representatives of NGOs, social activists, community leaders and civil society organisations to talk about societal matters and issues with members of the Commission to broaden the scope of our horizon by encouraging mutual understanding, shared responsibility and collective action through dialogue and creative expression.

### Among the resource persons welcomed

Prof Vijaya Teelock, PILS, Moazzam Begg former Guantanamo detainee, KiNouete NGO in Detainee Welfare, Jean Luc Mootosamy Founder Media Expertise, Vijay Naraidoo, Chairperson Senior Citizen's Council, Lindsey Collen and Alain Ahvee from Lalit and Ledikasion pou Travayer NGO

### The objectives of the Sharing Minds initiative for the NHRC are

1. Raise awareness of human rights, democratic values, and social responsibility
2. Generate inclusive spaces for dialogue among youth and diverse communities.
3. To promote empathy, mutual respect, and peaceful coexistence across cultural, social, and generational lines.
4. To transform shared ideas into community-based actions or policy-oriented recommendations.

The **Sharing Minds** project is designed to create inclusive spaces for dialogue, learning and collective reflection, where diverse voices contribute to shared solutions for community and societal challenges

# Official Missions

## A. Addis Ababa, Ethiopia

### Participation of the NHRC Mauritius in the Regional Peer Learning and Strategy Development Workshop on Climate Justice, Addis Ababa, Ethiopia 1–2 October 2025

On 1–2 October 2025, the National Human Rights Commission (NHRC) of the Republic of Mauritius was represented by its Deputy Chairperson, Ms. Melany Nagen, at the Regional Peer Learning and Strategy Development Workshop on Climate Justice held in Addis Ababa, Ethiopia. The workshop was convened by the Network of African National Human Rights Institutions (NANHRI) in collaboration with the Danish Institute for Human Rights (DIHR)

The meeting brought together Commissioners, Directors and senior technical representatives from more than 20 African National Human Rights Institutions (NHRIs) to strengthen continental coordination on climate justice and to contribute to the development of the Environmental Justice Strategy of NANHRI (2025–2030). The workshop provided a strategic platform for peer learning, institutional reflection and the articulation of a coordinated African response to the human rights dimensions of climate change.

Discussions over the two-day programme reaffirmed that climate change constitutes not only an environmental and developmental challenge but also a profound human rights concern. Participants examined how rising temperatures, droughts, flooding, desertification, sea-level rise and coastal erosion directly affect the enjoyment of fundamental rights, including the rights to life, health, food, water, housing and development. Particular attention was given to the disproportionate impact of climate change on vulnerable and marginalised groups, including women, children, persons with disabilities, indigenous communities and rural populations.

The situation of Small Island Developing States was specifically acknowledged in the regional synthesis, with recognition of the acute vulnerabilities faced by island nations, including sea-level rise, coral bleaching and intensified cyclonic activity. In this context, Mauritius' experience in advancing inclusive national adaptation frameworks, particularly in relation to coastal protection and renewable energy initiatives, was noted as relevant to broader continental discussions.

A central component of the workshop was the promotion of a human rights-based approach to climate action. Participants examined core principles including participation, non-discrimination and equality, accountability and access to remedies, transparency and access

to information, and alignment with international human rights instruments. The discussions underscored the role of NHRIs in monitoring climate-related human rights impacts, advising governments on legislative reform, facilitating meaningful community engagement, and ensuring that mitigation and adaptation measures do not themselves give rise to new rights violations.

The programme also addressed emerging international and regional jurisprudence clarifying States' obligations in relation to climate change. Reference was made to advisory opinions delivered or pending before international and regional courts, including the International Tribunal for the Law of the Sea, the Inter-American Court of Human Rights, the International Court of Justice, and the African Court on Human and Peoples' Rights. These developments were recognised as reinforcing the legal understanding of climate change as fundamentally linked to human rights protection and State accountability.

The second day of the workshop was dedicated to the co-development of the Environmental Justice Strategy of NANHRI. Through a structured and participatory process, participants identified five strategic pillars to guide continental action: climate justice and accountability; biodiversity and ecosystems; environmental governance and responsibility; inclusion and participation; and knowledge, data and evidence.

The strategy aims to strengthen the institutional capacity of African NHRIs, enhance coordination in advocacy efforts, and promote evidence-based policy engagement across the continent.

The workshop concluded with a practical action-planning exercise during which participating institutions developed country-level approaches for integrating a human rights-based framework into environmental and climate responses.

## B. Paris, France

Participation in the second *'Reflexions Transversales des Réseaux institutionnels de la Francophonie (RIF)'* on “the integrity of information and democratic processes” in the digital and artificial intelligence era.

Jean Marie F. Richard, member of the Human Rights Division represented the National Human Rights in the conference on the integrity of information and democratic processes” held in Paris on October 17, 2025, at the headquarters of the International Organization of La Francophonie.

The presentations focused on the major challenges facing our democracies in relation to what can be described as “information disorder.” Representatives of the various institutional networks of La Francophonie present we were able to exchange views on the issues and challenges of information integrity in the era of omnipresent networks.

They were also able to assess the issues at stake and, above all, the constant and repeated attacks. This is particularly true during election campaigns, where credible, critical, and verifiable information needs to be protected, regulated, and structured while respecting the freedom of expression and the equally inalienable right to information, balanced with respect for privacy and personal intimacy.

These discussions built upon those initiated at the previous cross-disciplinary seminar organised by the OIF in 2019 on the theme of the integrity of information and democratic processes in the age of social media.

During the presentations, a certain convergence emerged regarding the disorder of information conveyed by digital services, which contribute to the polarisation of individuals and opinions, marginalising the culture of debate. This, ultimately, has negative, if not toxic, repercussions on social cohesion and hinders the calm and informed exchanges necessary in a democracy. The rise of generative artificial intelligence tools is one concrete illustration of this.

These are technological innovations that have become widely accessible. When misused, they are difficult to detect and can further facilitate the dissemination, toxic impact, and disruption of information within communities and societies.

These threats to the integrity of information raise a number of issues, including:

- The application and respect of human rights and freedom of expression in the digital age and the era of artificial intelligence
- Raising public awareness and strengthening media literacy
- Preventing information manipulation and foreign interference, particularly during electoral processes, as recently observed in Romania and Moldova.

The workshops were divided into several themes around artificial intelligence and human rights and the integrity of information and democratic processes in the digital age.

## C. Rabat, Marocco

### The 2025 Rabat Congress: Artificial Intelligence, Human Rights and Institutional Governance

#### Mauritius elected as Vice - President for the *Association Francophone des Commissions Nationales des Droits de l'Homme*

Throughout 2025, the Human Rights Commission undertook a series of activities that significantly strengthened its institutional role, national and international visibility and capacity to contribute meaningfully to the promotion and protection of human rights. Participation in the Rabat congress is one those initiatives. The National Human Rights Commission of Mauritius was represented by Mrs Touria Prayag.

The 2025 Congress of the *Association Francophone des Commissions Nationales des Droits de l'Homme* (AFCNDH) held in Rabat focused on the impact of artificial intelligence on the promotion and protection of human rights, with particular emphasis on the role of National Human Rights Institutions (NHRIs). The Congress was structured around a thematic day dedicated to substantive discussions on artificial intelligence and human rights, followed by a statutory day devoted to institutional governance.

The thematic discussions examined both the opportunities and risks associated with AI systems. While artificial intelligence offers significant potential benefits in sectors such as education, health, agriculture and public services, it also presents serious risks, including algorithmic discrimination, mass surveillance, disinformation, violations of privacy, erosion of individual autonomy and environmental impacts related to data centres. Particular concern was expressed regarding the disproportionate impact of these risks on vulnerable groups, including women, migrants, asylum seekers, children and persons with disabilities.

Participants highlighted the inherently ambivalent nature of AI, which can serve both as a tool for empowerment and as an instrument of oppression, capable of promoting rights while simultaneously undermining fundamental freedoms. In this context, the Congress reaffirmed the importance of grounding AI governance in a robust human rights-based approach, guided by principles such as legality, proportionality, transparency, explainability, accountability, oversight, non-discrimination, protection of privacy and personal data, and access to effective remedies.

The discussions recalled the relevance of existing international and regional legal and policy frameworks on AI and human rights and stressed the need for stronger regional and international cooperation. Particular emphasis was placed on the role of NHRIs in monitoring AI-related practices, advising public authorities, engaging with civil society and private actors, and strengthening public awareness. Examples of concrete institutional engagement included the integration of AI and digital issues into strategic planning, the creation of dedicated internal structures, continuous monitoring of the digital space, especially during elections, protests and crisis situations, the digitalisation of NHRI services and the development of education and awareness-raising initiatives.

At the same time, participants identified several challenges faced by NHRIs, including limited technical expertise, unequal access to digital infrastructure, and persistent tensions between State security imperatives and the protection of human rights. The urgency for States to establish clear legal frameworks regulating AI systems and defining responsibilities related to their use was strongly underlined. The Congress also stressed the importance of partnerships between NHRIs and personal data protection authorities.

The statutory day of the Congress was devoted to the General Assembly, the amendment and adoption of revised statutes, and the renewal of the governing bodies of the Association. As a result of the elections, the National Commission for Human Rights of Rwanda was elected to assume the Presidency of the AFCNDH for a three-year term (2026–2028). Mauritius was elected for the Vice Presidency and so was the National Commission for Human Rights of Mauritania.

In line with the statutes, the Board of Directors of the AFCNDH may comprise up to nine members, including the President, two Vice-Presidents, the Secretary-General and up to five additional members. Five candidatures were received for membership of the Board and were therefore automatically approved by the members present at the General Assembly. The members of the Board of Directors, listed in alphabetical order, are:

- the Beninese Human Rights Commission (Benin);
- the Office of the Citizen Protector (Haiti);
- the National Human Rights Commission (Mali);
- the National Human Rights Council (Morocco);
- the National Human Rights Commission (Togo).

Overall, the 2025 Rabat Congress marked a significant milestone in strengthening a shared, human rights-based approach to artificial intelligence, while also ensuring institutional continuity and renewed leadership to carry forward the Association's mandate in an evolving technological context.

## D. Yaounde, Cameroon

### NHRC Mauritius at the NANHRI AGM and Biennial Conference 2026

From 4 to 6 February 2026, the National Human Rights Commission (NHRC) of the Republic of Mauritius participated in the Annual General Meeting (AGM) and the 15th Biennial Conference of the Network of African National Human Rights Institutions (NANHRI), held in Yaoundé, Republic of Cameroon. Mauritius was represented by the Deputy Chairperson of the NHRC, Ms Melany Nagen.

The Conference, convened under the theme *“Leveraging African Human Rights Instruments and Jurisprudence for Strengthened Human Rights Promotion, Protection, and Implementation: The Strategic Role of African National Human Rights Institutions,”* brought together African NHRIs, African Union human rights bodies, international organisations, government representatives, civil society actors, and academic experts. The gathering served as a powerful reminder that human rights protection in Africa is a shared responsibility which requires courage, independence, and collaboration.

Beyond its formal mandate, the Conference served as a strategic continental platform for reflection, peer learning, institutional cooperation, and the adoption of forward-looking action frameworks.

Discussions addressed some pressing human rights challenges like the protection of women under the Maputo Protocol, the rights of children, the dignity of persons with disabilities and older persons, the realities of migration and displacement, and the growing need to integrate human rights into development and climate policy. The adoption of the Yaoundé Declaration and Action Plan reaffirmed the independence of National Human Rights Institutions and called for stronger cooperation, institutional resilience, and effective implementation of African human rights standards.

During the elections of NANHRI representatives to the Working Groups of the Global Alliance of National Human Rights Institutions (GANHRI), Mauritius secured election to three strategic Working Groups:

- GANHRI Working Group on Aging
- GANHRI Working Group on Migration
- GANHRI Working Group on Sustainable Development Goals (SDGs)

## Chapter 3

### National Preventive Mechanism Division

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**“NO ONE IS FREE WHEN OTHERS  
ARE OPPRESSED.”**

**Nelson Mandela**

# I. Introduction

The National Preventive Mechanism Division (NPMD) forms part of the National Human Rights Commission (NHRC) and carries out Mauritius' obligations under the Optional Protocol to the Convention against Torture (OPCAT). Its mandate is preventive. It exists to enter places of deprivation of liberty, to observe conditions first-hand, to speak to detainees and staff in confidence and to make recommendations aimed at preventing ill-treatment.

The NPMD's role is to ensure that where the State exercises the exceptional power of detention, that power remains bounded by law and by dignity.

General monitoring visits are the backbone of this work. They are frequently unannounced and involve inspection of facilities and procedures, as well as confidential interviews with detainees and officers. The objective is not only to document isolated shortcomings, but also to identify structural patterns: prolonged remand, overcrowding, gaps in mental health care, weaknesses in complaint mechanisms and deficiencies in infrastructure. Recommendations are then addressed to the competent authorities with a view to strengthening safeguards and preventing future harm.

In parallel, the NPMD receives and examines complaints from detainees and their families. These may concern access to medical care, calculation of release dates, disciplinary measures, prolonged detention, or allegations of ill-treatment. Each complaint is assessed independently. Where necessary, follow-up visits are conducted, documentation is requested, and the matter is pursued with the relevant administration. In appropriate cases, findings are transmitted to the Human Rights Division, vested with summoning powers, ensuring that preventive monitoring can give way to formal investigation where required.

Oversight, exercised consistently and independently, remains one of the strongest safeguards against abuse. Through its monitoring and complaint-handling functions, the NPMD seeks to ensure that detention in Mauritius remains subject to scrutiny, transparency and the rule of law.

# II. General visits/ inspection

## A. Prison visits

In 2025, the NPMD conducted unannounced general monitoring visits complemented by several follow-up interventions arising from complaints and representations received from or on behalf of detainees, including foreign nationals.

### i. Phoenix Prison – La Bastille

La Bastille is a high-security prison with a small capacity and a particularly restrictive regime. It is generally intended for detainees requiring strict segregation for security reasons or as a disciplinary measure. While parts of the physical infrastructure were found to be adequately maintained, the NPMD's concerns relate primarily to the nature, duration and purpose of detention at this prison. However, the NPMD also made recommendations regarding cleanliness, humidity, water leakage and bird infestation in certain areas of the prison.

Indeed, detainees spend most of their time in their cells or in small association yards (sometimes alone or with one additional person), with very limited opportunities for meaningful human interaction. There are no structured programmes for education, vocational training or rehabilitation, and recreational activities are limited to watching TV or reading. The absence of rehabilitation and educational opportunities is particularly problematic where detention is prolonged. Detention under such conditions, risks becoming purely punitive and undermines the broader objectives of rehabilitation and reintegration.

Due to the prison's location and design, detainees may spend extended periods without exposure to direct sunlight, even when released into the association yards. The NPMD considers that such conditions, particularly when combined with isolation and inactivity, may have adverse effects on detainees' physical and mental well-being.

A major concern identified during the visits was the length of time some detainees are held at La Bastille. Instances where detainees remained at the facility for extended periods, even years without clearly articulated reasons or evidence of regular review were noted. The Mandela Rules clearly stipulate that solitary confinement or highly restrictive detention should be used only in exceptional circumstances, for the shortest time possible, and subject to regular review (Rules 43, 44 and 45). The NPMD therefore considers that prolonged placement in a high-security and restrictive regime such as La Bastille warrants careful justification and ongoing assessment to ensure that it remains necessary and proportionate.

Healthcare provision at the prison remains limited, with no permanent on-site nursing presence. While detainees did not consistently raise complaints during the visits, the NPMD remains concerned about access to timely medical and mental health care in a high-security environment, especially given the risks associated with isolation and long-term detention.

The NPMD recommended that detention at La Bastille be strictly limited to cases where it is clearly justified, subject to a regular and documented review, and that detainees who no longer meet the criteria for high-security detention be transferred without delay. The Division further recommended that basic educational or rehabilitative activities be introduced for detainees held for long periods, and that particular attention be paid to mental health safeguards.

The NPMD reiterates that while La Bastille may serve a legitimate and necessary function within the prison system, its use however, must remain exceptional and closely monitored to ensure compliance with fundamental human rights standards.

#### ii. Eastern High Security Prison, Melrose

The facility is currently experiencing significant structural decay. Persistent water leaks were identified in critical areas, including the main kitchen, bakery, medical unit, and several housing dormitories. These leaks pose severe electrical hazards and hygiene risks, particularly in food preparation zones. Furthermore, sanitation standards have declined; the team noted bedbug infestations in the medical unit and a lack of functioning toilet facilities in high-occupancy yards. In the geriatric ward, the failure of the solar water heating system for over two years has forced elderly residents to bathe with cold water, which may be detrimental to their health.

A critical staffing shortage is the primary driver of institutional instability. Currently, the facility operates with a significantly depleted number of officers. This chronic understaffing creates a severe security issue for officers and detainees alike. This has led to compromised security, with officers reporting they feel overpowered in overcrowded dormitories and workshops. Because of this shortage, officers cannot supervise the detainees properly as they are frequently overwhelmed by the sheer number of inmates; this lack of control creates an increasingly hostile and volatile environment. These conditions have resulted in unauthorised movements between units and the reported manufacturing of weapons in vocational areas. Furthermore, the absence of night-time supervision in the geriatric unit creates a high-risk environment for medical emergencies.

While the prison school and various NGOs provide essential literacy and life-skills programmes, the vocational framework requires modernisation. Currently, many workshops provide “certificates of attendance” rather than formal accredited qualifications, limiting future employability. Overcrowding in workshops hinders effective instruction and workflow.

#### iii. Grand River North-West Prison (GRNW)

The monitoring exercise covered key operational areas of the prison, namely the kitchen, residential blocks and the SPU. While certain acceptable practices were observed, the visits revealed structural, hygienic and procedural shortcomings requiring urgent corrective action. The kitchen facilities were found to be in a generally satisfactory state of cleanliness, and the meals provided to detainees were adequate. Both vegetarian and non-vegetarian options were available on the day of inspection. However, gaps were identified in compliance with basic hygiene and safety standards. Detainees working in the kitchen were not consistently equipped with hairnets, aprons, or protective footwear, increasing the risk of food contamination and workplace injuries. Additionally, some cooking equipment appeared worn and in need of servicing. The absence of a trained catering professional to oversee food preparation and menu planning was also noted. The NPMD recommended mandatory use of protective clothing, regular maintenance of kitchen equipment, hygiene training for kitchen workers, and the consideration of professional oversight.

In Blocks C and D, the team observed deficiencies affecting detainees’ safety and well-being. Several cells lacked functional lighting, leaving detainees in darkness and creating an unsafe living environment. Inconsistencies were also noted in the completion of cell cards, with missing or incomplete information. Of serious concern was the public display of sensitive offence details on some cell cards, which may expose detainees to intimidation, harassment, or violence. The NPMD recommended immediate replacement of non-functional lighting, standardisation of cell card records, and the removal of sensitive information from public view to protect detainee privacy and security.

Yard Block D presented multiple concerns related to sanitation, water access, and detainee welfare. Detainees reported frequent interruptions to the water supply, resulting in restricted access to water for personal hygiene. Several toilets and shower units were out of order, and a damaged discharge pipe was observed near the bathroom area. Reports of bedbug infestation and inadequate provision of soap further underscored the poor hygienic conditions. Moreover, detainees expressed frustration over the lack of structured activities, spending extended periods without meaningful engagement. The NPMD recommended urgent repair of sanitary infrastructure, uninterrupted access to clean water as required under Mandela Rule 18, pest control measures, adequate hygiene supplies, and the introduction of rehabilitative and educational programmes.

The SPU was found to be in a deteriorated state, with water leakages, mould, wet floors, and poor ventilation, rendering some cells unusable. Detainees also reported delays of several days before appearing before the disciplinary board, raising concerns regarding due process and fairness. Additionally, structural features within the unit posed potential suicide risks. The NPMD recommended urgent repairs, improved ventilation, regular cleaning and maintenance, timely disciplinary hearings, and the installation of protective measures to mitigate self-harm risks.

In conclusion, while certain basic services at GRNW Remand Prison were functioning adequately, the monitoring visits identified persistent shortcomings that undermine detainee dignity, safety, and rights. The NPMD strongly urged the timely implementation of the above recommendations to ensure compliance with international standards and to improve overall conditions of detention.

#### iv. Petit Verger Prison

The assessment of Petit Verger Prison reveals an institution at a critical crossroads between modernisation and significant infrastructural decline. The facility is undergoing essential transitions, including the scheduled inauguration of a specialised detoxification and rehabilitation centre. While these high-level projects indicate a forward-looking approach to inmate welfare, the day-to-day living conditions—particularly regarding sanitation and basic maintenance—require urgent administrative intervention to remain compliant with international standards of detention.

The facility manages a complex health landscape, with a significant portion of the population requiring specialized care (daily methadone substitution programme, treatment for HIV and Hepatitis C). The medical staff ensures the daily distribution of medication. The upcoming detoxification centre is a much-needed addition to address the root causes of substance dependency.

In terms of vocational training, the bakery and pastry sections remain exemplary models of productivity, supplying essential provisions to other prisons. However, this high standard of organisation is not yet reflected in the kitchen area. While the facility is managed with reasonable cleanliness, the detainees working in food preparation operate without basic protective equipment such as gloves, aprons, or hairnets. To safeguard food hygiene and the health of the prison population, it is recommended that the administration immediately provide all kitchen workers with professional gear and implement structured, regular hygiene training sessions.

A detailed inspection of the residential yards highlights a concerning degradation of basic infrastructure such as worn and damaged chairs in the call room, which detracts from the dignity of these interactions. Furthermore, sanitation is severely compromised as 40% of the toilets are non-functional, and the laundry area is entirely devoid of taps, forcing residents to fetch water in buckets. It is recommended that the administration prioritize the repair of these sanitary facilities and ensure the Call Room is refurbished to provide a safe and dignified environment for communication.

Similar maintenance lapses were observed in other residential yards where broken drainage pipes and a malfunctioning ball cock valve in the overhead water tank have resulted in continuous overflows, leading to the accumulation of stagnant, dirty water in the courtyard. This presents a clear health hazard. Other yards operating with only two showers and two toilets for 38 detainees. Immediate repairs to the plumbing systems in these yards are essential to prevent the spread of disease and to restore basic hygienic living conditions.

A pervasive issue across the facility is the lack of structured recreational and intellectual engagement. Although televisions are available in the residential yards and the Recreational Hall, they are frequently reported as non-operational or inaccessible to the residents. The current reliance on a single carrom board as the sole source of entertainment is insufficient for maintaining the mental well-being of the population.

The NPMD recommends the introduction of a broader range of resources, such as books and creative activities as well as the introduction of life skills workshops focused on personal responsibility and the respectful use of shared communal property. Such initiatives would not only reduce idleness and frustration but also support the long-term goal of social reintegration.

#### v. Richelieu Open Prison

The Richelieu Open Prison is a facility aimed at rehabilitation and reinsertion; it is the “last stop” before their release. The facility is committed to rehabilitation through vocational training and self-sustainability. Sprawling over 44.25-arpent, the facility is dedicated to diverse agricultural and industrial activities such as poultry farming, aquaculture, apiculture or tailoring. The facility operates on a rehabilitative model where detainees undergo a selection process to enter an “open” environment designed to equip them with practical skills.

Rehabilitation efforts are significantly bolstered by partnerships with external organisations and specialised training programmes. The NGO “Kinouete” has implemented a successful programme, training detainees in fine herb cultivation, notably providing essential materials like seeds and soil upon release to ensure a sustainable transition back into society.

Furthermore, the facility has achieved remarkable success in self-sustainability, particularly within its poultry unit, which produced approximately 62,000 eggs in October 2025 alone, effectively supplying the entire prison department of Mauritius. The aquaculture section also remains highly productive, yielding roughly 220 kilogrammes of fish weekly from 10 functional ponds. These programmes not only provide vocational instruction but also significantly reduce the operational costs of the Prison Department through the internal production of vegetables, honey, and metalwork.

Despite these successes, there are critical staffing shortages that pose a risk to both security and the continuity of rehabilitation programmes. There is an urgent need to recruit at least eight additional officers to ensure the smooth management of the facility. Currently, high-output areas such as the poultry and aquaculture units are supervised by only one officer each, managing groups of 12 to 16 detainees; this lack of oversight was directly linked to a recent escape from the fishing area. Furthermore, the hydroponic unit has remained non-operational since August 2025 due to the absence of a designated officer in charge. It is strongly recommended that the administration assigns additional personnel to these specific units to restore production and ensure adequate supervision and safety.

Infrastructure and hygiene improvements are also essential to maintaining a humane and reformative environment. While the four dormitories were found to be tidy, the installation of wall-mounted fans is recommended to improve ventilation. In the vocational areas, particularly the poultry unit, the toilet and bathroom facilities are in urgent need of renovation, and the supply of washing and hygiene soap must be increased to reflect the nature of the manual labour performed. Regarding facility maintenance, the kitchen requires a new refrigerator and a regular six-month service schedule for the gas stoves. Finally, addressing environmental and safety concerns such as replacing corroded iron sheets in the library, managing the accumulation of fish by-products, and reducing the number of stray dogs in the yard will further ensure that Richelieu remains a safe and effective environment for reintegration.

With the upcoming proposed projects such as the expansion of the egg production, the construction of additional fishponds and the breeding of ducks and goats, Richelieu Open Prison stands out as a model for the reinsertion and rehabilitation of detainees.

#### vi. Beau Bassin, Central Prison

The central Prison Beau-Bassin, characterised by its Victorian architecture of stone masonry also suffers from serious operational setbacks due to the lack of a proper water distribution and toilet disposal system. Detainees do not have access to running water after lock-up and use chamber pots until the next morning when they are emptied resulting in sub-human standards regarding sanitation and hygiene. The monitoring exercise conducted during the

year highlights a detention facility operating under sustained structural and systemic pressure. While the prison continues to function within its mandate of custody and security, the overall conditions reflect an institution stretched close to its limits, with significant implications for dignity, rehabilitation, and human rights compliance.

From a general perspective, the physical infrastructure remains one of the most pressing challenges. Much of the prison estate is old and requires continuous maintenance that has not kept pace with daily operational demands. As a result, living conditions across several housing blocks are marked by recurring issues related to sanitation (the use of chamber pots), ventilation, lighting, and heat management. Although basic cleanliness is often maintained through the efforts of detainees and staff, albeit with limited equipment and cleaning supplies, structural shortcomings undermine these efforts and contribute to discomfort, frustration, and health risks. Overcrowding in certain sections further compounds these difficulties, placing strain on both detainees and prison personnel.

Two areas carrying the greatest number of complaints and necessitating urgent repairs are the kitchen and the hospital. During the visit it was only the hospital which was under renovation although the pressing needs for both rallying points was unanimously recognised by all the parties concerned. Officers have averred feelings of insecurity due to lack of CCTV in some areas. With regards to the kitchen, detainees were not furnished with proper protective equipment and general cleanliness was lacking. Access to adequate sanitation, safe water, hygiene items, and pest-free environments is uneven across the facility.

A dominant feature observed throughout the prison is the lack of structured daily activity. In particular, remand detainees, segregated detainees, and foreign nationals face heightened risks of isolation, boredom, and psychological distress due to limited facilities and reduced access to support networks. Outside a small number of work postings or essential duties (kitchen, workshops, etc), most detainees spend long hours idle. This absence of purposeful occupation has a visible impact on morale and mental well-being, reinforcing feelings of stagnation and hopelessness. The monotony of daily life remains one of the most significant barriers to meaningful rehabilitation and successful reintegration. Many of the workshops visited (carpentry, garments etc) offer no formal certification, employ very small numbers of detainees and have scaled down their activities due to a shortage of staff. Rehabilitation opportunities, where available, demonstrate clear potential but remain limited in scope and reach. Workshops and vocational activities continue to exist, yet they involve only a small fraction of the prison population. Constraints related to staffing, infrastructure, selection criteria, and programme continuity have reduced their overall impact. In many cases, training lacks formal certification, diminishing its value beyond detention. This represents a missed opportunity, as skill development remains one of the most effective tools for reducing reoffending and promoting social reintegration.

Staff members operate under considerable pressure, balancing security responsibilities with expectations related to care and rehabilitation. Short staffing levels affect supervision, safety, and the ability to respond constructively to behavioural or welfare concerns. This environment leaves little space for proactive engagement or rehabilitative interaction, reinforcing a custodial model focused primarily on containment.

In conclusion, the general condition of the prison reflects structural fatigue rather than institutional indifference. The year under review underscores the urgent need for renewed investment in infrastructure, expanded rehabilitation programmes, and a stronger human-rights-centred approach to detention. Addressing these systemic issues is essential not only to safeguard dignity and well-being within the prison but also to ensure that detention fulfils its rehabilitative purpose in the broader interest of society.

#### **vii. New Wing Prison**

New Wing Prison is mainly a transfer prison – meaning that detainees pass through it for their initiation before being assigned to their respective prisons. Several major issues relating to both welfare of detainees as well as physical infrastructure of the prison have been noted.

It was observed that the detainees spend most of their time in relatively small yards where, apart from watching TV, there is no other meaningful way to spend their time, which can prompt them to be engaged in wrong doings. Currently, rehabilitation is limited largely to weekly religious sessions, and only a restricted number of detainees are permitted to work in the kitchen, bakery, tailoring workshop, or gardens. While detainees in the bakery receive practical training, they reported a lack of formal certification upon discharge, which significantly hinders their ability to secure employment and successfully reintegrate into society. This lack of engagement contributes to a high risk of indiscipline and potential violence within the association yards.

Infrastructure and hygiene at the facility have reached a critical state that undermines the rehabilitative environment. The inspection team observed a pervasive foul smell emanating from leaking sewage and piping systems, which has led to rat infestations. Many Asian-style toilets and showers are non-functional, and in some blocks, detainees have been relieving themselves in bedding and throwing it overboard because the cells lack working sanitation. Furthermore, living conditions are compromised by open grilled windows that offer no protection from wind or rain, leading detainees to use mattress sponges as makeshift windowpanes. Safety is also a major concern, as detainees have intentionally damaged electric bulbs to use the wiring as lighters, creating severe fire hazards. Additionally, health care providers were criticized by detainees who claimed that paracetamol is often the only medication prescribed for a wide range of medical issues.

To address these challenges, the NPMD has recommended a comprehensive overhaul of the facility's infrastructure and reform programmes. Central to these recommendations is the need to complement in-house vocational training with official Mauritius Institute of Training and Development (MITD) certification to provide detainees with recognised qualifications for post-release employment. Ultimately, more emphasis must be placed on rehabilitation programmes geared toward trade training to help detainees earn a decent living and reduce the risk of recidivism. The administration must also prioritise the complete review of the sanitation and drainage systems to establish a humane and hygienic environment. Immediate repairs are required for the electrical systems, and louvers should be installed on windward windows to prevent exposure to the elements. Furthermore, increasing the number of prison officers is essential to enhance service delivery and ensure the safety of both staff and detainees. Ultimately, more emphasis must be placed on rehabilitation programmes geared toward trade training to help detainees earn a decent living and reduce the risk of recidivism.

#### **viii. Women's Prison**

The visit covered the accommodation units, medical facilities, mother and child unit, as well as access to rights and services.

At the time of the visit, the prison population had significantly exceeded its official capacity by 41 detainees; this number has kept on increasing since. Overcrowding was a central feature shaping the conditions of detention: dormitories housing more detainees than intended (with additional bunk beds installed to cope with numbers), ventilation, circulation and space for detainees. In the SPU, which are designed for single occupancy, detainees were found to be sharing cells, sometimes with makeshift sleeping arrangements. It was also observed that in individual cells (which due to overcrowding may accommodate up to 3 detainees) there is no direct access to toilets or running water, requiring detainees to rely on chamber pots. This practice raises concerns under international standards, and the NPMD considers that such arrangements are difficult to reconcile with contemporary standards of dignity and hygiene in 2025.

The NPMD observed that access to outdoor activities and physical exercise was limited. Although recreational facilities exist, detainees reported a lack of equipment and organised activities, particularly those requiring physical movement. Remand detainees expressed concern at the absence of meaningful opportunities for outdoor sport or exercise. The NPMD considers that sustained inactivity, especially in an overcrowded environment, has implications for both physical and mental well-being.

Health care provision at the Women's Prison was found to be comparatively robust. A nursing officer is present around the clock, with regular visits by general practitioners and specialists, including gynaecological services.

Several issues were raised regarding access to rights and communication. Detainees reported difficulties in maintaining family contact due to limited availability of telephone and video-call facilities, compounded by staff shortages affecting access when designated officers were absent. The MPS has assured the NPMD that proper requests to the trade section had been made to ensure communication between detainees and their families would not be affected.

A recurring issue raised by both detainees and staff related to food provision. While meals were prepared in accordance with prescribed quantities, it was reported that calculation methods resulted in reduced actual portions, and that food wastage, particularly of vegetables, was common. Prison officers also highlighted disparities in access to rehabilitation programmes, notably the absence of drug rehabilitation pathways for women detainees comparable to those available in male institutions.

Finally, the NPMD's follow-up correspondence drew attention to the situation of foreign women detainees, including delays linked to the absence of interpreters and the slow processing of transfer applications. These issues raise broader concerns relating to equality of treatment, access to justice and the timely progression of cases.

The NPMD recommended that priority be given to addressing overcrowding, improving access to physical activity and communication with families, ensuring equitable access to rehabilitation programmes, and enhancing safeguards for foreign detainees. While many aspects of daily management were found to be satisfactory, these structural issues require coordinated policy attention to ensure conditions of detention remain compatible with human rights standards.

#### ix. Open Prison for Women

The assessment of the Open Prison for Women reveals a facility that successfully balances high-yield vocational productivity with a humane approach to detention. As a vital bridge for social reintegration, the "Open Prison" model emphasises self-discipline and the acquisition of practical skills. Recent observations indicate that the facility maintains a high standard of cleanliness and ventilation across its four main dormitories. The institution operates under a rehabilitative framework whereby detainees undergo a rigorous selection process to transition into an "open" environment. This model is specifically designed to facilitate the acquisition of practical vocational skills, with a primary focus on tailoring and advanced agricultural techniques. To incentivise productivity and the development of technical proficiency, a remuneration scheme is in place.

Vocational training remains the facility's greatest strength, particularly within the tailoring workshop and the agricultural sectors. The tailoring workshop is a hub of internal self-sufficiency, where detainees produce all essential bed sheets, pillows, and uniforms. This spirit of productivity extends to the outdoors, where a sophisticated agricultural programme, supported by the NGO FORENA, manages a plant nursery. A highly efficient greenhouse, producing approximately 300–350 kg of tomatoes every two weeks for distribution across the island's correctional institutions, provides individuals with significant expertise in large-scale logistics and sustainable farming.

Despite these successes, several infrastructural issues pose health and safety risks. In the kitchen, the failure of the extractor, ceiling, and exhaust fans has created a hazardous environment by significantly increasing ambient temperatures and allowing cooking fumes to linger. Similar maintenance lapses were observed in the dormitories, where three washing basins and taps remain non-functional. Furthermore, while the food storage in the single storeroom is currently hygienic, the lack of a cooling system presents a long-term risk to the preservation of meat and vegetables, especially during the harsh summer months.

The report further highlights concern regarding the daily movement and fundamental rights of those in detention. While the interactions between the administration and the detainees are characterised as generally positive, the physical environment and the current daily schedule present significant challenges to the well-being of the residents. The association yard, an open-air space, offers no protection from inclement weather, such as cold winds or rain during the winter season. This issue is exacerbated by security protocols that require the lobby and dormitories to remain closed for most of the day, leaving individuals exposed to the elements without adequate shelter. Regarding these observations, the MPS has indicated a commitment to implementing the necessary improvements.

Furthermore, a review of the daily regime reveals a lack of structured physical engagement, as detainees are currently limited to vocational work or television viewing. There is a clear need to diversify the daily routine by incorporating new recreational and sporting activities. Such enhancements would not only alleviate the monotony of the current schedule but also contribute significantly to the physical and mental health of the population. Finally, many individuals expressed uncertainty concerning the status of their petitions to the Commission on the Prerogative of Mercy and regarding the transfer of foreign detainees back to their home country, suggesting a need for better information flow.

Immediate priority should be given to the repair of the kitchen ventilation system and dormitory sanitation fixtures to restore a safe working and living environment. Architecturally, the association yard should be partially sheltered to provide a “hybrid” space that protects against winter weather while allowing for airflow during the summer. Procedurally, the administration should review the daytime closure of the lobby and extend the hours of the prayer rooms to better respect religious freedom. By addressing these infrastructural and procedural points, the Open Prison for Women can reinforce its position as a leading model for restorative justice and dignified reintegration in Mauritius.

#### x. Correction Youth Centre (Boys and Girls)

During the year 2025, there was only one detainee at CYC Girls and the latter closed on 8 April 2025 due to lack of inmates. It has since been re-opened in February 2026. The following account is exclusively therefore in relation to CYC Boys. The primary objective of the institution remains the successful reintegration of minors through structured education and vocational activity. It was observed that the facility operates with a high degree of transparency and maintains a constructive atmosphere. While the basic needs of the detainees—including nutrition, which is provided daily by the Open Prison for Women—are met to a satisfactory standard, several critical areas regarding infrastructure and specialised care require strategic intervention.

The educational programme at the CYC is centred on primary schooling, facilitated by a dedicated teacher during scheduled morning and afternoon sessions. Recent evaluations confirmed that the student population is consistently engaged in academic assessments, though the curriculum remains focused on primary subjects to align with the current literacy levels of the cohort. Complementing this academic foundation is a practical rehabilitation programme that involves detainees in agriculture, gardening, and facility maintenance. These tasks are incentivized through an earnings scheme, teaching financial responsibility and vocational discipline. Furthermore, the facility supports physical well-being through structured outdoor sports, including football and volleyball, which serve as vital outlets for the youth.

The physical environment of the CYC currently consists of three dormitories, with two in active use to accommodate the present population. While the living quarters and recreational hall are equipped with functional ablution facilities, television sets, and various indoor games, there is a clear necessity for structural and aesthetic maintenance. A primary concern is a leaking roof that requires urgent repair to prevent further deterioration of the building. The library facility, while available, currently houses a collection of outdated and damaged materials. To enhance the intellectual development of the detainees, it is imperative to modernize this resource through renewed partnerships with non-governmental organizations and welfare stakeholders.

A comprehensive review of the detainee profiles indicates that the population is primarily composed of individuals charged with drug-related offenses. Despite this, there is a significant lack of specialized psychological support tailored to substance abuse and addiction recovery. While general psychological visits occur on a roster basis, the absence of a dedicated drug rehabilitation program represents a major gap in the institution's mission. Furthermore, although the interaction between the custodial staff and detainees is positive and professional, there is a requirement for specialised training. Current staff training is general in nature; therefore, the implementation of specific modules regarding the handling of children and adolescent psychology is essential to ensure that officers are equipped to meet the unique developmental needs of the minors under their supervision.

Priority must be given to the repair of the leaking roof and the general refurbishment of the dormitories, including repainting and deep cleaning. It is further recommended that the institution formalises a specialised drug rehabilitation and psychological support framework to address the specific needs of the current population. Finally, the introduction of targeted training for officers on child-centred custodial practices and the modernisation of both the library and recreational resources will significantly improve the rehabilitative outcomes for the youth at the CYC.

## B. Police cells visits

### i. Northern Division

Overall, the findings indicate that the police stations are operating with a high degree of administrative compliance. Registers are meticulously updated with dates, times, and reasons for detention, ensuring that the duration of custody remains within legal limits. Furthermore, the provision of bedding including mattresses and blankets met the required standards across all locations, even when cells were unoccupied, reflecting a state of constant readiness.

A primary focus of this year's assessment was the physical environment of the cells. Generally, the cleanliness of the holding areas was found to be satisfactory, with significant improvements noted at the Terre Rouge and Poudre d'Or stations. Previous structural concerns regarding water leakage and seepage have been successfully addressed. However to maintain a moderately satisfactory standard, consistent maintenance checks are advised to prevent any deterioration of the current facilities conditions.

While lighting and basic access to water are adequate across the board, ventilation remains an area requiring strategic improvement. At the Poudre d'Or station and Trou aux Biches, the cells suffer from limited aeration or broken extractor, which poses a significant risk of extreme heat and discomfort for detainees during the summer months.

The security protocols observed during the inspections were highly effective, with fully operational CCTV surveillance systems present at all stations. A particularly commendable advancement was noted at the Pointe aux Canoniers Police Station. Following a previous NPMD recommendation, the station has successfully separated the CCTV coverage for its female cell, which is now monitored exclusively by a female officer. This implementation of gender-sensitive monitoring is a significant milestone in safeguarding the privacy and rights of women in custody. Across all facilities, there were no reports of physical or verbal abuse, and detainees' access to legal representation and medical care remains available as per standard operating procedures.

### ii. Southern Division

Overall, conditions across most facilities were found to be generally satisfactory, with acceptable standards of cleanliness, hygiene, access to drinking water, sanitation, and sleeping arrangements. The majority of cells were vacant at the time of the visit, and no complaints were recorded regarding the treatment of detainees or access to health and medical care.

However, several issues requiring corrective action were identified. Of particular concern is the persistence of a ligature point in a cell at Rose-Belle Police Station, which presents a clear and avoidable risk to detainee safety. The continued presence of this hazard suggests that earlier recommendations have not been fully implemented and warrants urgent attention. In addition, both Grand-Bois and Rivière des Anguilles Police Stations require repainting, especially of ceilings, to maintain hygienic conditions and prevent further deterioration of infrastructure.

At Chemin Grenier Police Station, a heavily leaking tap was observed in a common toilet area, indicating the need for timely maintenance to prevent water wastage and sanitation issues. While remedial action was reportedly initiated, such issues highlight the importance of routine inspections and prompt repairs.

The situation at Camp Diable raises a more systemic concern. Despite being described as non-operational and lacking basic amenities such as adequate ventilation and acceptable bedding, the cell was used to detain an individual for several days. This practice is not in line with acceptable detention standards and requires immediate clarification at policy level.

### iii. Central Division

Generally, the cells visited were well maintained. However, officers on duty highlighted operational challenges, specifically the insufficient supply of cleaning products and the inadequacy of the meal allowance for detainees in light of rising food prices. These constraints may impact hygiene standards and the overall welfare of detainees if not addressed.

At Midland Police Station, the official poster outlining detainees' rights was partially covered with mold, affecting its visibility and accessibility. Immediate action was initiated to remedy the issue.

The current meal allowance for detainees should be reassessed considering prevailing market prices and regular inspection of informational materials should be conducted to ensure detainees' rights remain clearly displayed and accessible.

### iv. Metropolitan (North and South) Divisions

Overall, while certain facilities were structurally adequate, recurring deficiencies relating to maintenance, sanitation, ventilation, and safety were identified. Two police stations stood out in terms of urgency to ensure conditions of detention are acceptable:

At Plaine Verte Police Station, the condition of the cells was found to be substandard and requiring urgent intervention. Major repairs and renovation works are necessary to bring the infrastructure in line with minimum detention standards. In particular, the combined toilet and shower arrangement must be separated to ensure privacy and hygiene. Improvements to ventilation and general sanitation are also required.

At Roches Bois Police Station, the cells require cleaning, repainting, and general repairs. Ventilation remains insufficient due to an inadequate air extraction system, which should be upgraded. Pest control measures should be conducted more regularly to maintain acceptable hygiene conditions.

Regular maintenance, infrastructure upgrades, and adherence to preventive safeguards remain essential to ensuring detention conditions consistent with human dignity and established human rights standards.

### v. Western Division

While some areas maintain acceptable hygiene, the overall assessment reveals systemic challenges regarding infrastructure decay, compromised privacy, and critical safety risks. A primary concern is the violation of detainee dignity at the Sodnac and La Gaulette stations, where inadequate physical layouts and poor bathroom screening expose detainees particularly females to public view. These issues are exacerbated by harsh environmental conditions at Rose Hill, Barkly, and Coromandel, where non-functional ventilation and extreme heat create unbearable conditions for those in custody.

The physical infrastructure of several facilities has reached a state of critical disrepair. In Flic-en-Flac, plumbing failures have rendered all toilets non-operational for both staff and detainees, representing a fundamental breach of basic hygiene. Similarly, Rose Hill and Barkly suffer from persistent water leakages, broken piping, and unsanitary storage areas. Across these locations, hygiene remains a secondary concern, with observations of dirty mattresses without covers and broken sanitary fixtures. Furthermore, urgent structural modifications are needed at Barkly and La Gaulette to mitigate identified "hanging risks" caused by specific window and platform designs that pose serious risks of harm, including suicide.

To address these systemic failures, relevant authorities must prioritise an emergency restoration plan. Immediate actions must include repairing plumbing at Flic-en-Flac, waterproofing roofs at Rose Hill and Barkly, and removing all structural ligature points to prevent self-harm. Structural modifications are also necessary at Sodnac and La Gaulette to ensure the privacy of female detainees. Finally, restoring functional restrooms for police personnel is essential for staff welfare and institutional operational capacity. Adopting these measures will ensure that detention systems operate with the necessary transparency, safety, and respect for human rights.

### vi. Eastern Division

During the reporting period, inspections of police detention facilities within the Eastern Division revealed recurring structural, sanitary, and procedural deficiencies that continue to undermine minimum detention standards, despite partial implementation of previous recommendations.

Across multiple police cells, inadequate ventilation remains a persistent concern. Poor air circulation, absence of mechanical extractors, and obstructed vents have resulted in foul odours, excessive humidity, and unhealthy living conditions for detainees. In several facilities, unsanitary toilets and bathrooms, slippery floors, insufficient lighting, and the presence of pests or bird nests pose significant health and safety risks. In some stations, the absence of routine laundry protocols for blankets was noted as well as the absence of basic bedding.

In some units, detainees have limited or no access to shower facilities, fresh air, or exercise, adversely affecting physical and mental well-being. Structural deficiencies, including ligature points on cell doors, inadequate boundary walls, and iron-bar entrances allowing public visibility, raise serious safety, security, and privacy concerns.

CCTV systems, while present in most locations, frequently exhibit deficiencies such as incorrect time settings, lack of privacy masking, and suboptimal camera positioning. These shortcomings affect both surveillance integrity and detainee privacy. Additionally, several detention areas do not display updated notices outlining detainees' rights, resulting in non-compliance with transparency and human rights obligations.

## C. Le Chaland - Retention Centre

At the time of the visit, the centre was operating below its maximum capacity, housing 15 male detainees awaiting repatriation. No issue of overcrowding was identified.

Overall conditions of detention were found to be below acceptable standards and require urgent attention. Cleanliness and hygiene were inadequate, particularly in the ablution areas where damaged toilets, leaking taps, and persistent odours were observed. While ventilation was generally satisfactory due to open windows and favourable weather conditions, maintenance concerns were noted, including exposed electrical wiring in dormitories and defective lighting in one room. Sleeping arrangements were substandard in at least one dormitory, where detainees slept on mattresses placed directly on the floor. The absence of cupboards or secure storage resulted in personal belongings being stored in corners, contributing to disorder and poor housekeeping.

The treatment of detainees by staff was reported as respectful, and no allegations of ill-treatment were made. However, detainees consistently raised concerns regarding the quality and quantity of food, reporting that meals were insufficient and left them hungry at night. Staff also highlighted constraints linked to an inadequate food budget and insufficient cleaning supplies, which directly impacted living conditions.

Health and medical care arrangements were generally appropriate, with access to hospital services when required and facilitation of communication with the outside world. Nevertheless, the absence of visible information on detainees' rights within the facility was a significant gap, causing uncertainty for both detainees and staff.

It is strongly recommended that the responsible authorities urgently address maintenance and sanitation deficiencies, improve food provision through an increased budget, ensure adequate cleaning supplies, and display clear information on the rights and obligations of occupants. Coordination with relevant authorities should continue to ensure timely documentation and protection for vulnerable detainees, particularly potential victims of human trafficking.

## D. Detention Centres

### i. Piton Detention Centre

Overall, the facility presents a high standard of infrastructure and operational compliance; however, several shortcomings were identified that require attention to ensure full respect of detainees' rights and well-being.

The most significant shortcoming observed concerns the absence of an exercise yard or structured outdoor time. Interviews with multiple detainees confirmed that they remain confined within the cells 24 hours a day, except for toilet and shower access. Prolonged confinement without physical exercise or exposure to open air raises concerns regarding both physical and psychological health, particularly in a modern facility of this size.

Another recurring concern relates to meal provision. Detainees reported a lack of variety in daily meals, with the same food being served repeatedly. While no formal health complaints were recorded, limited dietary variation may negatively impact morale and overall well-being during detention.

Operational challenges were also noted. The main iron gate is manually operated, creating physical strain for staff and potential security risks. Additionally, the Officer in Charge highlighted a shortage of cleaning and maintenance personnel, with only one police attendant assigned to these duties. This poses a risk to maintaining the high hygiene standards currently observed.

Finally, concerns were raised regarding detainee transportation, as individuals transferred to court were conveyed in cramped conditions at the back of a 4x4 vehicle, which does not meet humane transport standards.

#### ii. Moka Detention Centre

Despite repeated inspections and previous recommendations, progress remains uneven and, in several areas, inadequate. A central concern is the continued deterioration of infrastructure: defective toilets, inoperative showers, insufficient lighting, and inadequate ventilation. The persistence of such deficiencies, despite prior recommendations, indicates systemic non-compliance rather than isolated oversight.

The management of detainee safeguards remains deficient. Access to communication with family members, legal representatives, and consular authorities particularly for foreign detainees is inconsistently facilitated. This undermines fundamental procedural protections and increases the risk of psychological distress, isolation, and rights violations. Furthermore, restricted access to daily exercise and fresh air continues to be observed, contrary to established minimum standards.

Resource allocation also raises concern. The current food allowance per detainee appears insufficient considering rising costs of living, potentially affecting nutritional adequacy. Additionally, inadequate environmental controls in monitoring and operational areas risk compromising both staff welfare and essential equipment.

Recommendations require a policy-driven response, including mandatory maintenance schedules, ring-fenced budgets for detention facilities, enforceable standards on detainee communication and exercise.

#### iii. Vacoas Detention Centre

During the inspection, the ground floor cells were examined and found to be generally in satisfactory condition. However, some maintenance issues require urgent attention: broken toilet seat and exposed broken marble and broken discharge pipe which may cause injury if not promptly repaired.

The exercise yard was found to be clean and in good condition. Five detainees were present during the visit. One detainee, who was suspected of providing a false identity and had no

personal documentation, had experienced delays in his court appearance. This situation highlights the importance of strengthening identification procedures and ensuring timely collaboration with relevant authorities or embassies to verify detainees' identities.

The first floor, previously reserved for female detainees, is currently being repurposed for male detainees. It was being repainted at the time of inspection. CCTV monitors have been relocated to the male control room downstairs. However, communication between the officer monitoring the cameras and the sentry stationed upstairs was found to be inefficient, as verbal shouting was required to alert the sentry in case of irregularities.

The NPMD has recommended that urgent repairs be undertaken to fix the broken items to prevent accidents and maintain sanitary conditions. A review should be conducted regarding the closure of the female section, particularly in light of overcrowding at Beau Bassin Women Prison. Finally, communication systems between CCTV monitoring staff and sentry officers should be improved to ensure rapid and effective response to incidents.

#### iv. Line Barracks Detention Centre

The facility, with a capacity of 15 detainees, was accommodating 3 persons at the time of the visit. While there was no issue of overcrowding and detainees were held in individual cells, several shortcomings were observed over the physical conditions of the cells.

Sanitation required improvement. A broken toilet seat, a leaking sink, and a defective extractor fan were noted. Traces of bed bugs were visible on the wall near one bed, and mattresses lacked bed covers. A pungent smell was detected in the ground floor cells, indicating insufficient ventilation and maintenance. Although access to drinking water was available and detainees could access medical care when required, recreational facilities such as books or television were not available.

Preventive maintenance, regular cleaning, pest control, and timely repairs are recommended to prevent further deterioration of the facility.

#### v. Juvenile Detention Centre

During the visit, several concerns were identified regarding living conditions and the treatment of minors deprived of their liberty.

At the time of the visit, only one juvenile was detained in the facility. The overall hygienic conditions were found to be unsatisfactory. Cells were unclean, with visible water leakage from sinks and stagnant water on the floor. Toilet and bathroom facilities were in a very poor sanitary condition, with persistent foul odours. Ventilation was inadequate, as cells only have small, reinforced windows that restrict airflow.

The minor remained locked in his cell at all times, except for short bathroom and shower breaks. He had no access to recreational activities, books, television, or any structured daily programme. Although he did not report physical mistreatment, he was not aware of his right to contact the NPMD.

A major concern relates to minors with substance dependency. The detainee admitted past use of synthetic drugs and alcohol. No psychological or medical assessment was conducted upon admission to determine his dependency level or mental health condition. Furthermore, it is important to highlight that juveniles who arrive at the Police Detention Centre with drug dependency issues do not receive any form of medical care. They are required to endure withdrawal symptoms without medical supervision, as no medical protocol currently exists for the management of drug withdrawal in minors.

These gaps constitute serious risks to the physical and psychological well-being of juveniles and require urgent attention to ensure compliance with international child protection standards.

## E. Hospitals

### i. Jawaharlal Nehru Hospital

The facility has a capacity of eight beds in the male section and was accommodating six detainees at the time of the visit. There was no women detainee at that moment.

Overall, the ward was found to be clean and orderly. Ventilation and lighting were adequate, and access to drinking water and sanitation facilities was satisfactory. Each detainee was provided with an individual bed, and there was no issue of overcrowding. However, one mattress and pillow were observed to be stained with mold and require replacement.

The detainees were reported to be receiving appropriate medical attention for a range of serious health conditions, including post-surgical recovery, chronic illness, and complications related to substance withdrawal. During the visit, medical personnel attended to one detainee in critical condition. It was noted that procedures were underway to facilitate discharge from prison on medical grounds, pending the completion of required medical reports.

Treatment by staff was described as satisfactory, and detainees appeared to be treated with care and respect. Family members had been informed of the detainees' situations and had been able to visit.

The only complaint was that there was no medical report of the treatment received in his prison medical file which makes follow-up more difficult. This matter is being monitored.

### ii. Brown Sequard Hospital

A follow up visit to the Female High Security Ward was conducted in early 2025 to check whether the recommendations of 2024 had been implemented. Some urgent repairs were still required in early 2025.

In line with its mandate under section 4 of the NPM Act 2012, the NPMD sought to conduct a monitoring visit in the whole hospital in late 2025. As mental health care centres falls under the definition of "places of detention". Unfortunately, access was not permitted at the time on the ground that authorisation should be sought beforehand.

A formal request for access was addressed to the Senior Chief Executive of the Ministry of Health and Wellness, setting out the mandate of the NPMD, the purpose and scope of the proposed visits. At the time of finalising this Annual Report, no response to that request had been received. The NPMD therefore regrets that it was unable to assess the conditions of detention, treatment of patients, safeguards in place, or compliance with applicable human rights standards at this facility during the reporting period.

## III. Rodrigues

### A. Prisons

The NPMD visited the existing Pointe-la-Gueule prison (old facility), the new prison complex under preparation, and the women's prison.

At the old prison (male), the infrastructure was found to be ageing and increasingly constrained. While general cleanliness was acceptable, dormitories were densely occupied, and common areas provided limited shelter from heat and rain. Outdoor spaces were not conducive to physical activity, and shade was insufficient for the prison population. No structured education, vocational training or rehabilitation programmes were in place, and detainees' activities were largely limited to basic daily routines and limited agricultural work. Medical care was available through visits, but prescribed medication was not always immediately accessible.

The new prison facility offers clear potential for improved conditions, including the separation of remand and convicted detainees and more modern accommodation and creating space for rehabilitation and education programmes which would be seated at the old prison. However, at the time of the visit, the prison was not operational. It must be stated that the new prison building has been sitting idle for more than 5 years, accumulating dust and rust. Outstanding issues included incomplete electrical works, the absence of a fire certificate, non-functional emergency lighting, unfinished administrative and medical spaces, and limited planning for outdoor activities. The NPMD stressed that the opening of the new prison should be done at the earliest and as a matter of urgency.

The women's prison in Rodrigues is a small facility with a very low population. Conditions were generally calm, and interactions between staff and detainees were reported as positive. However, access to water was inconsistent, requiring detainees to carry heavy buckets over distances. The yard was small and unsuitable for meaningful activity should the prison reach capacity. No education, rehabilitation or psychological support services were available for women detainees or staff. Overall, awareness of the NPMD and available complaint mechanisms was limited.

### B. Police Cells

Police cells were visited at Grande Montagne, Rivière Coco, La Ferme and Plaine Corail. Conditions varied significantly between stations.

At some locations, cells lacked adequate lighting, ventilation or in-cell sanitation. In certain stations, detainees had no access to toilets within cells and were required to use facilities shared with officers, raising concerns in terms of security. Cleanliness was uneven, reflecting limited cleaning resources. Several cells were out of operation due to structural or sewage issues, reducing detention capacity and placing additional pressure on remaining facilities.

The NPMD also identified security concerns where detainees had visibility of operational areas, firearms storage or officers' workspaces. Officers highlighted difficult working conditions, including limited rest facilities, lack of basic equipment, and unreliable access to water.

### C. Workshop

A workshop was held with police and prison officers to present the mandate and vision of the NHRC and to provide a forum for officers to share their experiences. Officers expressed a strong sense of isolation and perceived inequity between Rodrigues and Mauritius, particularly regarding promotions, training opportunities and access to support services. Concerns were raised about the lack of regular human rights training, limited dissemination of legal updates to frontline staff, and the absence of effective complaint mechanisms for detainees. Officers also highlighted the psychological burden of their work, compounded by low remuneration and the absence of psychological support for staff and detainees alike.

The NPMD reiterated its commitment to strengthening its presence in Rodrigues and emphasised the importance of cooperation, transparency and ongoing dialogue.

### D. Meetings

Meetings were held with key stakeholders, including the Deputy Chief Commissioner, the Commissioner of Agriculture, the Presiding Magistrate, and the Probation Office.

Discussions with the probation office highlighted the expanding responsibilities of probation officers following the implementation of the Children's Act and the acute shortage of psychological and social support resources on the island. The closure of the juvenile detention facility at La Ferme and the management of juvenile offenders were identified as pressing challenges. Stakeholders consistently underlined the need for training, clearer communication, and improved coordination between institutions.

## IV. Successful/ noteworthy interventions of the NPMD

### E. Complaint Visits and Follow-Up Interventions

In parallel with the general monitoring visit, the NPMD received and dealt with several complaints by both male and female detainees in Rodrigues. These revealed recurring concerns that reinforced the observations made during the general visit.

Several detainees raised issues relating to prolonged remand detention, including cases where investigations had been completed or guilty pleas entered, yet proceedings had not progressed in a timely manner. Other complaints related to access to healthcare, notably delays in receiving prescribed medication following medical consultations and concerns about the adequacy of treatment for chronic conditions. The absence of on-site medical staff on certain days and the lack of mental health support were recurring themes.

Complaints also highlighted conditions of detention, including insufficient shelter in association yards, exposure to weather conditions, hygiene concerns, food handling practices, and access to appropriate diets. Issues of family contact and isolation featured prominently, particularly where detainees reported minimal visits or communication, often in the absence of structured welfare or psychological support.

### F. Concluding Observations

The Rodrigues visit confirmed that, despite the limited scale of detention on the island, significant structural challenges persist across prisons, police cells and support services. These include ageing infrastructure, uneven detention conditions, insufficient access to rehabilitation and mental health support, and the need for a stronger and more regular institutional presence. The NPMD considers that sustained engagement, targeted investment and regular monitoring visits are essential to ensure that conditions of detention in Rodrigues remain compatible with human rights standards.

### A. The disturbances of the 17 July at Melrose– the interim report of the NPMD

The NPMD received a complaint from the father of a detainee on the 18 July 2025 and started its investigation on the same day. Over a period of approximately ten days, the NPMD maintained a near-daily presence at Melrose Prison. During this period, the team conducted in-depth interviews with more than thirty detainees, collecting firsthand accounts of the events and their aftermath.

In parallel, the NPMD secured and reviewed a substantial volume of CCTV footage covering different areas of the prison, allowing for an objective reconstruction of timelines and movements. Relevant documentary material was also collected and examined.

At the conclusion of this initial phase, the NPMD compiled a preliminary report setting out its factual findings, observations and concerns which was transmitted to the Fact-Finding Committee of the NHRC on 28 July. The preliminary work undertaken by the NPMD formed the evidentiary and factual basis upon which the subsequent investigative phase was conducted by the competent division vested with summoning powers. That phase culminated in the production of a final report on 1 September, which has since been made public.

### B. Intervention at the Corrective Youth Centre to ensure that juveniles have access to education

During a visit to the CYC in March 2025, the NPMD identified the absence of any formal educational services: no qualified teaching staff was stationed at the facility. This omission constituted a significant departure from the existing legal framework, which guarantees education as a fundamental right and mandates compulsory school attendance until the age of 16.

The NPMD prioritised immediate corrective action and immediately initiated a formal engagement with the Ministry of Education to address this situation. Following this intervention, the Ministry responded effectively by allocating a qualified teacher to the center. This inter-departmental coordination has successfully restored consistent access to schooling for the children at the CYC, representing a significant advancement in their rehabilitation process and ensuring that the facility now operates in closer adherence to both national legislation and international human rights standards.

### C. Intervention to obtain the immediate release of a detainee

The Supreme Court ordered the release of a detainee held at Melrose Prison after it was established that he had already served the full legal duration of his sentence, following the intervention of the NHRC and DIS-MOI.

Sentenced in 2019 to eleven years' imprisonment, the detainee was, under the law, entitled to have the time spent on remand deducted from his sentence. While an initial period of remand was properly credited, a further period corresponding to the duration of his appeal was never recorded on his Certificate of Conviction. As a result, those 116 days were not taken into account when calculating his release date.

The detainee contacted the NHRC in July. Upon examining the case, the Commission concluded that he was at real risk of being unlawfully detained beyond the end of his sentence. The legal remedy ordinarily available in such situations is an application to the Commission on the Prerogative of Mercy, but that body had not yet been reconstituted at the material time. The prison administration, when contacted, took the view that it could not act in the absence of judicial clarification.

The NHRC therefore concluded that recourse to the courts was unavoidable. Acting in collaboration with DIS-MOI, and with the pro bono assistance of Me Z. Salajee, Senior Attorney, and Me B. Budhoo, Barrister, the Commission assisted the detainee in lodging an application before the Supreme Court on 15 October. On 29 October, the Court ruled that the period spent on remand during the appeal must be treated as time served and ordered the detainee's immediate release. He had nevertheless remained in custody for more than a month beyond the lawful term of his sentence.

The NHRC has identified at least five similar cases, where full credit has not been granted to detainees. While the reconstitution of the Commission on the Prerogative of Mercy should help prevent future occurrences of detainees remaining in custody past their due release date, it is not sufficient on its own. Liberty is not an administrative detail. Once a sentence has been served, every additional day in detention is an injustice. No institution can be exempt from that responsibility.

### D. Intervention to secure leave of absence for juvenile

The NPMD visited a minor detained at the CYC in Beau-Bassin. The minor had been convicted in two separate matters and had already spent substantial periods on remand prior to conviction (574 days in the first case and 181 days in the second). The cumulative duration of pre-trial detention raises important considerations under Article 37(b) of the UN Convention on the Rights of the Child (UNCRC), which provides that the detention of a child shall be used only as a measure of last resort and for the shortest appropriate period of time.

The minor's aunt and uncle have undertaken to take responsibility for him upon release, providing a stable family environment. The aunt made a request for temporary leave during the end-of-year festivities and was supported by the NPMD. This was made with the express objective of initiating gradual reintegration and strengthening family bonds prior to discharge. Section 46 of the Reform Institutions Act empowers the Commissioner of Prisons to grant leave of absence under prescribed conditions. In this case, the exercise of that discretion can be viewed as consistent with a rights-based interpretation of custodial powers. Rather than treating detention as an isolated punitive measure, the temporary release functioned as a structured transitional mechanism aligned with the rehabilitative principles articulated in Article 40(1) of the UNCRC.

Positive behavioural reports during the leave period provide empirical support for the effectiveness of reintegration-oriented measures. The granting of leave of absence was not merely an administrative concession but a measure consistent with international child rights obligations and domestic statutory principles. It demonstrates how discretionary powers under the Reform Institutions Act can and should be exercised in a manner that operationalises the best interests of the child, prioritises rehabilitation over retribution, and prepares the minor for lawful and constructive reintegration into Mauritian society.

## V. NPMD projects

### A. Curriculum on human rights - MPS

Working in collaboration with the University of Mauritius, the NPMD developed and submitted to the Mauritius Prison Service a structured human rights curriculum for the Prison Training School. The proposal establishes “Human Rights in Prisons” as a distinct subject for new recruits, structured around six modules of two hours each.

The curriculum is designed to provide officers with a practical and coherent understanding of human rights within the specific realities of detention. It covers foundational legal duties under the Constitution, domestic legislation and international instruments; prisoners’ rights and living conditions; lawful use of force, searches and discipline; prevention of torture and ill-treatment; protection of vulnerable groups and mental health awareness; and accountability, complaints mechanisms and professional ethics.

Rather than presenting human rights as abstract principles, the programme situates prison officers clearly as duty-bearers whose daily decisions directly affect legality, security and rehabilitation. Particular attention is given to vulnerable detainees, proportionality in the exercise of authority, and the prevention of avoidable incidents.

The NPMD proposed that this curriculum form the baseline for recruits, with a second phase envisaged for continuing professional development of serving officers. The NPMD proposes to develop a similar curriculum for the Mauritius Police Force during the next reporting period.

### B. Mental health in prison settings

Mental health is not peripheral to detention. It goes to the core of dignity, safety and the State’s duty of care. In custodial settings, where liberty is removed and vulnerability heightened, that duty becomes even more exacting. Monitoring in the different prisons carried out by the NPMD throughout 2025 points to persistent structural weaknesses in the way mental health is addressed within the prison system.

#### Prolonged Remand and Psychological Harm

Nearly half of the prison population is held on remand. In a number of cases, remand detention extends over several years. The absence of a defined sentence, the uncertainty of court timelines, and limited information regarding case progress create a state of prolonged legal limbo.

From a psychological standpoint, extended remand is associated with chronic anxiety, depressive symptoms, sleep disturbance, emotional withdrawal and, in some cases, suicidal ideation. Detainees frequently describe a sense of suspended existence, where time becomes indistinct and the future impossible to project. Monitoring has shown that the mental health impact of prolonged remand is not theoretical; it is observable and cumulative.

In line with its mandate under section 4 of the NPM Act 2012, the NPMD sought to conduct a monitoring visit in the whole hospital in late 2025. As mental health care centres falls under the definition of “places of detention”. Unfortunately, access was not permitted at the time on the ground that authorisation should be sought beforehand.

A formal request for access was addressed to the Senior Chief Executive of the Ministry of Health and Wellness, setting out the mandate of the NPMD, the purpose and scope of the proposed visits. At the time of finalising this Annual Report, no response to that request had been received. The NPMD therefore regrets that it was unable to assess the conditions of detention, treatment of patients, safeguards in place, or compliance with applicable human rights standards at this facility during the reporting period.

#### Suicide and the Absence of Structured Screening

Each year, the number of suicides or attempts at suicide or self-harm increases, each case raises broader systemic questions.

At present, there is no standardised mental health screening protocol applied at arrest, during detention in police cells, or upon admission to prison. Individuals with pre-existing psychiatric conditions or acute distress may therefore enter the custodial system without structured risk assessment.

A case recorded in 2025 involved a detainee who died by suicide shortly after admission, despite prior psychiatric follow-up in the public health system. This highlights the absence of effective information-sharing and early detection mechanisms. Given the documented link between substance dependence and mental illness - particularly as a significant proportion of new admissions present with drug dependency - the lack of systematic screening represents a serious vulnerability within the system.

### Fragmentation of Psychiatric Care

Continuity of psychiatric care remains inconsistent. Many detainees report having received treatment at Brown Séquard Hospital prior to incarceration. However, prison health services do not systematically have access to previous psychiatric records. In practice, treatment may be restarted without full knowledge of medical history, diagnosis or prior medication response.

Psychiatric consultations in prison are often infrequent and brief. Rotation of psychiatrists further weakens continuity of care. The therapeutic relationship, central to effective mental health treatment, is difficult to sustain under these conditions. The result may be poor adherence to medication, under-diagnosis, or clinical deterioration.

### Special Protection Unit (SPU) and Mental Health Risks

Placement in the SPU involves isolation, restricted social contact and limited stimulation. For detainees with psychiatric vulnerabilities, such conditions may aggravate existing disorders.

Monitoring brought renewed attention to the need for structured psychiatric evaluation before and during SPU placement, particularly in cases of prolonged stay. The compatibility of extended isolation with severe mental illness warrants careful and regular review.

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### Mental Health of Prison Officers

The psychological wellbeing of prison officers is an often overlooked dimension of detention oversight. Officers operate in an environment marked by tension, exposure to distress, and responsibility for detainees with complex needs. The absence of structured psychological support increases the risk of chronic stress and burnout.

Supporting officers' mental health is not only a welfare issue; it is directly linked to safe custody, prevention of ill-treatment, and institutional stability.

### Recommendations

The NPMD considers that the following structural measures merit urgent attention:

- Introduce statutory and procedural safeguards to reduce excessive remand duration and provide periodic psychological review for detainees held for extended periods.
- Implement mandatory mental health and suicide risk screening at arrest, in police custody, and upon prison admission, in line with the Mandela Rules.
- Establish a formal suicide prevention framework, including early identification, referral pathways and post-incident review.
- Strengthen continuity of psychiatric care through formal communication protocols between prisons and public psychiatric services, including access to prior medical records and designated psychiatrists for specific institutions.
- Ensure regular access to qualified mental health professionals, including psychologists.
- Introduce systematic psychiatric assessment before and during SPU placement, with clear review mechanisms.
- Develop structured psychological support programmes for prison officers.
- Clarify the role of welfare officers within a regulated referral framework; they should not be expected to function as substitute mental health professionals.

### Conclusion

Mental health care within the custodial system remains uneven and insufficiently structured. The absence of systematic screening, limited continuity of psychiatric treatment, and gaps in suicide prevention increase the risk of preventable harm. These vulnerabilities are most acute among detainees on prolonged remand and those with pre-existing mental illness.

Addressing these issues requires coordinated reform rather than isolated interventions. Strengthening mental health safeguards is integral to fulfilling Mauritius' obligations under the Mandela Rules and OPCAT, and to ensuring that detention remains compatible with dignity and the rule of law.

## C. The situation of remand detainees

### Conditions of Detention

Remand detainees are primarily accommodated at the New Wing Prison (admission unit), Beau-Bassin Central Prison, and Grand River North West Remand Prison. While institutional separation from sentenced prisoners is maintained, the material and climatic conditions within remand facilities significantly shape daily life.

Mauritius has a tropical climate with prolonged periods of high temperature and humidity. Cramped kiosks, dense occupancy, and restricted airflow intensify thermal discomfort which worsen during rainy periods. At night, residual heat retained in concrete structures contributes to poor sleep quality, irritability, dehydration, and heightened tension among detainees. Sanitation infrastructure in remand settings presents further challenges. In some units, toilet facilities are insufficient relative to the population size, leading to queues and restricted access. During night confinement, in-cell sanitation is inexistent, a situation which can create distressing situations and undermine dignity.

The combined effect of the obsolescent state, heavy wear and tear of the facilities due to high population density preventing major repairs and the "street behaviour" at the start of the penitentiary system, the conditions of detention in these remand prisons are among the poorest of the system.

Water access can also be irregular or rationed, particularly during peak usage periods. Limited water pressure, interruptions in supply, or shared tap points can reduce detainees' ability to maintain adequate hygiene. In a high-density custodial environment, such constraints elevate risks relating to communicable diseases, skin infections, and public health management. When coupled with prolonged idle time and uncertainty about trial outcomes, these environmental stressors intensify the volatility of remand units.

Unlike sentenced facilities where structured routines may buffer environmental hardship, remand institutions experience high turnover and occupancy rates. This places continuous strain on infrastructure not originally designed for sustained high-density usage.

In summary, the prevailing physical environment in remand detention is marked by thermal stress, sanitation limitations, and constrained water access, interacting with overcrowding and psychological uncertainty. These conditions directly affect detainee wellbeing, institutional stability, and staff working conditions, reinforcing the need for infrastructural upgrading alongside broader penal reform.

### Consequences of Cohabitation and Collective Living

Although remand detainees are separated from convicted prisoners, first-time offenders frequently cohabit with more experienced and sometimes high-profile accused persons in remand. This dynamic creates criminogenic risks.

The collective environment fosters:

- Peer contagion and transfer of criminal capital
- Formation of hierarchical informal structures
- Exposure to organised trafficking networks
- Increased intimidation and racketeering

The phenomenon sometimes described informally as the "prison university" reflects the unintended transmission of criminal knowledge and networking opportunities. New detainees charged with minor offences may be exposed to sophisticated offenders, potentially strengthening criminal identities rather than deterring them. With large groups of detainees spending extended periods, idle, in shared yards, opportunities for negative peer reinforcement increase. Frustration arising from unequal access to work or resources can lead to theft, coercion, and violence. The consequences extend beyond the prison perimeter: exposure to hardened offenders during remand may contribute to higher recidivism upon release, undermining public safety objectives.

### Challenges to Rehabilitation in Remand

Rehabilitation within remand detention faces structural constraints rooted in legal principles and operational realities.

- The presumption of innocence limits offence-based interventions. Programmes requiring admission of guilt or detailed offence analysis are inappropriate for individuals awaiting trial.
- Short and unpredictable duration of remand stays undermines programme continuity. Detainees may be released on bail or transferred at short notice, preventing completion of structured courses.
- The volatile institutional environment marked by high turnover, behavioural instability, and peer pressures reduces the feasibility of sustained therapeutic engagement. Long remand periods, principally for foreign detainees, also have a toxic effect. Although they might have pleaded guilty, the time and uncertainty are sometimes unbearable. Mothers on remand, have often described how they are torn apart when the day for the much-awaited home call arrives, as conversation inevitably ends with the dreadful question when is she to come back.
- Resource prioritisation often favours sentenced prisoners, as correctional systems traditionally allocate rehabilitative resources toward those serving confirmed custodial terms as in Melrose, Petit Verger and Richelieu Open Prison.

As a result, rehabilitation for remand detainees tends to focus on voluntary, non-offence-specific interventions such as vocational training, literacy programmes, counselling, life-skills development, and recreational activities. While beneficial, access remains limited and inconsistent.

### Recommendations

To address systemic challenges surrounding remand detention in Mauritius, a multi-layered reform strategy is recommended.

#### 1. Reduce Excessive Remand Periods

- The creation of a Criminal Justice Committee involving the police, prosecution, courts, Law Reform Commission and Human Rights Commission is instrumental in monitoring the whole system.

- Expand non-custodial measures such as supervised release and electronic monitoring for low-risk accused persons.
- Review the treatment of fine defaulters to prevent unnecessary custodial remand for minor monetary penalties.

#### 2. Prevent Criminogenic Contamination

- **Strengthen classification systems to separate first-time and low-risk detainees from high-risk accused persons.**
- **Increase structured daily activities to reduce idle time.**
- **Enhance surveillance and intelligence to disrupt illicit trafficking networks within remand facilities.**

#### 3. Improve Rehabilitation Access

- **Develop modular, short-duration programmes tailored to remand realities.**
- **Expand vocational and literacy training in partnership with national training institutions.**
- **Provide early mental health screening and targeted psychological support.**
- **Introduce pre-release orientation modules focusing on employment, housing, and family reintegration.**

#### 4. Improve Working Conditions for Prison Officers

Sustainable reform requires investment in correctional staff. Measures should include:

- Adequate staffing ratios to manage volatile remand populations.
- Continuous professional development in dynamic security, de-escalation of conflict, and mental health awareness.
- Psychological support services for officers exposed to chronic stress.
- Clear career progression pathways and recognition mechanisms.
- Strengthened internal oversight to reduce vulnerability to corruption pressures linked to trafficking networks.

Improving staff working conditions directly enhances institutional stability, detainee safety, and rehabilitation outcomes.

## Conclusion

Remand detention in Mauritius occupies a central position within the correctional landscape, representing a substantial proportion of the prison population. While constitutionally grounded in principles of liberty and judicial oversight, its operational realities reveal structural tensions between presumption of innocence, institutional capacity, and public safety.

Prolonged remand periods, collective living dynamics, limited structured engagement, and constrained rehabilitation opportunities risk reinforcing criminal trajectories rather than interrupting them. A coherent reform agenda combining judicial efficiency, classification improvements, expanded rehabilitative access, and strengthened staff conditions would align remand practices with constitutional safeguards, international standards, and long-term crime prevention objectives.

### D. Feedback from officers following workshops

The NPMD has conducted several workshops/training sessions with officers of different grades over the reporting period. These workshops have brought to light several challenges faced by these officers. The NPMD's feedback from frontline personnel indicates high security threats: a high percentage of the inmate population is in possession of improvised weaponry, specifically "pik demon" fashioned from sharpened wire and domestic utensils. This pervasive insecurity is compounded by systemic overpopulation and understaffing, which make it near impossible to separate first-time offenders from habitual criminals. Consequently, a predatory environment has emerged where vulnerable detainees are subject to extortion and theft. Officers further allege that the integrity of the service is under threat by organized criminal influence.

Beyond these security threats, the workshops revealed a significant "information vacuum" regarding the human rights framework. Even among Principal Prison Officers with over 24 years of service, there is a documented lack of formal training on the Optional Protocol to the Convention Against Torture (OPCAT) or the Nelson Mandela Rules. While officers demonstrated a "thirst for knowledge" and remained attentive during sessions, they expressed frustration that training opportunities are disproportionately afforded to administrative staff. This lack of education directly impacts the management of the inmate population, as officers struggle to balance discipline with rights-based claims without access to basic legal texts or continuous professional development.

The operational efficacy of the prison system is currently hindered by a significant crisis in staff morale. Long-serving officers express a profound sense of abandonment by top management, feeling they are unfairly blamed for systemic failures while their operational feedback is ignored. The physical working conditions are increasingly taxing; for instance, tower officers are frequently compelled to remain at their posts for entire shifts without relief for meals. This administrative neglect has fostered a culture of resentment, leaving staff feeling caught in a constant conflict—held responsible by detainees for their grievances while simultaneously being penalized by a management team that remains disconnected from the daily challenges of the prison floor.

Current rehabilitation efforts, such as tailoring and metalwork, are viewed as insufficient in scope and fail to reach the majority of the population. Rehabilitation is further stalled because officers are denied access to comprehensive detainee histories and lack specialized psychiatric support for those with mental health issues. Managing detainees with psychiatric conditions is a primary concern, as these individuals are often returned to prison prematurely by hospitals, leaving untrained officers to handle the fallout. There is an urgent need for group therapy sessions led by psychiatrists and the implementation of psychosocial support programs to address the emotional well-being of the officers who endure daily trauma and assaults.

A critical source of demoralization is the perceived injustice regarding financial compensation. Officers with decades of experience reported stark remuneration inequities, noting that newly recruited staffs often earn higher base salaries than those with over ten years of service. Central to this grievance is the Risk Allowance, which is currently only Rs 400 per month. Officers contend that this amount is a blatant injustice, as it fails to reflect the life-threatening risks they and their families face every day. Combined with a perceived lack of advocacy from representative unions, this financial neglect has led to a breakdown in morale and a feeling of total abandonment by the state.

# VI. STATISTICS

## Part 1: NPMD Statistics

The NPMD maintained a high level of oversight across correctional and detention facilities throughout 2025.

### Facility Monitoring & Outreach



### Complaint Management

- **Total New Complaints:** 292 received over the full year.
- **Resolved Cases:** 154 complaints were closed between July and December 2025.
- **Observation:** The high volume of case resolutions in the second half of the year suggests significant administrative effort in resolving backlogs.

## Part 2: Prison Population & Offense Trends

The prison population in 2025 was characterized by a young-to-middle-aged demographic and a high turnover rate due to short-term sentences.



### Demographic Profile

The population is split between 5,489 convicts and 4,511 individuals on remand. Out of which:

- **Primary Age Bracket:** The 36–50 and 26–30 age groups are the most heavily represented across all detainees.
- **Elderly Detainees:** Individuals over 65 represent a very small fraction of the population, totalling only 38 persons (23 convicts, 15 remand).
- **Juveniles:** 13 individuals were under remand
- **Female:** 232 are convicted and 331 are remand
- **Foreigners:** For convicted foreigners, 47 are male and 12 are female. Foreigners on remand are 79 male and 111 female.

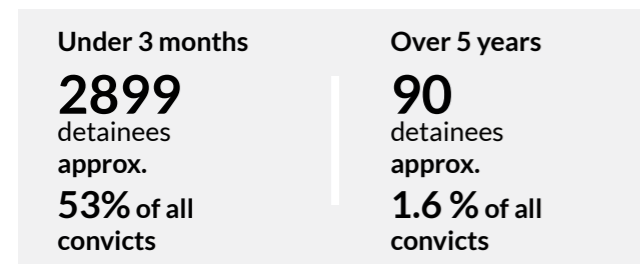
### Primary Offence Categories

Larceny remains the most prevalent crime, while drug-related offenses continue to drive significant admissions.

- **Larceny (Theft):** Combined, there are 2,752 convicts and 2,058 remand cases for various forms of larceny, predominantly among males.
- **Drug Offences:** Heroin (86 combined cases) and Synthetic Cannabinoids (51 cases) are the leading drivers of drug convictions. Remand data shows a high concentration of drug dealing, with 672 individuals admitted for this specific charge.
- **Domestic Violence:** There were 320 total convictions related to domestic violence or breaches of protection orders.

### Sentence Length Trends

The data indicates that the majority of the prison population is serving short term sentences.



### Rehabilitation and Employment

- **Top Programs:** Numeracy and Literacy was the most attended educational track (227 participants), followed by the **Pre-release Program** which supported 325 individuals.
- **Vocational Skills:** Training was provided in trades such as textiles (17 participants), pastry (10), and welding (7).
- **Prison Labor:** Detainees can work in 26 roles (bakery, metalwork, etc.), earning a daily wage ranging from **Rs 25.00** (unskilled) to **Rs 35.00** (skilled).

### Health & Medical Care

Psychiatric care is one of the medical services, with **193 detainees** receiving treatment.

Gender-Specific Vulnerability: While the female population is smaller, they show a higher proportional concentration of health needs. Females account for **26%** of all psychiatric cases and over **26%** of recorded HIV cases.

Methadone treatment consists of **335 detainees**.

### Part 3: Police Statistics

A significant volume of individuals passed through the judicial and police systems in 2025.



## VII. Official missions

### A. Johannesburg, South Africa

In October 2025, the NPMD was invited by the SADC Parliamentary Forum to participate in a regional consultation held in Johannesburg on a proposed Model Law for Prison Oversight.

The Deputy Chairperson of the NPMD was delegated to attend the two-day conference, which brought together representatives from several SADC member states, including judges, ombudspersons, national human rights institutions and humanitarian organisations.

The discussions centred on the development of a regional framework aimed at strengthening independent prison oversight. A recurring theme was the understanding of prisons as ecosystems, where conditions of detention, staff wellbeing, rehabilitation, accountability and transparency are interdependent. The proposed Model Law seeks to ensure that oversight bodies are adequately empowered, that detention remains subject to scrutiny, and that custodial systems contribute to reintegration and reduced recidivism.

Given Mauritius' experience since the enactment of the National Preventive Mechanism Act in 2012, the NHRC was requested to provide specific input on the role and functioning of National Preventive Mechanisms within the Model Law framework. Engagement with the SADC Parliamentary Forum is ongoing.

## VIII. Key challenges identified: 2026 projects

The NPMD, during the course of the reporting period, has identified several gaps and challenges which detainees face and intends, for the next reporting period, to address these gaps and make targeted recommendations to the rightful institutions or ministries

### A. Language barrier and lack of interpreters for foreign detainees

A significant number of foreign detainees in Mauritius face severe communication barriers, as they do not speak or understand English, French, or Mauritian Creole. Many of these individuals primarily speak Thai, Spanish, or Portuguese. The current pool of available interpreters is insufficient; those qualified are scarce, often unavailable or find the remuneration uncompetitive.

A recurring complication arises when the inquiry stage takes several months or years to complete, due to the lack of available interpreters. Consequently, detainees frequently remain in a state of legal and social isolation, unable to effectively communicate their needs or understand the proceedings against them.

### B. Inequality of treatment of detainees from Rodrigues

Although Rodrigues is an integral part of the Republic of Mauritius, its nationals are often found in a limbo stage within the custodial system. This creates a unique form of inequality. Because since they are citizens of the Republic, they do not qualify for the specialized assistance provided by NGOs and international organizations that support foreign nationals.

However, unlike mainland detainees, those from Rodrigues are physically separated from their support networks. High airfare costs render family visits nearly impossible for many, leading to extreme social isolation. This “citizenship gap” leaves Rodrigues detainees without access to foreign-aid resources while simultaneously denying them the practical benefits of local residency, making it difficult for them to acquire necessities such as clothing and footwear.

### C. Transfer of detainees

The prison system continues to operate under sustained pressure from overpopulation, a situation exacerbated by the growing number of foreign nationals in custody. In 2025 alone, 249 foreign detainees were admitted to prison, placing additional strain on already limited infrastructure, staffing and services. Overcrowding affects living space, access to healthcare and rehabilitation, staff workload, and the overall stability of detention facilities.

Beyond these structural concerns lies a humanitarian imperative. For foreign detainees, continued detention far from their country of origin often entails prolonged separation from family, linguistic isolation and limited access to appropriate support. These factors undermine rehabilitation and reintegration, which are central objectives of the custodial system.

There is also a clear economic dimension. The State currently disburses approximately Rs 900 per day per detainee. When detention exceeds capacity, these costs multiply and weigh heavily on public finances. Reducing the number of foreign detainees through transfers would therefore have a direct and measurable fiscal impact.

Mauritius has already established legal mechanisms for the transfer of sentenced persons, including multilateral conventions and bilateral agreements with several States. However, the number of these arrangements remains insufficient to address current pressures. The NPMD therefore considers it essential for Mauritius to actively pursue additional bilateral agreements, both to alleviate overcrowding and to ensure that detention remains compatible with dignity, rehabilitation and responsible public expenditure.

## IX. The Second Chance Project

### *“Donn Nou enn deziem Sans”*

The transformative power of art expressed through inmates' exhibition  
launched at Hennessy Park Hotel, Ebene  
November 6th to December 6th 2025

The National Human Rights Commission (NHRC) inaugurated an art exhibition around the theme *“Donn Nou Enn Deziem Sans”* (Give us a second chance) on 6 November 2026 at Hennessy Park Hotel, in collaboration with the Mauritius Prison Service, Sofap, Gallery Imaaya and Kinouété. The exhibition aimed to raise awareness on the theme of rehabilitation, social reintegration and the importance of giving inmates a second chance through artistic expression. It provided a platform for artworks created by detainees of Melrose and Beau Bassin prisons, highlighting the transformative power of art in fostering dignity, self-reflection and inclusion through creativity.

The event was attended *inter alia* by Mrs. Véronique Leu-Govind, Junior Minister of Arts and Culture, Mr Rajen Narsinghen, Junior Minister of Foreign Affairs, Regional Integration and International Trade and Mr. Kugan Parapen, Junior Minister of Social Integration, Social Security and National Solidarity.

Family members of detainees, representatives of partner organisations as well as other stakeholders participated in this event, demonstrating their continued support for and dedication to rehabilitation initiatives. Some 40 pieces and sculptures exploring themes illustrating hope, resilience, independence, identity and personal growth were on display.

In her inaugural address, Veronique Leu-Govind commended the initiative, underlining that *“every piece of art is a window into the soul of each artist as they navigate the complexities of their experiences inside prison.”*

She also stated that it was time for society and the judicial system to review the certificate of character which impedes the rehabilitation process of ex-detainees. Mrs Leu-Govind also made an appeal to enterprises to give a second chance to former detainees by providing them with jobs to ensure their reintegration in society. Finally, she exhorted ex detainees to develop entrepreneurial skills to ensure their professional autonomy.

The Chairperson of the NHRC emphasised the Commission's ongoing commitment to promoting human dignity and the right to rehabilitation, consistent with the principles enshrined in the Universal Declaration of Human Rights. The NHRC reaffirmed its dedication to initiatives that uphold the values of compassion, respect and human rights for all.

Other speakers for this occasion were Mrs Pauline Bonieux, Chairperson of Association Kinouété, Mr Rajen Narsinghen, Junior Minister the Ministry of Foreign Affairs, Regional Integration and International Trade and Jean François Richard, General Manager of the Hennessy Park Hotel, who shared a powerful message from an inmate who participated in the exhibition.

The exhibition was open to the public for one month in the lobby of Hennessy Park Hotel until the 6th of December 2025. About 20 Artworks which were on sale were purchased by visitors and proceeds were directed to the respective artists by the Prison Services.

## Chapter 4

### International Engagement and Contributions

1. Executive Summary
2. Submissions to International Organizations
3. Submissions to Regional Organizations
4. UN Treaty Body Follow-up Submissions
5. Domestic Consultations with Human Rights Implications
6. Conclusion

**“FREEDOM IS NEVER VOLUNTARILY  
GIVEN BY THE OPPRESSOR.”**

**Martin Luther King**

# Summary of NHRC Submissions to External Organizations

National Human Rights Commission - Annual Report 2025-2026

## Executive Summary

This document provides a comprehensive overview of all submissions made by the National Human Rights Commission (NHRC) of Mauritius to external organizations during the reporting period. The submissions demonstrate the Commission's active engagement with international human rights mechanisms, regional bodies, and domestic institutions to advance human rights protection in Mauritius.

## PART A: SUBMISSIONS TO INTERNATIONAL ORGANIZATIONS

### 1. UN Working Group on Discrimination Against Women and Girls

**Document:** Questionnaire Response on Gender Equality, the Digital Space and the Age of Artificial Intelligence

**Date submitted:** 29 October 2025

**Purpose:** Input for the 2026 Thematic Report to the Human Rights Council

#### Key Issues Addressed:

- Impact of digital technology and AI on women's rights in Mauritius (positive: access to education/employment; negative: privacy risks, cyberbullying)
- Legal framework gaps: No specific AI governance framework; reliance on Cybersecurity and Cybercrime Act 2021
- Cross-border effects: cyber-pornography and human trafficking on Telegram platforms
- Technology-facilitated gender-based violence (TFGBV) in Mauritius: fake profiles, cyberbullying, revenge pornography, cyber extortion
- Recommendation for international legal framework for AI regulation

### 2. UN Special Rapporteur in the Field of Cultural Rights

**Document:** Response to Call for Applications on Nature Conservation and Cultural Rights

**Date:** 14 November 2025

**Purpose:** Input for report to Human Rights Council (March 2026)

#### Key Content:

- Cultural practices fostering nature conservation: Hindu rituals before sugarcane harvest, Maha Shivaratri pilgrimage to Grand Bassin, ancestral composting practices, Chinese New Year rituals
- Natural elements tied to heritage: Grand Bassin/Ganga Talao, beaches and mangroves, endemic forests (ebony, pink pigeon, Mauritian kestrel)
- Conservation projects: Mauritian Wildlife Foundation restoration, coral nurseries, mangrove plantations, Blue Bay marine park
- Challenges: Wakashio oil spill as wake-up call; urbanization clearing sugarcane plantations
- Recommendations: Oral History Projects, seed banks and heritage gardens, articulating Mauritian culture beyond differences

### 3. Global Alliance of National Human Rights Institutions (GANHRI)

**Document:** Reply to Queries on Special Review of Accreditation Status

**Date:** 29 December 2025

#### Key Issues Addressed:

- Security of tenure stability under the Protection of Human Rights Act
- Development of a draft Code of Conduct and Ethics for members and staff
- Proposals for legislative amendments to strengthen independence, accountability and better governance and ensure full financial autonomy
- Confirmation of the Commission's operational independence and non-interference by the Executive
- Attached evidence: Melrose Prison Report and Air Mauritius case reports demonstrating independent investigations

#### 4. UN Permanent Forum on People of African Descent

**Document:** Written Submissions on the Modalities of the Permanent Forum

**Date:** 15 January 2026

**Key Proposals:**

- Use of the Mauritian Truth and Justice Commission (TJC) Report as a foundational ethnographic and historical resource on legacies of slavery and indentured labour
- Proposal for Mauritius to host a country or regional session of the Permanent Forum (as an alternative to UN Headquarters)
- Mauritius as a pilot site for ethnographic research and community-based engagement
- Suggested modalities: community dialogues, site visits, participatory discussions with descendants of enslaved persons
- NHRC's role: hosting plenary sessions, liaison between NGOs/civil society and researchers, documentation support

## PART B: SUBMISSIONS TO REGIONAL ORGANIZATIONS

#### 5. Network of African National Human Rights Institutions (NANHRI)

**Document:** Review Comments on Position Paper on State Obligations to Protect Climate-Vulnerable Groups in Africa

**Date Submitted:** 15 December 2025

**Key Proposals:**

- Comprehensive input on Mauritius as a Small Island Developing State (SIDS) - previously missing from the draft paper
- Climate vulnerabilities: sea level rise (6.02mm/year in Port Louis), coastal erosion, extreme rainfall, cyclones, droughts, ocean warming
- Legal frameworks: Climate Change Act 2020, National Disaster Risk Reduction and Management Act 2016
- NDC 3.0 commitments: 40% GHG reduction by 2035, USD 5.7 billion financing requirements

- Vulnerable groups: coastal communities, fisher households, women in informal sectors, elderly, low-income flood-prone residents
- Proposal for dedicated section on Small Island Development States (SIDS) in the position paper
- Detailed tables provided on legal protections and NHRI climate-related interventions

#### 6. African Union - Maputo Protocol Reporting

**Document:** Input on the Draft Initial and Combined Periodic Reports of Mauritius under the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

**Date Submitted:** 13 January 2026

**Addressed to:** Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division)

**Key Amendments Proposed:**

- Comprehensive input on Mauritius as a Small Island Developing State (SIDS) - previously missing from the draft paper
- Climate vulnerabilities: sea level rise (6.02mm/year in Port Louis), coastal erosion, extreme rainfall, cyclones, droughts, ocean warming
- Legal frameworks: Climate Change Act 2020, National Disaster Risk Reduction and Management Act 2016
- NDC 3.0 commitments: 40% GHG reduction by 2035, USD 5.7 billion financing requirements

## PART C: UN TREATY BODY FOLLOW-UP SUBMISSIONS

### 7. Committee on the Elimination of Racial Discrimination (CERD) - Concluding Observations Follow-up

**Document:** Follow-up Report on Concluding Observations on the 24th-25th Periodic Reports of Mauritius (CERD/C/MUS/CO/24-25)

**Date Submitted:** 20 January 2026

#### Key Actions Reported:

- Para 9 (Status of Convention): Recommendation to expand NHRC jurisdiction to all human rights treaties, not just the Constitution
- Para 11 (Equal Opportunities Act): Input provided to Secretary for Home Affairs on strengthening EOC powers
- Para 15 (Institutional framework): Comprehensive recommendations for NHRC independence (same as CAT follow-up)
- Para 19 (Structural discrimination): Proposal for NHRC to be key partner in Government's Vision 2050
- Para 23 (Truth and Justice Commission): Recommendation for Implementation Committee to review past efforts and initiate key recommendations
- Para 35 (Racial profiling and IPCC): Recommendation to merge IPCC with NHRC
- Para 43 (Civil society consultation): Regular meetings with NGOs including Dis-Moi, Young Queer Alliance, and Kinouete

### 8. Committee Against Torture (CAT) - Concluding Observations Follow-up

**Document:** Follow-up Report on Concluding Observations on the 5th Periodic Report of Mauritius (CAT/C/MUS/CO/5)

**Date Submitted:** 26 January 2026

#### Key Actions Reported:

- Para 13 (fundamental legal safeguards): statistics provided on the number of complaints received between January 2025 and 2026
- Para 17 (National Preventive Mechanism): Comprehensive recommendations for strengthening independence, accountability and better governance and ensure full financial autonomy
- Para 19 (IPCC): Recommendation to merge Independent Police Complaints Commission with NHRC to avoid duplication, ensure coherent vision, strengthen independence, and enhance public confidence
- Para 21 (Inadmissibility of evidence): Statistics provided on cases where confessions were excluded (2023-2025) from various District Courts
- Para 27 (Conditions of detention): Investigation conducted on Melrose Prison issues resulting in suspensions of prison officers
- Letters sent to Hon. Attorney General: 24 November 2025 and 29 December 2025

### 9. Universal Periodic Review (UPR) recommendation – 4th cycle mid-term follow-up

**Document:** Written submissions on the NHRC's good practices

**Date Submitted:** 24 February 2026

#### Key Actions Reported:

- Integrated provisions of the Convention against Torture into the National Preventive Mechanism Act 2012; NHRC's National Preventive Mechanism Division (NPMD) monitors detention facilities.
- Prepared opinion papers on economic, social and cultural rights, the right to education (including Kreol Morisien as a teaching medium), and the rights of persons with disabilities.
- Conducted human rights education initiatives, including collaboration with NGOs and innovative campaigns such as music projects to sensitise children on human rights.
- Drew attention of authorities to disability rights gaps; highlighted the need for proclamation of the Protection and Promotion of the Rights of Persons with Disabilities Act 2024.
- Integrated provisions of the Convention against Torture into the National Preventive Mechanism Act 2012; NHRC's National Preventive Mechanism Division (NPMD) monitors detention facilities.
- Prepared opinion papers on the right to education (including Kreol Morisien as a

- teaching medium), and the rights of persons with disabilities.
- Conducted human rights education initiatives, including collaboration with NGOs and innovative campaigns such as music projects to sensitise children on human rights.
- Drew attention of authorities to disability rights gaps; highlighted the need for proclamation of the Protection and Promotion of the Rights of Persons with Disabilities Act 2024.

## 10. OHCHR – National Human Rights Institutions good practices

**Document:** Written submissions on the NHRC's good practices

**Date Submitted:** 24 Feb 2026

### Key Actions Reported:

- Active monitoring of implementation of recommendations from the 3rd (2018) and 4th (2024) UPR cycles, including engagement with the Attorney General's Office and the Ministry of Foreign Affairs during preparation of national reports
- National Preventive Mechanism (NPM) work under OPCAT, including regular visits to places of detention and publication of reports, notably the investigation into issues at Melrose Prison with preventive recommendations to Government
- Submission of independent stakeholder reports to OHCHR aligned with thematic clusters of recommendations, covering civil and political rights, detention conditions, climate change, and digital rights
- Public awareness and sensitisation campaigns on gender-based violence, children's rights, migrant workers' rights, LGBTQIA+ rights, and the rights of older persons, including collaboration with civil society organizations such as Dis-Moi, Collectif Arc en Ciel, Young Queer Alliance, and Kinouete
- Recommendations for strengthening the UPR process, including:
  - Expansion of the NHRC mandate to incorporate treaty law beyond Chapter II of the Constitution
  - Development of a standardised OHCHR template for NHRI submission
  - Formalised mid-term reporting mechanisms
  - Creation of a permanent National UPR Implementation Committee
  - Enhanced speaking role for NHRIs during Human Rights Council sessions
  - Development of a regional knowledge-sharing legal database

- o Exploration of digital tools and AI-assisted monitoring to track implementation trends

## PART D: DOMESTIC CONSULTATIONS WITH HUMAN RIGHTS IMPLICATIONS

### 11. Ministry of Arts and Culture – Review of the Status of the Artist Act

**Document:** Input on Key Issues Relating to the Status of the Artist Act 2023

**Date Submitted:** 17 November 2025

### Key Observations:

- Title mismatch: 'Professional in the Arts Council Act' would be more appropriate
- Sections 6 and 12: Silent on qualifications, selection process, and removal procedures for board members and director
- Section 19 (Donations): No accountability and transparency mechanisms provided
- Section 15(3): Register should be publicly available online and free of charge

### 12. Equal Opportunities Commission - Law Reform Consultation

**Document:** Input on the Law Reform Commission's Paper 'Strengthening the Powers of the Equal Opportunities Commission'

**Date Submitted:** 28 November 2025

**Addressed to:** Secretary for Home Affairs, Prime Minister's Office

### Key Recommendations:

- Incorporation of international anti-discrimination treaties (ICERD 1965, CEDAW 1979, CRPD 2007) into domestic law
- Power for EOC to investigate systemic issues
- Coordination mechanism between EOC and NHRC on overlapping discrimination and human rights issues

## SUMMARY TABLE OF SUBMISSIONS

In chronological order

No	Organization	Subject	Date	Category
1	UN Working Group on Women	Gender Equality & AI	29 Oct 2025	International
2	UN SR Cultural Rights	Nature & Cultural Rights	14 Nov 2025	International
3	Ministry of Arts (Domestic)	Status of Artist Act Review	17 Nov 2025	Domestic
4	EOC (Domestic)	Strengthening EOC Powers	28 Nov 2025	Domestic
5	NANHRI	Climate Change & Human Rights	15 Dec 2025	Regional
6	GANHRI	Special Review of Accreditation Status	29 Dec 2025	International
7	AU - Maputo Protocol	Women's Rights Report	13 Jan 2026	Regional
8	UN Permanent Forum (African Descent)	Forum Modalities	15 Jan 2026	International
9	CERD	Concluding Observations Follow-up	20 Jan 2026	Treaty Body
10	CAT	Concluding Observations Follow-up	26 Jan 2026	Treaty Body
11	UPR - 4th cycle mid-term report	Mid-term reporting matrix	24 Feb 2026	Treaty Body
12	OHCHR	Written submissions on best practices of NHRIs	24 Feb 2026	Treaty Body

## CONCLUSION

The National Human Rights Commission has maintained active engagement with international human rights mechanisms, regional bodies, and domestic institutions throughout the reporting period. The submissions demonstrate the Commission's commitment to:

- Advocating for institutional independence and strengthened governance frameworks
- Contributing Mauritian perspectives to international human rights discourse
- Following up on UN treaty body recommendations
- Engaging with emerging human rights issues including AI, climate change, and cultural rights
- Promoting coordination between human rights institutions domestically

The Commission remains committed to fulfilling its international obligations and advancing human rights protection in Mauritius through continued engagement with all relevant stakeholders.

## Chapter 5

### Key Legislative Highlights 2025

1. Strengthening Rights, Justice and Democratic Governance
2. Strengthening Access to Justice and Fair Trial Rights
3. Protecting Liberty and Due Process
4. Strengthening Rule of Law and Institutional Accountability
5. Advancing Constitutional Rights and Democratic Freedoms
6. Public Policy and Social Protection

**“WHERE, AFTER ALL, DO UNIVERSAL HUMAN RIGHTS BEGIN? IN SMALL PLACES, CLOSE TO HOME.”**

**Eleanor Roosevelt**

# Key Legislative Highlights 2025

## Strengthening Rights, Justice and Democratic Governance

During 2025, Parliament enacted a number of legislative reforms affecting the justice system, democratic governance and the protection of fundamental rights. Several measures seek to improve **access to justice, procedural fairness and institutional accountability**, while others modernise laws to better align with **constitutional protections and evolving human rights standards**. The NHRC welcomes these reforms and has summarised the key legislative highlights below, as far as possible, starting from the latest amendment to the oldest.

### Strengthening Access to Justice and Fair Trial Rights

Several reforms aim to improve the efficiency and fairness of judicial proceedings, supporting the constitutional guarantee that cases be heard within a reasonable **time by an independent and impartial court**.

Act No.	Legislation	Key Human Rights Contribution
27/25	<b>Courts (Amendment) Act 2025</b> (enacted 26 Nov 2025; proclaimed 05 Jan 26)	Streamlines procedures governing judicial review applications and introduces clearer timelines. The reform strengthens access to justice and enhances timely judicial oversight of administrative action.
25/25	<b>Court of Rodrigues Jurisdiction (Amendment) Act 2025</b> (enacted 29 Oct 2025)	Allows matters involving children to be heard locally in Rodrigues, improving access to justice and reducing delays for families and minors.
21/25	<b>Civil Appeal Act 2025</b> (enacted 11 Oct 2025; proclaimed 05 Jan 26)	Clarifies the procedural framework governing civil appeals and prevents dismissal of appeals solely on technical grounds, strengthening access to remedies and procedural fairness.
17/25	<b>Criminal Appeal and Criminal Review Act 2025</b> (en-acted 26 Jul 2025; proclaimed 05 Jan 26)	Modernises procedures governing criminal appeals and review mechanisms, improving efficiency in appellate proceedings and supporting the constitutional right to a fair hearing within a reasonable time.
13/25	<b>Revenue Tribunal Act 2025</b> (enacted 07 Jul 2025; proclaimed 05 Jan 26)	Establishes a specialised tribunal to adjudicate disputes involving the Mauritius Revenue Authority, promoting timely resolution of tax disputes and easing pressure on the ordinary courts.

## Protecting Liberty and Due Process

These reforms strengthen safeguards relating to **personal liberty, legal representation and fair criminal procedure**.

Act No.	Legislation	Key Human Rights Contribution
15/25	<b>Legal Aid and Legal Assistance Act 2025</b> (enacted 12 Jul 2025; proclaimed 05 Jan 26)	Streamlines procedures governing judicial review applications and introduces clearer timelines. The reform strengthens access to justice and enhances timely judicial oversight of administrative action.
4/25	<b>Bail (Amendment) Act 2025</b> (enacted 26 Mar 2025)	Introduces additional oversight by requiring the stand of the Director of Public Prosecutions before police objections to bail, reinforcing constitutional protections of personal liberty.

## Strengthening Rule of Law and Institutional Accountability

These reforms reinforce the functioning of institutions responsible for **justice administration, transparency and public accountability**.

Act No.	Legislation	Key Human Rights Contribution
28/25	<b>Law Practitioners (Disciplinary Proceedings) Act 2025</b> (enacted 06 Dec 2025; proclaimed 05 Jan 26)	Strengthens the disciplinary framework governing legal practitioners and reinforces public confidence in the legal profession and the justice system.
16/25	<b>Financial Crimes Commission (Amendment) Act 2025</b> (enacted 19 Jul 2025)	Enhances cooperation between investigative authorities responsible for combating financial crime, strengthening accountability and rule of law.
9/25	<b>Financial Crimes Commission (Amendment) Act 2025</b> (enacted 19 Jul 2025)	Establishes a comprehensive legal framework for public inquiries, strengthening transparency, procedural fairness and institutional accountability..
1/25	<b>Financial Crimes Commission (Amendment) Act 2025</b> (enacted 19 Jul 2025)	Clarifies that prosecutorial decisions in FCC investigations remain under the authority of the Director of Public Prosecutions, reinforcing prosecutorial independence and separation of powers.

## Advancing Constitutional Rights and Democratic Freedoms

Several reforms modernise the legal framework to better reflect **contemporary constitutional and human rights principles**.

Act No.	Legislation	Key Human Rights Contribution
10/25	<b>Constitution (Amendment) Act 2025</b> (enacted 14 May 2025)	Strengthens constitutional protection against inhuman or degrading punishment by removing a historical exception relating to punishments lawful before 1964.
24/25	<b>Criminal Code (Amendment No.2) Act 2025</b> (enacted 29 Oct 2025)	Repeals an offence relating to misrepresentation of sovereignty, contributing to a more balanced legal framework governing freedom of expression and democratic debate.
11/25	<b>Criminal Code (Amendment) Act 2025</b> (enacted 14 May 2025)	Repeals provisions that removed criminal responsibility for killings committed in cases of adultery and clarifies lawful use of force, reinforcing protection of life and equality before the law.

## Public Policy and Social Protection

Some legislation addresses broader governance and social policy concerns with democratic and human rights implications.

Act No.	Legislation	Key Human Rights Contribution
20/25	<b>Economic and Financial Measures (Miscellaneous Provisions) Act 2025</b> (enacted 09 Aug 2025)	Introduces a range of regulatory amendments affecting public welfare and governance, improving legal clarity and regulatory accountability.
19/25	<b>Rodrigues Regional Assembly (Amendment) Act 2025</b> (enacted 09 Aug 2025)	Strengthens governance and financial accountability within the Rodrigues Regional Assembly, reinforcing democratic decentralisation.
8/25	<b>National Agency for Drug Control Act 2025</b> (enacted 24 Apr 2025; proclaimed 15 May 25)	Establishes a coordinated national strategy for drug prevention, treatment and enforcement, supporting public health, rehabilitation, community safety and alternatives to the criminal justice system for drug users.

## Chapter 6

### Key Human Rights Themes

1. Disability rights at cross-roads: From commitment to lived reality
2. The Right to Learn in one's Mother Tongue: the place of Kreol Morisien in
3. Femicide as a Human Rights Crisis

**“FOR TO BE FREE IS NOT MERELY  
TO CAST OFF ONE’S CHAINS.”**

**Nelson Mandela**

# Key Human Rights Themes

## Disability rights at cross-roads: From commitment to lived reality

### Performance

The rights of persons with disabilities are not a matter of charity, benevolence or welfare. They are a core human rights concern grounded in the fundamental principles of dignity, equality, autonomy, and non-discrimination. When persons with disabilities are excluded from education, employment, public life, or access to justice, the issue is not merely social disadvantage – it is a denial of fundamental human rights which people without such disabilities enjoy. Human rights law requires States to move beyond seeing disability through a medical or welfare lens and to address the deep-rooted beliefs and structural and legal barriers that prevent full participation in society.

Disability rights cut across all civil, political, economic, social, and cultural rights. They require States to actively dismantle exclusion and to ensure that persons with disabilities can live independently, make choices about their own lives, and participate fully and equally in the community.

### From Struggle to Recognition: The CRPD

The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2007 marked a historic milestone following decades of sustained advocacy by persons with disabilities and their representative organisations. The Convention represents a paradigm shift: from viewing persons with disabilities as objects of protection to recognising them as rights-holders and agents of change.

Mauritius became a party to the CRPD on 25 September 2007 and ratified it on 8 January 2010, thereby assuming binding international obligations. However, ratification alone does not transform lived realities. The effectiveness of the Convention depends on its incorporation into domestic law, policies, institutions, and everyday practice.

### Delayed Implementation and the Gap between Law and Reality

Despite Mauritius having ratified the CRPD over a decade ago, the Protection and Promotion of the Rights of Persons with Disabilities Act 2024, was enacted only in 2024 to give domestic effect to the Convention but it has yet to be proclaimed. In the absence of a proclamation

and commencement date, the Act remains inoperative and unenforceable. This legal limbo creates significant uncertainty for persons with disabilities, public institutions, and service providers alike, as there is currently no clarity as to whether the Act will be proclaimed in its present form, amended, or repealed following the recent General Elections. Such uncertainty undermines legal predictability, weakens accountability, and risks delaying the realisation of rights indefinitely. Until the Act is operationalised, Mauritius remains without a comprehensive and enforceable statutory framework to give effect to its obligations under the CRPD.

The situation is further underscored by the Concluding Observations of the Committee on the Rights of Persons with Disabilities (2024), which identified multiple areas of concern and made far-reaching recommendations. These observations confirm that significant structural and systemic challenges remain, and that progress has been uneven and insufficient.

### A National Moment of Reflection: The 2025 Round Table on Disabilities and Inclusion

On 28 July 2025, His Excellency, the President of the Republic of Mauritius, convened and chaired a Round Table Forum on Disabilities and Inclusion, held as a key State House initiative. This timely and important forum reflected a national recognition that disability rights require renewed political attention and coordinated action.

The forum brought together over thirty representatives from civil society organisations and public institutions. The National Human Rights Commission was represented by its Chairperson, Mr Satyajit Boolell, SC. Discussions focused on reviewing past and ongoing initiatives, identifying persistent gaps, and proposing practical steps to improve coordination and impact.

Among the challenges highlighted were:

- **Limited access to mainstream education**, which continues to exclude many children with disabilities;
- **Insufficient awareness-raising**, contributing to misconceptions, stigma, and discrimination;
- **Barriers to employment**, including lack of inclusive workplaces and limited vocational opportunities.

These concerns point to a broader systemic failure to translate rights into realities.

## The Right to Work: A Critical Area for Reform

International Standards under Article 27 of the CRPD

The right to work is central to autonomy, dignity, and social inclusion. Article 27 of the CRPD obligates States Parties to recognise the right of persons with disabilities to work on an equal basis with others, including the opportunity to gain a living in an open, inclusive, and accessible labour market. This provision establishes clear standards relating to non-discrimination, accessibility, reasonable accommodation, and the adoption of positive measures.

### Non-Discrimination

Non-discrimination is a foundational principle of the CRPD. Article 2 defines discrimination on the basis of disability broadly to include any distinction, exclusion, or restriction that impairs the enjoyment of rights, including the denial of reasonable accommodation.

In the context of employment, protection from discrimination applies across all stages of the employment relationship, including recruitment, hiring, working conditions, promotion, remuneration, and termination. It applies equally to employment in the open labour market and to supported or sheltered employment schemes.

### Accessibility

Accessibility, addressed under Article 9 of the CRPD, is a precondition for the exercise of the right to work. States are required, not only, to ensure that public-sector workplaces are accessible, but also to impose accessibility obligations on private-sector employers. Workplace accessibility entails the identification and removal of physical and communication barriers. Inaccessible transport, buildings, and infrastructure remain among the main obstacles preventing persons with disabilities from accessing employment. Importantly, the lack of accessibility cannot be used to justify the exclusion of persons with disabilities from work.

### Reasonable Accommodation

Reasonable accommodation refers to necessary and appropriate modifications that do not impose a disproportionate or undue burden, provided to ensure equality in practice. In the workplace, accommodation measures are intended to enable persons with disabilities to participate fully and effectively in professional life. Failure to provide reasonable accommodation constitutes discrimination under the CRPD. A simple example of a form of accommodation is providing more regular breaks to employees with disabilities and giving more time for completion of tasks, as compared to other employees.

### Positive Measures

Beyond prohibiting discrimination, the Convention requires States to adopt positive measures to promote employment opportunities for persons with disabilities. These may include affirmative action programmes, incentives for employers, targeted recruitment policies, and outreach initiatives. However, experience shows that reserved jobs often remain limited to low-skill positions, offering little opportunity for career development or self-realisation. True inclusion requires access to diverse professions, leadership roles, and advancement pathways.

## Kenya as a Comparative Case Study: Visioning a Stronger Disability Rights Framework for Mauritius

### Constitutional Entrenchment and Rights-Based Framing

Kenya's Constitution 2010 marks a decisive shift towards a rights-based approach to disability. Article 54 of Kenya's Constitution 2010 explicitly recognises the rights of persons with disabilities to dignity, respect, and equal treatment, and guarantees access to public facilities, transport, information, and communication through appropriate means such as Braille, sign language, and other accessible formats. These protections are reinforced by the constitutional prohibition of discrimination under Article 27(4) of Kenya's Constitution 2010, which explicitly includes disability as a protected ground.

Making disability rights a constitutional imperative has two important consequences. First, it elevates these rights beyond ordinary legislation, providing stronger safeguards against regression. Second, it frames disability not as a marginal or sectoral issue, but as an integral component of equality and human dignity. For Mauritius, this underscores the importance of anchoring disability rights firmly within constitutional and human rights discourse, rather than relying solely on statutory measures.

### Affirmative Action and Inclusive Governance

A particularly instructive feature of the Kenyan framework is the use of affirmative action as a constitutional obligation, rather than a discretionary policy choice. Article 54(2) of Kenya's Constitution 2010 mandates that at least five per cent of public appointments ("elective and appointive bodies") be reserved for persons with disabilities. This provision has both symbolic and practical value: it recognises historical exclusion and seeks to correct structural inequalities through targeted inclusion.

### Socio-Economic Rights and Justiciability

Kenya's Constitution further guarantees economic and social rights under Article 43, including the rights to education, health, housing, and social security. The constitutional and justiciable nature of these rights is of particular significance for persons with disabilities, who often face systemic barriers in accessing education and adequate housing and who may require specialised or ongoing healthcare support. By rendering these rights enforceable, the Kenyan framework strengthens substantive equality and addresses structural disadvantage.

### Institutional Architecture and Monitoring

Kenya complements its constitutional framework with its newly enacted legislation, the Persons with Disabilities Act 2025, and dedicated institutions responsible for implementation and oversight. Crucially, disability rights monitoring is closely linked to the national human rights architecture, reinforcing accountability and coherence.

This experience is particularly relevant to Mauritius as it considers the future of the Protection and Promotion of the Rights of Persons with Disabilities Act 2024. Rather than dispersing monitoring functions across multiple bodies with varying degrees of independence, a unified and independent mechanism – anchored within the National Human Rights Commission – would align with international best practice and strengthen credibility.

### Visioning Forward: Lessons for Mauritius

The Kenyan case study demonstrates that effective protection of the rights of persons with disabilities rests on five interrelated pillars: constitutional recognition, enforceable equality guarantees, affirmative action, access to justice, and independent monitoring.

The Kenyan experience illustrates that progress is neither accidental nor symbolic. It is the result of deliberate constitutional choices and sustained institutional commitment. Mauritius now stands at a critical juncture: the opportunity is not merely to catch up, but to reimagine a disability rights framework that is inclusive by design, enforceable in practice, and anchored in the dignity of all persons.

### The Position of the National Human Rights Commission

In line with the recommendations of the Committee on the Rights of Persons with Disabilities, the NHRC advocates for:

- Explicit recognition in the Act of the right of persons with disabilities to work in an open, inclusive, and accessible environment, in accordance with Article 27 of the Convention;
- Implementation of the Committee's recommendation (paragraph 48(a)) to promote access to work in both public and private sectors, in close consultation with persons with disabilities and their representative organisations, with particular attention to women and young persons.

### Vesting the Independent Monitoring Mechanism in the NHRC

The NHRC further recommends that the powers of the Independent Monitoring Mechanism in the Protection and Promotion of the Rights of Persons with Disabilities Act 2024 be vested in the National Human Rights Commission for the following reasons:

- **Alignment of mandates:** The NHRC's statutory mandate to promote and protect human rights encompasses disability rights and the implementation of international instruments.
- **Institutional independence:** The NHRC enjoys statutory guarantees of independence, whereas the Independent Monitoring Mechanism is located within a Ministry, potentially affecting its perceived autonomy.
- **A unified human rights framework:** Integrating disability rights monitoring within the NHRC reinforces the principle that disability rights are an integral part of universal human rights and strengthens coherence in reporting and accountability.

### Access to Justice and Reasonable Accommodation

The Commission has also drawn the attention of the judiciary to the urgent need to ensure effective access to justice for persons with disabilities, including through the provision of sign language interpreters as a form of reasonable accommodation. This concern arose following a complaint received on 14 January 2026 from Pedostop regarding proceedings before the Children's Court that could not be heard due to the unavailability of a sign language interpreter for a child victim attending the École des Sourds. The Commission is deeply concerned by the prejudice caused in such circumstances, particularly where children with disabilities are involved. Court proceedings are inherently stressful, and repeated adjournments may compel child victims to relive traumatic experiences through no fault of their own.

The Commission reiterates that:

- Access to justice must be guaranteed on an equal basis to all, without discrimination, and that the availability of a sworn sign language interpreter is not a matter of convenience but a necessary and legally required accommodation.
- Courts have a positive duty to take all reasonable measures to ensure that justice is neither denied nor delayed due to the absence of such accommodations.

#### Conclusion: From Delay to Deliberate Action

Mauritius stands at a critical juncture. The enactment – yet non-proclamation – of the Promotion of the Rights of Persons with Disabilities Act 2024 symbolises both progress and hesitation. The present and future of this law is unclear. The challenge ahead is not merely legislative completion, but the articulation of a clear national vision that places persons with disabilities at the centre of human rights protection.

The Kenyan experience demonstrates that meaningful progress is achieved through deliberate constitutional choices, enforceable rights, and independent oversight. For Mauritius, the way forward lies in transforming commitment into action, ensuring that disability rights are not aspirational promises, but lived realities grounded in dignity, equality, and inclusion.

#### Way Forward: Advancing Disability Rights from Commitment to Action

To move decisively from formal commitment to lived equality, the National Human Rights Commission identifies the following priority actions:

- **Immediate Legal Certainty**

Ensure the prompt proclamation and operationalisation of the Protection and Promotion of the Rights of Persons with Disabilities Act 2024, or, where amendments are envisaged, undertake a transparent and time-bound legislative process in close consultation with persons with disabilities and their representative organisations.

- **Explicit Recognition of Core Substantive Rights**

Strengthen the Act to explicitly recognise key rights under the CRPD, in particular the right to work in an open, inclusive, and accessible environment, in line with Article 27 of the Convention.

- **Independent and Coherent Monitoring**

Vest the powers of the Independent Monitoring Mechanism within the National Human Rights Commission to ensure independence, coherence, and effective oversight of CRPD implementation.

- **Inclusive Employment and Participation**

Adopt targeted measures, including affirmative action in public employment and incentives in the private sector, to address systemic exclusion from the labour market, with particular attention to women and young persons with disabilities.

- **Access to Justice and Reasonable Accommodation**

Ensure that courts and tribunals systematically provide reasonable accommodation, including the availability of sign language interpreters, so that persons with disabilities can participate fully and equally in judicial proceedings.

- **From Policy to Practice**

Accompany legal reform with sustained awareness-raising, capacity-building, and resource allocation to dismantle attitudinal, physical, and institutional barriers across all sectors.

# The Right to Learn in one's Mother Tongue

## The place of Kreol Morisien in Education and Public Administration

### Introduction

The education statistics for 2024–2025 are deeply troubling. Approximately **2,700 students failed the Primary School Achievement Certificate (PSAC)** examinations across Mauritius, Rodrigues and Agalega. In Mauritius alone, out of **11,573 candidates**, the overall pass rate stood at **76.41%**, with boys performing significantly worse than girls. While Rodrigues and Agalega record comparatively higher pass rates, the **extended programme reflects a systemic breakdown**, with a **94.7% failure rate**, raising serious concerns about educational equity and effectiveness. The National Human Rights Commission views these statistics with concern because it is unacceptable that, after 6 years of schooling, a child cannot read and write. The future of our children and by extension the future of Mauritius, is at stake.

These outcomes cannot be explained solely by individual performance. Some observers have pointed to structural factors within the education system, including the relationship between the language spoken by children at home and the language used in classrooms.

### I Language, Creole and the Myth of Linguistic Inferiority

*(Insights from Prof. Derek Bickerton from his paper 'What human language is & what the Creole languages are' published in Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights, ed. Ledikasyon pu Travayer (Mauritius, October 2012)*

Professor Derek Bickerton offers a rigorous linguistic analysis that challenges deeply entrenched misconceptions about Creole languages. At the outset, he clarifies that language is not defined by prestige, literature, or institutional recognition, but by its capacity to function as a complete system of communication governed by consistent grammatical rules<sup>ref 1</sup>. From a linguistic standpoint, any language that enables its speakers to express abstract thoughts, symbols, complex relationships, and creativity is a full language. Prof Bickerton beautifully puts it, *"it was only the use of language that forced us to create symbols, then we can say that **language and language alone, lies at the root of what it means to be human.**"*<sup>ref 2</sup>

Bickerton is unequivocal: **Creole languages meet all these criteria.**<sup>ref 3</sup>

### How Creole Developed

Contrary to the widespread belief that Creole is a *"broken"*, *"simplified"*, or *"corrupted"* version of European languages, Bickerton explains that Creoles emerged through a **process of linguistic innovation**, not degradation. In colonial societies, enslaved and displaced populations speaking diverse languages were forced to communicate under extreme conditions of inequality. Out of this necessity, new languages emerged, drawing vocabulary from dominant colonial languages but developing their own grammatical structures and internal logic.<sup>ref 4</sup>

Crucially, Bickerton notes that Creoles are not random or deficient hybrids. They are **new languages**, shaped by universal principles of human language acquisition. The beauty of Creole languages is that they became a tool for survival for our ancestors and they have a unifying force which puts all the descendants from the different parts of the world on the same footing because everyone can understand each other.

### Why Creole Is Looked Down Upon – and Why This Makes No Sense

Bickerton identifies the devaluation of Creole not as a linguistic judgment, but as a **social and historical one.**<sup>ref 5</sup> Creole languages are stigmatised because they are associated with enslaved peoples, colonised populations, and lower socio-economic status – not because of any inherent linguistic limitation.<sup>ref 6</sup>

This stigma persists despite the fact that, from a scientific perspective, there is no hierarchy of languages. Languages do not become superior by virtue of being written earlier, spoken by elites, or used in administration. The continued portrayal of Creole as vulgar, informal, or unsuitable for education is therefore irrational from a linguistic standpoint and rooted instead in colonial power structures and inherited social prejudice.

### Implications for Education and Human Rights

Applying Bickerton's analysis to the educational context, some commentators argue that the limited use of Creole in education does not reflect evidence-based pedagogy but rather inherited assumptions about language hierarchies. When an education system does not make use of a language spoken by a significant proportion of learners, this may have implications for both pedagogical outcomes and questions of inclusion.

Language is widely recognised not merely as a medium of instruction but as a foundation of cognitive development. A mother tongue is the language in which a child first learns to think, reason and conceptualise the world. Evidence gathered during national hearings held by

Ledikasyon pu Travayer in October 2009 indicated that children taught exclusively in English and French from early primary levels experienced difficulties with comprehension, particularly in abstract subjects.<sup>ref 8</sup>

Educators, parents and experts who participated in those hearings reported that pupils often demonstrated understanding when concepts were explained in Kreol but had difficulty reproducing that understanding in formal assessments conducted in other languages<sup>ref 9</sup>. This disconnect undermines both learning outcomes and self-confidence. This gap between informal comprehension and formal performance has been cited as a factor affecting both learning outcomes and student confidence.

Considered together, the linguistic analysis presented by Bickerton and the experiences documented during the hearings suggest that the limited role of Creole in education warrants further examination from both educational and rights-based perspectives.

## II UNESCO and the Right to Learn in One's Language

UNESCO has consistently affirmed that language is a **core component of inclusive and quality education**, and that the use of learners' mother tongues—particularly in early education—is not only pedagogically sound but **normatively desirable from a human rights perspective**.

UNESCO recognises that education systems which ignore the linguistic realities of learners risk excluding children from effective learning, even where schooling is formally available. In this regard, UNESCO has repeatedly stressed that access to education must be *meaningful*, not merely nominal, with comprehension regarded as a prerequisite for participation and achievement.

In its normative and policy guidance, UNESCO has emphasized the following principles:

- Children tend to learn more effectively when instruction begins in a language they understand.
- Early education in the mother tongue can strengthen cognitive development and literacy.
- Mother-tongue-based education may facilitate the later acquisition of additional languages.

These principles are consistent with the observations collected during the national hearings, where educators and parents noted that children frequently demonstrated understanding when concepts were explained in Kreol but faced difficulties when assessed exclusively in English or French.<sup>ref 10</sup>

## Language, Inclusion and Educational Equity

UNESCO has observed that the exclusion of mother tongues from education may disproportionately affect children from disadvantaged backgrounds, potentially reinforcing existing inequalities. Language policies that favor historically dominant languages may, in practice, privilege children with greater exposure to those languages outside school, while placing others at a disadvantage for reasons beyond their control.

This observation is reflected in the hearings, which documented how linguistic factors intersect with socio-economic circumstances, contributing to early learning gaps and longer-term academic difficulties. One case cited involved a child who was reportedly unable to access toilets at school because they could not communicate the request in French.

## Multilingualism as a Strength, not a Threat

Importantly, UNESCO does not frame mother-tongue education as incompatible with multilingualism. Rather, it promotes **additive multilingualism**, whereby the mother tongue forms the foundation upon which proficiency in other languages is built. UNESCO has noted that resistance to mother-tongue instruction sometimes stems from assumptions that associate global relevance or economic mobility exclusively with colonial or international languages. Such assumptions, if unexamined, may limit rather than expand educational opportunity.

Prof Bickerton highlighted that in the Netherlands, most schools use Dutch as the medium of instruction. Yet, Dutch people have a very good command of English because the subject is taught extremely well as a subject in the schools.<sup>ref 11</sup>

## Language Policy as a Rights-Sensitive Choice

UNESCO's position reinforces the understanding that language policy in education is **never neutral**. Choices about language of instruction shape who succeeds, who struggles, and who is left behind. When such choices predictably disadvantage large segments of the learner population – as reflected in high failure rates and the near-collapse of the extended programme – they must be assessed not only as policy decisions, but as **rights-sensitive choices**.

Viewed through this lens, the question facing Mauritius is not whether Kreol should or should not be the language of instruction, but whether the education system sufficiently aligns with internationally recognised principles of inclusion, equity, and the learner's best interests, as articulated by UNESCO and reflected in the lived experiences documented during national consultations.

### III Education, Identity and Human Rights

Although the Constitution of Mauritius does not explicitly establish a standalone right to education, it guarantees fundamental freedoms and must be read consistently with **human dignity, equality, and self-realisation**. Language plays a central role in this framework.

The hearings highlighted that the **systematic exclusion of mother tongues from formal education contributes to identity erosion**, particularly among children from socio-economically disadvantaged backgrounds <sup>ref 12</sup>. Language suppression was repeatedly described as a form of symbolic violence, reinforcing the idea that children's home identities are inferior or inappropriate for academic success.

#### Language as a Human Rights Concern

Language becomes relevant to human rights when it operates not only as a means of communication but as a factor affecting access to rights, particularly the right to equality, dignity, identity and effective access to education. In the context of schooling, the language of instruction can either facilitate learning or function as a barrier that disproportionately affects certain groups of children.

Education is not merely about formal instruction or examination performance; it is central to **self-realisation and the development of human potential**. A system that prioritises linguistic conformity over comprehension may provide nominal access to education without substantive learning.

International human rights law recognises that education should be accessible, acceptable, adaptable and inclusive. While States have discretion in determining education policy, this discretion is subject to human rights standards. Where a chosen language of instruction may systematically limit children's meaningful participation in education, the matter extends beyond pedagogical preference into questions of rights compliance.

#### Use of Kreol in the Mauritian Legal System

While the debate continues as to whether Kreol should be formally recognised in official fora such as the National Assembly, it is already a **language of practice within public administration**. In everyday interactions between public officers and members of the public, Kreol is routinely used to ensure understanding and accessibility. This is particularly evident in healthcare settings, where patients, nurses and doctors naturally communicate in Kreol. Individuals in pain or distress are often better able to articulate symptoms, fears and needs in their mother.

More significantly, Kreol is **firmly embedded in judicial practice**. Sections 14 and 131 of the **Courts Act** expressly allow a person to give evidence in a language with which they are best acquainted before the Supreme Court and the Intermediate and District Courts respectively. In District Courts, there is no official Kreol interpreter because the District Magistrate is deemed competent to understand and translate Kreol Morisien. Oral testimony given in Kreol is translated into English, the language in which proceedings are officially recorded. Where proceedings are digitally recorded, the **verbatim Kreol testimony forms part of the official record** and constitutes evidence upon which the Court may convict or acquit.

In addition, written statements of witnesses and accused persons are routinely taken in Kreol Morisien by police officers. However, these statements are often recorded by officers who have no formal training in reading or writing Kreol Morisien. As a result, spelling, grammar and sentence structure may vary widely from one statement to another, creating inconsistencies that can render interpretation uncertain. In such circumstances, the reading of a statement may become speculative. A single error—such as interpreting a negative sentence as a positive one – can have **serious and potentially devastating consequences**, fundamentally altering the meaning of evidence and the outcome of a case.

These observations point to the potential value of formal training for court officials and law enforcement officers in reading and writing Kreol Morisien, with a view to greater standardisation. Such measures could enhance accuracy, legal certainty and procedural fairness.

This is also consistent with the **fundamental right of an accused person to be informed promptly and in detail of the nature of the charge in a language they understand**. In practice, Kreol is already used in official contexts – most notably as evidence in court proceedings. Few functions of the State are more consequential than the administration of justice. If Kreol is considered sufficiently reliable for the purposes of judicial decision-making, its role within other areas of public administration may warrant further consideration.

### IV Way Forward

#### Addressing Differing Perspectives

There are differing views regarding the use of Kreol as a medium of instruction, including at higher academic levels such as the HSC. Some concerns are grounded in the view that the language may lack academic or economic utility. Such reasoning may reflect longstanding perceptions of Kreol as a secondary or informal language rather than a full medium of learning.

Evidence gathered during national consultations and hearings, however, suggests that strong literacy in the mother tongue can enhance cognitive development and support the acquisition of additional languages, including English and French. Concerns regarding utility may therefore benefit from assessment against empirical evidence and educational outcomes.

#### Maintaining a Child-Centred and Non-Communal Approach

The Commission considers it essential that the discourse on language in education does not assume a communal or ethnic character. Kreol is not the language of a particular group; it is the **shared linguistic reality of the Mauritian population**. Framing the issue in communal terms risks diverting attention from the substantive question of children's rights and educational equity.

A rights-based approach requires that the focus remain on the best interests of the child, ensuring that language policies promote inclusion, comprehension and equal opportunity, rather than reinforcing existing disparities.

#### Towards Rights-Consistent Language Policy in Education

The question before policymakers is not whether Kreol should displace other languages, but whether the current education framework sufficiently enables **all learners to access education meaningfully and on an equal footing**. Where language functions as a structural barrier to learning, it raises concerns related to equality, dignity and effective access to education.

The Commission notes that persistently high failure rates, particularly within the extended programme, warrant careful examination of whether linguistic barriers contribute to patterns of exclusion. Policy makers would need to address these challenges through a **progressive, evidence-based approach** that integrates pedagogical best practices with human rights principles.

#### Conclusion

Language policy is a matter of public interest and fundamental rights. An education system that fails to take account of the linguistic realities of learners risks undermining educational outcomes and perpetuating inequality. This concern is not theoretical.

If Kreol is considered sufficiently reliable and precise for the purposes of judicial decision-making, its limited role within the education system may merit reconsideration. It would be for the policy makers to decide whether Kreol Morisien should be integrated in education, particularly in the early years, and approach this question as a measure aligned with principles of equality, dignity and the best interests of the child.

The challenge going forward lies in ensuring that language policy serves as a bridge to learning rather than a barrier, and that the education system enables every child in Mauritius to understand, participate and develop their potential.

### Key Observations and Recommendations of the Commission

The National Human Rights Commission makes the following observations and recommendations:

#### 1. Language and Equality in Education

Persistently high failure rates warrant careful assessment of whether language of instruction constitutes a structural barrier to learning. Language policy should be reviewed through the lens of **equality, dignity and the best interests of the child**.

#### 2. Mother Tongue in Early Education

The Commission recommends a **progressive and evidence-based approach to integration of mother-tongue instruction**, particularly in the early years, alongside strengthened teaching of English and French as subjects.

#### 3. Kreol Morisien in Justice and Public Administration

Given the official use of Kreol Morisien in court proceedings and police statements, the Commission sees value in giving **formal training and standardisation in reading and writing Kreol Morisien** for relevant officials to enhance accuracy and legal certainty.

#### 4. Child-Centred, Non-Communal Approach

Language policy must remain **child-centred and non-communal**, recognising Kreol Morisien as a shared national language and focusing on educational outcomes and human rights.

Ref 1 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 59 - 60

Ref 2 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 60

Ref 3 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 61

Ref 4 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 61 - 63

Ref 5 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 62

Ref 6 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 64-65

Ref 7 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 62

Ref 8 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 62

Ref 9 - Ledikasyon pu Travayer, *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights* (Mauritius, October 2012), 35 (para. 6)

Ref 10 - Ledikasyon pu Travayer, *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights* (Mauritius, October 2012), 58

Ref 11 - Prof. Derek Bickerton, "What Human Language is and what the Creole Languages are" in *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights*, ed. Ledikasyon pu Travayer (Mauritius, October 2012), 64-65

Ref 12 - Ledikasyon pu Travayer, *Kreol & Bhojpuri: Lang Maternel A Bilingual Handbook on Mother Tongue Rights* (Mauritius, October 2012), 36 (para. 11)

# Femicide as a Human Rights Crisis

Mauritius was once again confronted with the painful and undeniable reality of violence inflicted upon women and children that too often results in irreversible loss of life and profound harm to families and communities. The succession of gender-based killings in 2025, followed by further tragedy at the beginning of 2026, has compelled the National Human Rights Commission (NHRC) to frame femicide not as a series of isolated criminal acts, but as a human rights crisis requiring urgent and systemic reform.

On 25 November, the International Day for the Elimination of Violence against Women, Mauritius was called not only to commemorate but to reflect with accountability. The murders of Bibi Nawsheen Chady in July 2025, Danaa Laetitia Malabar in October 2025, and Natasha Vidushi Cornet later that same month exposed, with painful clarity, the persistence of intimate-partner violence in Mauritius.

Preliminary investigations revealed that Mrs. Chady was reportedly beaten to death by her husband. Mrs. Malabar was brutally murdered by her spouse and left in an abandoned house. Mrs. Cornet's lifeless body was discovered in Pamplemousses, with her husband identified as the primary suspect.

These tragedies, occurring within mere weeks of each other, are not anomalies. They represent the continuation of a long and distressing pattern of domestic violence persisting despite constitutional guarantees of dignity, equality, and protection from discrimination, despite the Protection from Domestic Violence Act 1997, and despite Mauritius' binding obligations under CEDAW, the ICCPR, and other core human rights instruments.

These killings also occurred in the shadow of the earlier case of Sandhya Bappoo, who was violently killed by her husband years ago. The subsequent revision of her husband's sentence by the Commission on the Prerogative of Mercy generated widespread public debate and raised serious concerns about proportionality, accountability, and the broader message conveyed to survivors of domestic violence.<sup>ref 13</sup> The case underscored, with troubling force, the systemic minimisation of violence against women and institutional blind spots that may undermine public confidence in justice and deterrence.

On 4 January 2026, the body of Sivane Saminaden, a 29-year-old mother and social entrepreneur, was discovered in her home in Petit-Raffray. Her six-month-old baby was found in a barrel used as a rubbish container at the rear of the property. The infant, thankfully still alive, was immediately taken into care by Family Support Services. The suspected perpetrator, her 24-year-old partner, was arrested shortly thereafter and placed under police supervision at hospital. Neighbour accounts suggested patterns of isolation, distress, and coercive control preceding the fatal attack.<sup>ref 14</sup>

Shortly thereafter, Mauritius was once again confronted with brutal violence against women with the killing of Electra Coutequel, who was fatally stabbed at the Mahébourg bus station by her companion in early 2026. The attack occurred in a public space, underscoring a deeply troubling dimension of gender-based violence: the erosion of safety not only within the private sphere of the home, but within public spaces that should be secure for all.

According to media reports<sup>ref 15</sup>, Ms Coutequel was stabbed multiple times in what has been described as a targeted and violent attack. The brazenness of the act, committed in a transport hub, highlights both the escalating nature of intimate-partner violence and the growing audacity of perpetrators. The incident generated widespread public shock and renewed national debate on the adequacy of preventive measures and early intervention mechanisms.

The killing of Electra Coutequel is particularly significant because it challenges the misconception that domestic violence is confined to private spaces. When intimate-partner violence manifests in public, it reveals its broader societal dimension and the deep-rooted structural inequalities that enable such acts. It demonstrates that femicide is not simply a domestic issue but a public human rights concern.

These cases reinforce a critical reality, that is femicide is rarely spontaneous. It often follows a trajectory marked by coercive control, psychological abuse, escalating threats, isolation, and progressive violence.

The warning indicators reported in the Saminaden case align with well-documented risk factors in cases of escalating domestic violence. The Mahébourg attack similarly points to patterns of possessiveness and control that frequently precede lethal outcomes. When such indicators are not systematically identified, assessed, and escalated within an integrated institutional framework, the risk of fatal violence increases significantly.

Femicide which is the killing of women because of their gender or within intimate-partner contexts is not merely a criminal justice issue but a structural human rights concern. International jurisprudence is unequivocal. In *Opuz v. Turkey*<sup>ref 16</sup>, the European Court of Human Rights affirmed that States have positive obligations to protect individuals from foreseeable harm, including violence perpetrated by private persons. Similarly, *Velásquez Rodríguez*<sup>ref 17</sup> established that failure to prevent foreseeable violations may engage State responsibility.

Where police complaints, prior assaults, hospital visits, or patterns of coercive control are evident, failure to intervene decisively may amount to a breach of the duty to protect life.

The central question confronting Mauritius is therefore clear: were early warning indicators recognised and acted upon, or were opportunities for prevention lost due to fragmentation and systemic gaps?

A major structural concern remains the absence of a centralised national database and monitoring mechanism for femicides and high-risk domestic violence cases. Without consolidated and up-to-date data, early warning signs remain harder to detect, trends go unnoticed, and opportunities for preventive intervention are lost.

Fragmented reporting and inconsistent information sharing among law enforcement, social services, healthcare, and community organisations impede a coordinated response to escalating risk. The lack of systemic integration may have severe consequences, including the tragic loss of life.

Addressing femicide requires more than reactive measures. It calls for a structured and preventative national framework. First and foremost, Mauritius must establish a centralised national femicide and high-risk domestic violence registry. Such a mechanism would allow for the systematic tracking of patterns, identification of risk indicators, consolidation of complaints, and monitoring of case outcomes across institutions. A unified database would transform fragmented information into actionable intelligence, enabling evidence-based prevention and informed policymaking.

Equally critical is the strengthening of inter-agency coordination. Police services, Family Support Services, social services, healthcare professionals, the judiciary, and relevant ministries must operate within formalised and clearly defined protocols that facilitate information sharing and coordinated intervention. Domestic violence cannot be addressed effectively in institutional silos. An integrated response framework is essential to ensure that high-risk individuals do not fall through administrative gaps.

Further, the introduction of mandatory risk assessment tools and rapid intervention protocols in all domestic violence complaints are warranted. These assessments should identify escalating indicators and trigger clear, predefined escalation pathways when risk levels increase. Early detection and timely intervention are fundamental to preventing fatal outcomes.

Specialised gender-sensitive training must also be institutionalised across law enforcement agencies, the judiciary, health services, and social work sectors. Professionals must be equipped not only to respond to physical violence but also to recognise patterns of coercive control, psychological abuse, isolation, and escalating behaviour that often precede lethal attacks. Training must move beyond procedural compliance and foster a deeper understanding of the dynamics of gender-based violence.

Fourth, specialised gender-sensitive training must be institutionalised across law enforcement, judiciary, healthcare, and social work sectors. Professionals must be equipped to identify coercive control and escalating behaviour before violence becomes fatal.

Prevention must also extend beyond institutions into the community. Expanded public awareness and education programmes are essential to empower families, neighbours, educators, and community leaders to recognise early warning signs, encourage reporting, and de-stigmatise help-seeking. A culture of zero tolerance for violence against women must be reinforced through sustained national dialogue.

Finally, transparency and accountability must underpin reform efforts. Regular public reporting, measurable benchmarks, and institutional performance indicators are necessary to rebuild trust and ensure responsiveness.

In November 2025, the NHRC Chairman, Me Satyajit Boolell SC, participated in the Green Flag Project, emphasising the realities behind protection orders, police response, systemic gaps, and the cultural weight of impunity. <sup>ref 18</sup>

He underscored that responsibility does not rest solely with institutions. It begins in homes, within communities, and particularly among men themselves. He highlighted that allyship must be practical and deeply human. True accountability requires both legal reform and cultural transformation. True accountability requires not only legal reform but a cultural shift toward empathy, responsibility, and zero tolerance for violence. <sup>ref 19</sup>

Women's rights are human rights. The right to life, security, dignity, and effective protection is not optional but is foundational to a just society governed by the rule of law. The killings of 2025 and early 2026, including the public stabbing of Electra Coutequel at Mahébourg demand not incremental adjustments but comprehensive and measurable reform. Only through a coordinated, preventive, transparent, and rights-centred national framework can Mauritius fulfil its constitutional and international obligations and ensure that no woman's life is lost to preventable violence.

Ref 13 - <https://defimedia.info/grace-presidentielle-15-ans-de-remission-pour-le-meurtrier-de-sandya-bappoo-pour-conduite-exemplaire>

Ref 14 - <https://lexpress.mu/s/shivani-saminaden-tuee-son-bebe-de-six-mois-retrouve-dans-un-baril-servant-de-poubelle-553087>

Ref 15 - <https://defimedia.info/femicide-la-gare-routiere-de-mahebourg-electra-coutequel-sauvagement-poignardee-par-son-compagnon>

Ref 16 - <https://hudoc.echr.coe.int/fre?i=001-92945>

Ref 17 - [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_04\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf)

Ref 18 - <https://www.lemauricien.com/actualites/societe/violences-basees-sur-le-genre-green-flag-project-des-podcasts-pour-impliquer-les-hommes/692604/>

Ref 19 - <https://www.youtube.com/watch?v=JvI2qkb1nmk>

## Chapter 7

### List of partner institutions

1. Civil Society and Non-Governmental Organisations (NGOs)
2. Government Ministries and Statutory Bodies
3. Local Authorities and Community Engagement
4. Educational, Professional, and Private Sectors

**“THE TIME IS ALWAYS RIGHT TO DO  
WHAT IS RIGHT.”**

**Martin Luther King**

## 1. Civil Society and Non-Governmental Organisations (NGOs)

The NHRC cooperates and engages with various NGOs through open dialogue, joint projects, and discussions on salient human rights issues.

- Kinouete
- Not a number
- Hope
- Pils
- OUT Moris
- Collectif Arc en Ciel
- Young Queer Alliance
- Gender Links
- Passerelle
- Dis Moi
- ANFEN
- Openmind

## 2. Government Ministries and Statutory Bodies

To ensure the effective implementation of human rights standards and recommendations, the NHRC collaborates with several state bodies. These include:

- Equal Opportunities Commission
- Independent Police Complaints Commission
- The Ombudsman
- The Ombudsperson for Children
- The Attorney General's Office
- The Director of Public Prosecutions (DPP) Office
- Parliamentary Gender Caucus (for ongoing discussions on gender equality and human rights instruments)
- Ministry of Social Integration, Social Security and National Solidarity
- Ministry of Youth Empowerment, Sports and Recreation
- Ministry of Education and Human Resources, Tertiary Education and Scientific Research
- Ministry of gender equality and family welfare
  - o Senior Citizens Associations
  - o National Women's Council (collaborating to deliver talks on women's rights)
  - o Senior Citizen's Council
  - o Mauritius Family Planning and Welfare Association

### 3. Local Authorities and Community Engagement

The NHRC actively s its educational and awareness campaigns by partnering with local and regional authorities:

- Municipal Councillors, District Councils, and Village Councils (receiving workshops on how local government can promote human rights)
- Social Welfare Centres, Women Empowerment Centres, and Youth Centres

### 4. Educational, Professional, and Private Sectors

The NHRC also partners with educational institutions and the workforce to integrate human rights into professional and academic environments:

- University of Mauritius (hosting workshops, seminars, and lectures)
- State and private secondary schools
- Trade Unions (collaborating to inform workers about their rights)
- Private sector companies (delivering sessions on employment legislation and human rights in the workplace)
- Law enforcement (providing ongoing training and interactive sessions for Police and Prisons officers)

In addition to its direct operational collaborations, the National Human Rights Commission (NHRC) of Mauritius maintains a strategic formal relationship with the **National Mechanism for Reporting and Follow-up (NMRF)**.

- Coordinate between different national institutions to ensure the timely submission of human rights reports to international bodies.
- Provide closer monitoring of human rights issues within the country.
- Oversee and ensure the effective implementation of concluding observations issued by various human rights treaty bodies

The NHRC officially holds observer status on the NMRF platform. In this capacity, the Commission regularly attends all NMRF meetings, allowing it to provide independent oversight and input while monitoring the State's progress in meeting its international human rights obligations.

## Chapter 8

### Annexes

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**“RIGHTS ARE NOT GIFTS; THEY ARE  
GUARANTEES.”**

**Kofi Annan**

# Annexes

## Annex 1

Report on Disturbances at Melrose Eastern High Security Prison (EHSP) on 17 July 2025

### Disturbances at Melrose Eastern High Security Prison (EHSP) on 17 July 2025

#### Disturbances at Melrose Eastern High Security Prison (EHSP) on 17 July 2025

##### 1. Introduction

##### 1.1 Melrose Eastern High Security Prison

Melrose Eastern High Security Prison (ESHP) was inaugurated in March 2014 and has been in operation since. It has a capacity to hold between 800 to 1,000 detainees. The prison contains 13 units where detainees reside: Alamanda, Hibiscus, Trochetia, Kestrel, Paille en Queue, Ebony, Ravinale, Talipot, Marigold, Geriatric unit, Transit unit (for outdoor workers), the SPU (Special Protection Unit) and a medical unit.

Melrose ESHP is a high security prison, it is equipped with over 500 cameras, high wall fencing and high security management systems.

Most of the detainees in Melrose serve long-term sentences, however some of them are also serving short sentences.

The kitchen block consists of the kitchen, a bakery unit, a pastry unit and a slaughterhouse, where detainees are assigned for work.

In addition to kitchen work, detainees may also be assigned to the following types of work within the prison grounds itself: metalwork, plumbing, electric, gardening, cleaning or nursery. There are additionally two (2) workshops gathering units for shoemaking, laundry, carpentry, basketry and tailoring jobs. Detainees may also attend courses to obtain academic qualifications such as A levels.

The prison grounds are home to three (3) places of worship: a Mosque, a Tamil Temple and a Church.

There are currently 949 detainees ESHP, 50 of whom including foreign detainees are on remand. The NHRC has been made to understand that several transfers of detainees will be made/ are being made towards Petit Verger Prison and Beau Bassin Prison.

##### 2. Fact-Finding-Inquiry

2.1 Following disturbances which occurred at the Eastern High Security Prison (EHSP) on the 17 July 2025, the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (Commission) received a complaint from the

relative of a detainee to the effect that the latter had been subjected to brutality by prison officers and necessitated urgent medical attention. The NPMD immediately initiated an investigation. In the course of its investigation, the NPMD secured material CCTV footage of the disturbances and gathered statements from both detainees and prison officers. It submitted a preliminary report to the Commission on the 28 July 2025. The Commission would like to thank both Mrs Ahmed Deputy Chairperson of the NPMD for conducting a thorough investigation.

- 2.2 On the basis of the NPMD report and further to numerous complaints received from the relatives of detainees, the Commission in virtue of its powers under Sections 6 to 9 of the Protection of Human Rights Act set up a fact-finding inquiry on the disturbances which occurred at Melrose ESHP on the 17 July 2025.
- 2.3 Ten witnesses were heard by the inquiry including the Commissioner of Prisons, one acting Deputy Commissioner of Prisons having responsibility of Melrose, one Assistant Commissioner of Prisons, one superintendent of Prisons who was acting Officer-in-charge, two Lead Prison Officers, the Principal Prison Welfare Officer, the Principal Prison Health Service Officer, the Prison Doctor who was on duty that day and two police officers from the *Groupeement d'Intervention de la Police Mauricienne* (GIPM) and the Special Mobile Force respectively.
- 2.4 In addition, the Commission visited Melrose ESHP where it heard oral evidence from three detainees and also reviewed 25 complaints registered at the Commission from the detainees' relatives.
- 2.5 All the witnesses gave oral evidence in the course of formal hearings. Their names are not disclosed so as not to cause them prejudice in the event they are called upon to give evidence before other fora.
- 2.6 The Commission would like to place on record that the Commissioner of Prisons has facilitated the work of the fact-finding inquiry by giving access to all relevant information. The Commission would also like to thank Mrs Risha Hullman Barrister for assisting the fact-finding inquiry.

### 3. Key Areas

- 3.1 This is the Report of the fact-finding inquiry. It addresses three key areas:
  - (i) The root causes of the disturbances;
  - (ii) The effectiveness of the response to the disturbances;

(iii) Preventing similar future disturbances: How to defuse a ticking prison bomb?

### 4. Background

- 4.1 On 17 July 2025, at about 0800 hours detainee T was observed loitering outside his assigned unit without justification, thereby committing a prison default. When apprehended, he refused to comply with the prison officer's instructions to proceed to the Segregation and Protection Unit (SPU). At this stage Detainee T faced adjudication for indiscipline. Instead of complying with the orders he was being given, he ran towards his Unit, the Ebony Unit, climbed over the fencing to access his unit and continued to defy the prison officers.
- 4.2 What happened next was crucial: the Officer -in -Charge of Melrose ESHP and one Lead Prison Officer L, joined some 4-6 officers who were already present at the locus, they then proceeded to the association shed of the Unit (area where all the prisoners assigned to the Unit normally gather during the day) and the officer-in-charge tried to reason with detainee T for him to submit himself to be placed in the SPU as he was under report for indiscipline.
- 4.3 According to the Officer-in charge, it was at that moment that he saw a piece of ribbon cloth which was lit next to Detainee L who was sitting on a concrete bench in the association shed. On seeing the Officer-in -charge, Detainee L tried to put out the fire from the ribbon. Detainee L was cautioned on the spot and the officer ordered that he be searched. Instead of complying, Detainee L stood up on the concrete bench and tried to conceal a small black pouch. The officer-in -charge snatched the black pouch from his hand. Two mini mobile phones were according to the officer secured from the black pouch. On securing the mobile phones, some 125 detainees surrounded him and his officers. They "were threatened with a weapon commonly known as *pique démon*". In the face of the threat to their physical safety, they had no choice but to beat retreat and leave. The Commission having viewed the relevant part of the CCTV footage does not see that there were as many as 125 detainees present at the spot at that moment. It was noted however that there were about 20 detainees who tried to interfere with the orders of the officer-in -charge. It was also not apparent from the CCTV footage that a "*pique démon*" weapon was used against the officer-in -charge and his officers. There are also no official records of the two mobile phones having been secured. As a fact no form of physical violence was used, but the officer-in -charge had to back down in view of the number of detainees moving towards him in an aggressive manner. He immediately left the association shed fearing for his safety.
- 4.4 Following this incident in Ebony Unit, the Officer -in-charge promptly contacted the Ag DCP responsible of Melrose EHSP and requested for the intervention of the

Correctional Emergency Response Team (CERT). He then contacted the Commissioner of Prisons and informed him that he was "anticipating resistance and opposition from the detainees inside the block who would oppose the search". He was told that CERT is on its way as a back-up to conduct the search. However, he requested the additional presence of the SMF as he was anticipating a "big problem". Accordingly, the Commissioner of Prisons contacted the Commissioner of Police. A specialised team from the GIPM, comprising of one Inspector of police, three police sergeants and seven police constables, together with a section of the Special Mobile Force (SMF) comprising of one Inspector of police, two police sergeants and twelve police constables were deployed by the Commissioner of Police to provide tactical support to the prisons' CERT.

- 4.5 The Commissioner was adamant that the presence of the combined forces was to provide support for a search to be conducted. He was not anticipating the use of force. Before the fact-finding-Inquiry, he stated that he was surprised that the briefing was conducted by the Officer-in Charge alone. He had designated the acting DCP to attend Melrose ESHF and was expecting the latter and the ACP who had resumed duty on that morning to take over command. The Commission deplors the fact that the two senior officers had effectively distanced themselves from the operations. Instead, the briefing was led by the Officer-in-charge. He alone, informed the combined forces that he faced a rebellion by detainees. The officers of the combined forces were also informed that the threat level was moderate and support was sought for the ensuing crackdown operation, which would be led by prison officers.
- 4.6 From the viewing of the CCTV footage, the Commission has seen no evidence to suggest that two hours after the initial incident, there was any reasonable cause to anticipate any resistance or rebellion. The forceful entry of the combined forces and the prison officers took the detainees by surprise. Most were intimidated and tried to seek refuge. They were all placed in a fall-in situation against the wall. Those who were non-compliant and showed resistance were dealt severe blows with tonfa weapons. In some instances, they were kicked and stamped upon whilst in a supine position. In some units Kestrel for instance, the detainees were asked to strip naked and made to lie on the floor, face down.
- 4.7 The Commission will have more to say when dealing with the unjustified use of force below. It is observed from the CCTV footage that a few detainees amongst whom detainee T and detainee R were identified to be dealt with severely for past misconduct and lack of respect towards prison officers. When confronted with these allegations the Officer-in-charge conceded that there were previous grievances against them and that these detainees have been misbehaving for a long time towards prison officers and that a zero-tolerance policy should apply.

## 5. Root Causes of the Disturbances and Escalation

- 5.1 The incident's genesis was the initial "prison default" committed by Detainee T, who was found loitering without justification and subsequently refused to comply with a lawful order to proceed to the SPU. While the *Reform Institutions Act 1988*<sup>1</sup> provides a clear legal framework for addressing such individual breaches of discipline, the response chosen by the prison authorities was a critical factor in the subsequent escalation.
- 5.2 Instead of isolating and addressing detainee T's default through established disciplinary channels, the decision was made to conduct a full-scale search of all the units in Melrose EHSP.
- 5.3 This collective measure, applied in response to what was arguably an isolated incident was a disproportionate and escalatory step. A collective search, particularly if perceived as a form of collective punishment or an arbitrary exercise of authority, can significantly undermine these fundamental principles of proportionality. Such an action is likely to foster a sense of injustice and resentment among the detainee population, transforming a minor disciplinary issue into a collective grievance. The subsequent "aggressive manner" and resistance from the detainees were a direct and foreseeable consequence of this perceived affront, indicating a collective expression of opposition rather than isolated acts of defiance. The initial prison officers' withdrawal after being "overpowered" further highlighted the intensity of this collective resistance and presented a crucial, albeit missed, opportunity for strategic re-evaluation.

## 6. The Effectiveness of the Response to the Disturbances

- 6.1 While the *Reform Institutions Act 1988* empowers prison officers to use force as is strictly necessary in specific circumstances, this power is not absolute and must always be exercised as a measure of last resort, strictly adhering to principles of necessity and proportionality, as guided by international human rights standards.
- 6.2 The moment the initial officers withdrew from the Ebony Unit was a pivotal juncture. A proper and professional situational evaluation at this point would have entailed:
- (i) **Objective Risk and Threat Assessment:** An immediate and impartial assessment of whether the detainees' resistance constituted a credible and imminent threat to life, serious injury, or an escape risk. The fact that the officers were able to withdraw albeit hastily suggests that a full-scale, uncontrollable riot was not in

<sup>1</sup>Section 37 Reform Institutions Act

progress, and the situation was contained within the unit. The real evidence shows that prior to the intervention of the multi-agency forces prisoners had gone back to their normal routine;

- (ii) Establishment of Clear Command and Control: The immediate establishment of a unified command structure to manage the evolving incident, prioritising communication and negotiation over immediate re-entry with force. The fact that the ultimate decision was left solely to the discretion of the Officer in Charge highlights the precarity of the situation and the fact that the officer was acting under pressure;
  - (iii) Strategic Planning for De-escalation: The development of a comprehensive plan to prioritize dialogue, mediation, and non-coercive measures to resolve the standoff, rather than an immediate and forceful re-entry. The lack of an established protocol underpins weak link in the decision-making process;
  - (iv) Postponement of Search and Re-evaluation of Procedure: The search could have been temporarily postponed, allowing the administration to re-evaluate the necessity and methodology of the search.
- 6.3 The decision to bypass these critical steps and immediately call for the assistance of CERT officers, GIPM and SMF, demonstrates a significant procedural failure. This approach indicates a predisposition towards a forceful resolution, neglecting the fundamental principles of de-escalation and procedural justice that are paramount in correctional settings.
- 6.4 The Commission notes with concern the absence of procedures for authorisation before the use of force is resorted to. The ultimate decision to brief the specialised forces was left to the absolute discretion of the officer-in-charge, there were no concerted consultations with his superiors as to the use of force notwithstanding the fact that two senior officers including one DCP were present within the compounds of Melrose ESHP. There is also no evidence to suggest that the two senior officers had expressed any interest to be part of the decision-making process prior to launching the operations. The Commission also deplors the fact that the Ag DCP failed to keep the Commissioner of Prisons briefed at all times, especially when the use of force was being resorted to. This illustrates the absence of established procedures to deal and manage crisis situations. Moreover, the Commission would like to assume that the unjustified force was not intended as a means to retaliate following the indiscipline of the detainees in Ebony Unit, which eventually led to the hasty retreat of the officers from the Unit.

## 7. Unjustified Use of Force

- 7.1 The Reform Institutions Act 1988 ("the Act") provides a clear legal framework for addressing breaches of discipline, as follows:

### Section 12: Use of force

"(1) No officer shall use force against a detainee except such force as is reasonably necessary;

- (a) in self-defence;
- (b) in the defence of another person;
- (c) to prevent a detainee from escaping;
- (d) to compel obedience to an order which the detainee wilfully refuses to obey; or
- (e) to maintain discipline in the institution.

(2) Any officer may, where he has reasonable cause to believe that he cannot otherwise deal with the situation, use any weapon or firearm which has been issued to him against a detainee who is

- (a) escaping or attempting to escape from an institution or from lawful custody and refuses, when called upon to return;
- (b) engaged with others in riotous behaviour in an institution and refuses to desist when called upon; or
- (c) endangering the life of, or is likely to inflict serious injury on, any person."

- 7.2 While the Act empowers officers to use such force as may be reasonably necessary, this power is not absolute and must be exercised as a measure of last resort, adhering to principles of necessity and proportionality. The use of force if strictly necessary cannot therefore be above and beyond what is necessary to control a confrontational situation. It must be aimed at preventing harm to protect staff, detainees or the public from an imminent danger. None of these conditions were satisfied on the 17 July 2025. Some detainees did show resistance but the large majority were fully compliant with the orders given to them during the operations.
- 7.3 Prior to returning to Ebony Unit, and this time with the support of the combined forces, the officer-in-charge and his two other superiors, the ACP who was already in the compound and the acting DCP, should have availed themselves of the opportunity to re-evaluate the situation and consider employing de-escalation strategies. Instead, the officer-in-charge opted for a forceful re-entry.
- 7.4 The Commission is in presence of evidence showing the use of excessive force both by prison officers and agents of the specialised forces. The approach generally adopted within most units was to single out two to three "ring leaders" (as per the term used by several prison officers) then the identified detainee would be dragged

from his fall in position against a wall, was dealt with severe blows using batons, kicks and was stamped upon, at times repeatedly. There was no sign of provocation as is borne out from the CCTV footage except in one case when a detainee took the tonfa weapon of an officer and ran away. The excessive use of force to retrieve the tonfa was also unjustified.

- 7.5 The Commission is in presence of evidence that detainees in Paille-en-queue, Kestrel and Alamanda were requested to strip naked - which they did. In one instance in Ebony Unit, Detainee T who had defied prison rules and had left a patch of hair on his head unshaven was made to shave the unshaven patch of hair on the spot. In Kestrel unit where all detainees were requested to strip naked and lie face down on the floor each detainee received blows with tonfas whilst they were in that position.
- 7.6 The use of physical force against the "ring leaders" was not minimum force and was therefore unjustified. The principle of proportionality, a cornerstone of both administrative law and human rights jurisprudence, mandates that any force used must be strictly necessary and commensurate with the actual threat presented. The deployment of a multi-agency force comprising prison officers alongside highly specialised tactical units (CERT, GIPM, and SMF) against unarmed detainees, whose most aggressive act was to "resist and behave in an aggressive manner," represents a grossly disproportionate and excessive response. In this context reference is made to the following well established authorities on the disproportionate use of force by law enforcement officers:
- In the United Kingdom, the case of R (Ahmad) v Governor of HM Prison Frankland [2006] EWHC 1346 (Admin) reiterated that while prison authorities possess a wide margin of discretion, any use of force must be demonstrably necessary and proportionate to the circumstances;
  - The European Court of Human Rights, in cases such as Bouyid v. Belgium (Application no. 23380/09, Grand Chamber, 2015), has consistently held that even a minor application of physical force that is not "strictly necessary" can constitute a violation of Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment). In Bouyid, the Court found a violation when police officers slapped a man at a police station, emphasising the State's positive obligation to provide a compelling justification for any use of physical force;
  - In the United States, the Supreme Court's ruling in Whitley v. Albers (475 U.S. 312, 1986) established that in the context of prison disturbances, the use of force must be evaluated based on whether it was applied in a "good faith effort to maintain or restore discipline" rather than "maliciously and sadistically for the very purpose of causing harm." While this standard acknowledges the

exigencies of prison control, it does not, by extension, justify the initial deployment of excessive force when less violent alternatives are available;

- The Kalkan v. Denmark (Application no. 51781/22, 2025) judgment further reinforces the State's positive obligations under Article 2 (right to life) and, by extension, Article 3 (right against torture, inhuman or degrading treatment), to protect detainees from foreseeable harm, including harm inflicted by its own agents. The judgment underscores the need for robust training and clear policies to ensure that any use of force is a last resort and strictly necessary;
  - The State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured (*Kudka v. Poland* [GC], §§ 93-94, ECHR 2000-XI).
- 7.7 The presence and deployment of the combined forces, typically reserved for high-risk, life-threatening scenarios, against a contained disturbance, signifies a punitive rather than a restorative approach to maintaining order. Such an overwhelming display of force inevitably inflicts a degree of suffering and humiliation that far exceeds the unavoidable level inherent in detention, potentially constituting inhuman or degrading treatment.

#### 8. Medical care & False Affidavit

- 8.1 It is the responsibility of the State to ensure that detainees receive requisite medical assistance to safeguard their health and well-being. Mandela Rule 27, a universal standard human rights principle which is observed by the prison authorities, provides that Detainees should enjoy the same standards of health care available in the community, without discrimination on the grounds of their legal status.
- 8.2 Following the disturbances of the 17th July, the NHRC received several complaints from detainees' relatives alleging *inter-alia* that serious injuries had allegedly been inflicted upon the detainees. In the light of these complaints the fact-finding inquiry called for the records of medical care procured to detainees and in addition heard the testimony of the prison doctor on duty on that day. Fourteen detainees were seen by the doctor on the 17th July. They complained mostly of pain over the body and he accordingly prescribed pain killers. The fact-finding inquiry also heard the Principal Nursing Officer who stated that he had examined some forty detainees and noted the

presence of minor abrasions or ecchymoses on a few of them. He did not record the medical assistance procured nor was there a report to support his evidence.

- 8.3 It was known to the fact-finding inquiry that detainee R, had sworn an affidavit stating that he was severely assaulted and as a result sustained a fracture of the right hand, a dislocated knee and a fracture to the lower back causing severe pain and restricting his mobility. The Commission confirms that nothing could be further from the truth in so far as the injuries sustained by detainee R are concerned. He was examined as an in-patient at Jawaharlal Nehru Hospital and the absence of fracture was confirmed by the x-ray specialist. The only observation of the doctor was a ganglion cyst about 1 cm diameter over the dorsal of the left wrist.
9. Strip Searches
- 9.1 According to standard procedures, a detainee may be ordered to strip naked where there are reasonable grounds to suspect that the detainee is concealing illicit items or weapons on his body. Strip Searches must be proportionate and necessary and conducted in a private setting by trained staff and above all with respect for the detainee's dignity. Normally the search is recorded, justified in writing and subject to later review if required. Section 7 of our own Constitution makes it an absolute right to the individual not to be subjected to any degrading punishment.
- 9.2 The case of *Yankov v Bulgaria* (Application no. 39084/97, 2003) is highly relevant, as the European Court of Human Rights has consistently held that any form of physical intrusion, including strip searches, must be conducted with the utmost respect for human dignity and privacy. Where such a search is conducted in an open area, visible to others, strips it of this essential dignity and transforms a necessary security measure into a punitive and degrading act.
- 9.3 The principles laid out in *Yankov* are further reinforced by other significant judgments. In *R (Ahmad) v Governor of HM Prison Frankland* [2006] EWHC 1346 (Admin), the court reiterated that while prison authorities have a wide margin of discretion, any use of force or intrusive measures must be demonstrably necessary and proportionate to the circumstances.
- 9.4 The Commission notes with significant concern the blanket strip-searching of all detainees without exception. This procedural measure, undertaken collectively and in a public area, was not based on reasonable suspicion that each detainee posed a specific threat or was in possession of a prohibited item. Instead, it appears to have been applied as a uniform, punitive action. This approach is in direct violation of the principles of proportionality and necessity, which mandate that such intrusive measures must be strictly justified on a case-by-case basis.

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- 9.5 All detainees were asked to strip naked and made to lie on the floor face downwards. Those who would resist would be beaten up with tonfa batons or verbally abused. Such behaviour was intended to arouse in them feelings of fear and inferiority capable of humiliating and debasing them.
- 9.6 In light of the incident at Eastern High Security Prison, the Commission considers that the conducting of strip searches on detainees in an open space was not warranted. Such behaviour on the part of the prison authorities amount to a degrading treatment.

#### 10. Status of Prison Officers: Corruption and Delayed Promotion

- 10.1 During the hearings several witnesses including one detainee, informed the Commission of the operations of smuggling networks within the prison compounds, that import illicit drugs, mobile phones and cigarettes with the complicity of corrupt prison officers. The Commissioner of Prisons confirmed that under his supervision, a case was recently detected with the help of informants involving a prison officer whereby the latter had pelted cigarettes from the Prison Tower to a location inside the prison compounds. The matter has been reported to the police.
- 10.2 The Commission was also told that drugs are creatively introduced inside Melrose ESHP through A4 paper commonly referred to as "*chimik*" due to the chemical concoction which is coated on A4 paper. The cost of that small piece of paper turn would vary between Rs 100 – 300 inside the prisons. According to the Officer-in-charge, a 3G mobile can cost up to Rs 100,000, whilst a 5G mobile phone can cost up to Rs 150,000. It is understood that a successful sale to a detainee would happen with the inside complicity of a corrupt officer facilitating the payment using online applications on his own device.
- 10.3 The substantial amount of money involved has encouraged the growth of a sub-culture of corrupt officers who weaponize their authority for their personal gains and the interests of criminal networks inside the prisons. Whilst corruption involve a minority of prison officers such misfeasance can undermine the implementation of prison rules, encourage indifference to such practices and create an unstable and unsafe environment within Melrose ESHP.
- 10.4 The above criticisms are meant to be constructive, and the Commission endorses the views expressed by the Honourable Prime Minister who stated in the National Assembly during the PNQ of the 22nd July that "we must not detract from the fact that the vast majority of prison officers have remained steadfastly loyal to the prison services and have continued to show a remarkable degree of professionalism in the discharge of their functions".

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10.5 The quality of the of the prison system ultimately depends on the quality of the performance of prison officers. It requires a good *rapport* between management and staff on the one hand and staff and detainees on the other. Admittedly, the work of the prison officer can be risky and dangerous and officers need to be motivated and their status raised if a qualitative performance is required of them. They must be given better prospects for promotions and the situation whereby the Commission was informed that an officer had to wait for 13 years in an acting position before being confirmed, is considered unacceptable to say the least.

10.6 In order to cope efficiently with the kind of disturbances faced by the prison authorities on the 17 July, officers need to be properly trained in crisis management and issued with updated protocols and guidelines on all aspects of their day- to -day responsibility.

#### 11. Future Measures: Defusing a Ticking Prison Time Bomb

11.1 The Commission is of the view that the disturbances presented several clear opportunities for the prison administration to employ alternative, less coercive means to restore order and discipline, consistent with legal obligations and best practice:

- **Dialogue and negotiation**  
Following the withdrawal of officers, the administration should have deployed a designated negotiation team. This approach facilitates communication and seeks a peaceful resolution;
- **Targeted individual accountability**  
Rather than resorting to a collective blanket use of force, the administration could have used the intervening period to identify the specific individuals who engaged in aggressive behaviour. This would have allowed for a more proportional and targeted response;
- **Deployment of specialist de-escalation teams**  
The Commission recommends that in the event of a crisis or conflict situations the prison authorities should deploy a team specialised in crisis de-escalation techniques to ensure better management of the crisis situation and privilege a proportional response rather than a tactical assault force.
- **Postponement of Search and Re-evaluation of Procedure**  
The search that apparently triggered the incident could have been temporarily postponed. This would have allowed the administration to re-evaluate the necessity and methodology of the procedure, potentially preventing further conflict.


#### 12. Recommendations

12.1 The Commission recommends that the following measures be implemented to deal in a more effective and efficient manner with disturbances similar to the one which occurred on the 17 July 2025:

- **Enhanced de-escalation training**  
Mandatory and regular training for all prison staff in conflict resolution, communication, and de-escalation techniques to equip them with the skills to manage challenging situations without resorting to force;
- **Ongoing training for prison officers**  
This is required in order to ensure the strict adherence to the principles of necessity, proportionality, and "last resort," in line with the *Reform Institutions Act 1988* and international human rights standards. Furthermore, there should be a renewed focus on procedural justice within the prison system to ensure all actions, including searches and disciplinary measures, are seen as fair, transparent, and respectful of detainees' rights. This approach will help the Eastern High Security Prison move toward a more effective, humane, and legally compliant method of maintaining order and discipline. During the Adjudication process of detainees under report, where a detainee has pleaded not guilty, latter should be provided with written reasons why they are found guilty;
- **Clearer use of force guidelines**  
A review and clarification of the use of force policy, ensuring strict adherence to the principles of necessity, proportionality, and last resort, in line with the *Reform Institutions Act 1988* and the Nelson Mandela Rules. A protocol should be put in place to assess any situation of potential danger, violence and to de-escalate same. A chain of command should be established so that one officer alone cannot assess the situation and call for national back up without a proper system of checks and balances in place;
- **Standing orders**  
All prison staff should be provided with an updated copy of the different Standing Orders – not just high-ranking officers, but all officers – and explained the content of same. Training of prison officers should be provided over the Mandela Rules;
- **Reconstitution of Boards**  
The following Boards should be reconstituted at the earliest: the Parole Board, Visitors Board, the Commission of Prerogative of Mercy and the Committee for Discharged Persons;


- **Specialised Medical staff**  
The doctors and nursing staff assigned to the Melrose ESHIP should get specialised training on the care of detainees;
- **Increase the number of psychologists**  
At present only 2 psychologists are assigned to over 2,800 detainees. This number is barely adequate. Psychological support should be available to Prison staff also;
- **Remission for drug offenders**  
Consider the implementation of a structured system of remission from sentence for drug offenders. This measure would serve as a positive incentive for demonstrable good conduct and active participation in rehabilitation programmes. By offering a tangible reward for positive behaviour, this would not only incentivise reform but also align with the broader objective of reducing recidivism;
- **Creation of a Criminal Justice Committee**  
Such a committee may be constituted of representatives of the judiciary, the office of the Director of Public Prosecutions, Commissioner of Police, the Commissioner of Prisons, National Human Rights Commission and the Law Reform Commission. This Committee would be tasked with the vital role of keeping a scrutiny on the sustainability of the prison system and monitor *inter alia* overcrowding and rehabilitation within prisons. The committee would also have the important task of reviewing cases on remand, monitoring the success of rehabilitation programmes and contributing to better sentencing policies.

This report is dated 1<sup>st</sup> September 2025



Satyajit Boolell, SC  
Chairperson

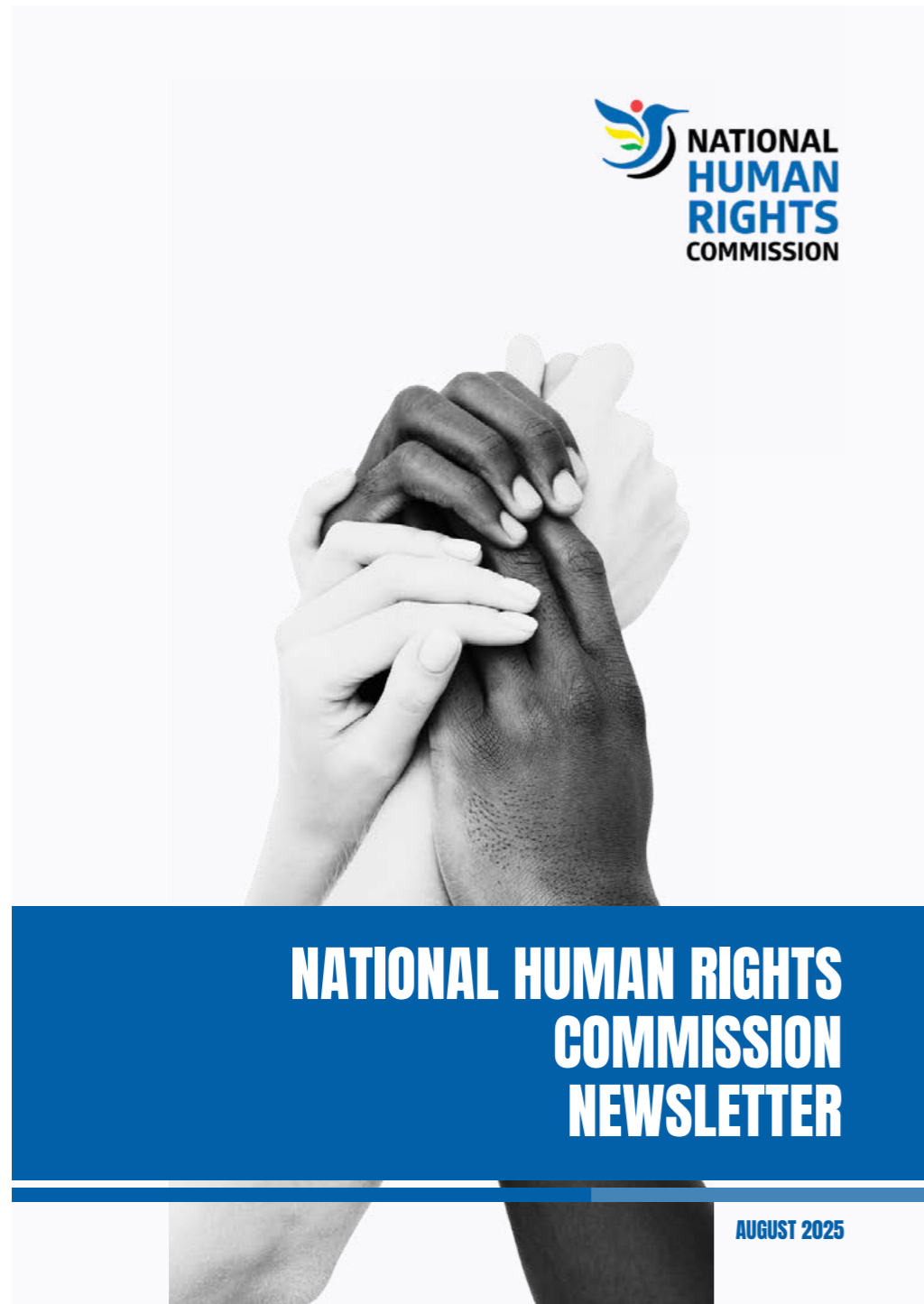
I have read the above report and am in agreement with its contents.



Melony Nagen  
Deputy Chairperson

## Annex 2

Rehabilitation and Reintegration: Upholding Dignity beyond Detention (Aug 2025)






**Change of Culture in Sentencing and Rehabilitation**

**Satyajit Boolell SC**  
Chairperson NHRC

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

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

**Restoring the Role of the District Court**

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

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

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**2. Reinforcing Chambers Sessions**

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

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

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

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

**Starting Point for Reform**

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

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



EDITORIAL

**Because you deserve a good night sleep**

TOURIA PRAYAG

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

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

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

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



reoffenders that now hovers around 70 per cent.

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

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

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



BY RISHA HULMAN-DYALL

## WHO WE ARE

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

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

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

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

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

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



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

Par Najah Ahmed

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

### Enquêter contre les abus

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

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

### Surveiller les lieux de détention

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

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

### Promouvoir les droits humains

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

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

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



BY TOURIA PRAYAG

# A DAY IN THE BEAU BASSIN CENTRAL PRISON



The stylish chairs we sat on at the Beau Bassin Central Prison, the tables we rested our apprehensive elbows on, the tea we were served as well as the rather satisfying croissants, banana tarts and savoury petits pains that we were invited to sample were all made by the invisible hands of those that society has locked away and given up on. The Commissioner of Prisons and his officers, dressed in elegant, well-pressed uniforms gave us an overview

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



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

That's a lot of bad news.

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

### WITHIN THE PRISON

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

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

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

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

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

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



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

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

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

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

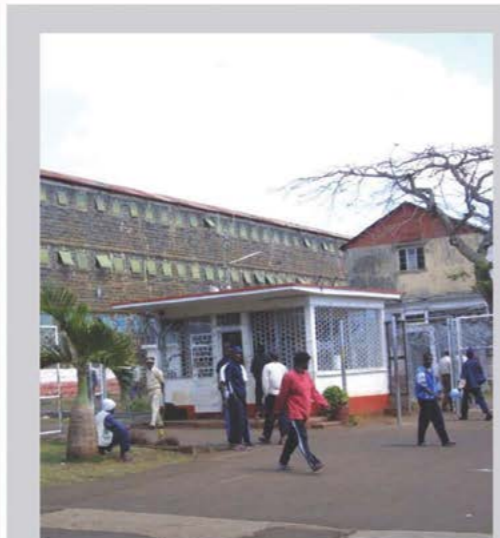
The most vocal complaints came from the ward where there are foreign inmates. Their main concern: the time they have spent awaiting trial – a record of seven years! Their complaints: work in prison brings them around Rs125 a week. A single telephone call back to their countries costs them Rs90. South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



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

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

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



BY JEAN MARIE RICHARD

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

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



zot santans ici e leres dan zot pei.

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

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



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

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



## LA PLACE DE LA SANTÉ MENTALE DANS NOS PRISONS À MAURICE

Par Vijay RAMANJOLLOO

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

des risques d'interactions médicamenteuses complexes.

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



d'un suivi médical régulier, adapté et accessible.

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

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

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

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

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



## NELSON MANDELA - UNE ICÔNE DES DROITS HUMAINS

PAR JEAN MARIE RICHARD

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

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

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



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



de son pays.

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

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

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



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

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



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

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





**THE COMMISSION AT WORK**

# MEETING OF THE NATIONAL HUMAN RIGHTS COMMISSION WITH NGOS

BY RISHA HULMAN-DYALL



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

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



The NHRC's objectives in these collaborative endeavours include:

**Establishing a National Strategy for Rehabilitation and Reintegration:**

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

**Enhancing Conditions of Detention:**

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

**Facilitating Employment Opportunities for Former Detainees:**

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

**Addressing Systemic Challenges:**

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

**Promoting Human Rights Education and Awareness:**

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

**Exploring Innovative Rehabilitation Models:**

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

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



THE COMMISSION AT WORK

# ROUND TABLE ON DISABILITIES AND INCLUSION

BY RISHA HULMAN-DYALL



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

Chairperson of the National Human Rights Commission.

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



synergy and maximise impact within this vital domain.

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

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

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

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

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

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

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

**Rationale behind the Judgment:**

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

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

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

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

**Certificate of Character in Mauritius**

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

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

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

**Category-Based Approach:**

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

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

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

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



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



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

BY MELANY NAGEN

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

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

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

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



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

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

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

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

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

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

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

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

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



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

BY POURNIMA MAHADAWO - INVESTIGATOR

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

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

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

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

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

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



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

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

Encouragingly, Mauritius's efforts have been recognised with an upgrade to Tier 2 in the U.S. Department of State's 2024 Human Trafficking Report. However, much remains to be done, and we remain hopeful that further progress will follow. Combating trafficking is not solely the responsibility of authorities; it is also a collective duty of all citizens to report suspicious activities and help protect the vulnerable.



Lessons from Australia's Bold Move

## SHOULD MAURITIUS BAN SOCIAL MEDIA FOR UNDER-16S?

BY ARSHEY RAMKALCAN - INTERN

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

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

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

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

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



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

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

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

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

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



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

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

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

Thank you, Jacqueline, for everything.

ON BEHALF OF THE NHRC TEAM





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

Par Najah Ahmed

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

### Enquêter contre les abus

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

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

### Surveiller les lieux de détention

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

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

### Promouvoir les droits humains

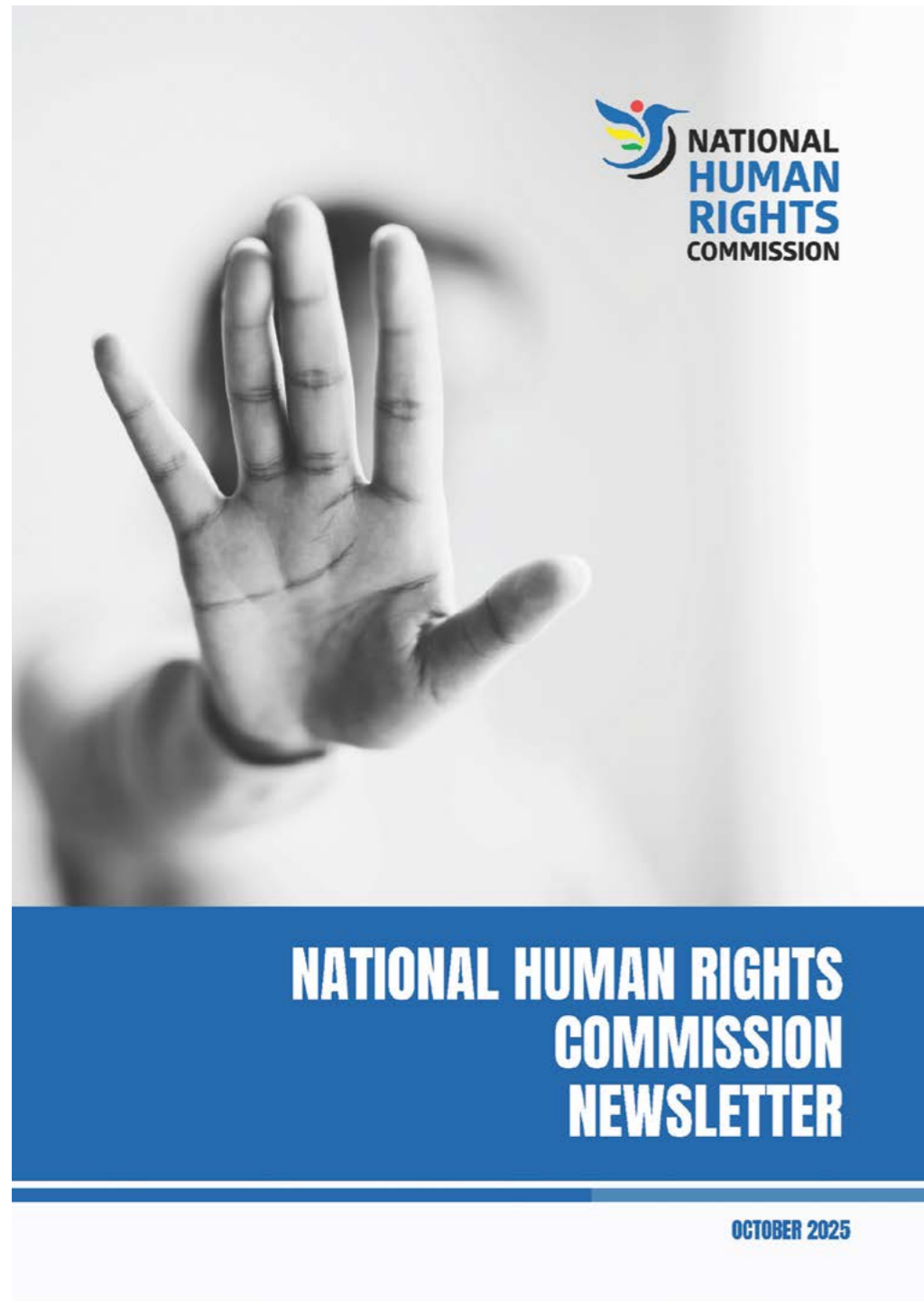
Au-delà des missions propres à ces deux divisions, la Commission dans son ensemble joue un rôle de sensibilisation. Elle intervient dans les écoles, aide à la formation de la police et des fonctionnaires, et peut émettre des rapports publics sur des enjeux comme la violence domestique, la discrimination,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

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

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

## Annex 3

Pre Trial Detention and Human Trafficking: Safeguarding Liberty and Protecting the Vulnerable (Oct 2025)



### Remand and Loss of Liberty

**Satyajit BOOLELL SC**  
Chairperson NHRC



If we start from the premise that only those for whom prison is essential should be there, then we should ask why is it that in our prisons more than 50% of the prison population are remand prisoners and out of these fifty percent a significant proportion are awaiting trial for more than 5 years. As a matter of justice those who are on remand should be contained in conditions which reflect the prisoner's remand status, persons who are innocent until proven guilty.

At the NHRC we have been made aware of several cases where remand prisoners are awaiting trial and in one particular case a prisoner has been on remand for the last nine years and has still no clue when his case is likely to be heard. A prisoner awaiting to be formally charged is presumably on a provisional charge, implying that he is regularly seen by a Judge or a Magistrate depending on the where his provisional charge has been lodged. It would appear that in the case of the prisoner of a nine year waiting list, the different layers of supervision which

accompany a provisional charge, the office of the DPP, the Commissioner of Police, and the Court itself, have failed, laying bare an outdated criminal justice system.

In the case of *Dookee v The State 2012UKPC 2021* the Law Lords highlighted the fact that prisoners on remand have almost the same treatment as convicted prisoners. They have almost the same status as convicted prisoners. The Law Lords made the following observations:

*"When one comes to analyse the differences in the conditions imposed respectively on remand prisoners and convicted prisoners these really seem to amount to very little, certainly compared to the altogether graver conditions which they have in common: their loss of liberty (in, be it noted, identical physical conditions). The right to wear one's own clothing, to four rather than two visits a month, to write more than two letters a month, not to work, to grow one's hair and not shave, to spend (if one has it)*



*MRU1000 instead of only MRU200 in the canteen: these are minor benefits indeed compared to the fundamental fact of confinement in prison."*

The remand prisoner like any accused has a right under section 10 (1) to have his case heard within a reasonable time by an independent and impartial tribunal established by law. In the *Attorney General Reference No2 of 2001*, Lord Bingham explained the meaning of reasonable time:

*"In criminal matters reasonable time ....begins to run as soon as a person is charged, this may occur on a date prior to the case coming before the trial court, such as the date of arrest ...". On the day of arrest the suspect will be notified by the arresting authority of an allegation that he has committed an offence."*

*Of course, every effort should be made to bring down the population of remand prisoners, and every effort should be made to ensure compliance with section 10(1) to have a case heard within a reasonable time. As far back as the year 2013 in the case of *Rummun v The State of Mauritius*, the Privy Council warned about the lack of judicial oversight observing: "Magistrates and Judges should be astute to detect delays in the conduct of criminal trials and should be proactive in seeking to eliminate it".*

It has therefore become imperative as a first measure to have a dedicated fast track from remand prisoners to have a regular and a systematic review of their cases. The lengthy periods of pre-trial imprisonment is in no one's interest and is inimical to fairness. Delay fades the memory of both prosecution and defence witnesses, affects generally the quality of the evidence and possibly inadvertent destruction of relevant documents. Second it is important that the authorities implement a policy in so far as possible to ensure that the employment and family connections of the remand prisoner remain intact during his period of imprisonment?

Prisoners on remand should be treated with the dignity and respect they deserve and their conditions of confinement should not be punitive. They are innocent until proven guilty a fundamental legal doctrine which cannot be overlooked .



EDITORIAL

## The Quiet Devastation of Uncertainty

Touria PRAYAG

### "Justice delayed is not justice: It is injustice dressed in robes."

"Innocent until proven guilty" is a principle enshrined in our constitution. Yet, inside our prisons, nearly half of the detainees are held behind bars for months and even years, before their day in court.

I have talked to dozens of them. Some have been waiting for up to nine years! Nine years during which they do not know whether they will be found innocent or guilty, whether their families can survive the financial strain and whether they will ever regain the life they had. They spend a long slice of their lives suspended between hope and fear, looking at time stretching and warping, waiting for the slow wheels of justice to turn. While we sleep soundly, they don't. They watch sleep coming in fragments, their minds magnifying every doubt as uncertainty gnaws at their spirits and chips away at their resilience. This quiet suffering consuming them is relentless but is invisible to the outside world.

Long pre-trial detention transforms a legal precaution into a prolonged psychological punishment. Add to this staggering human cost the economic cost both to the detainee and to the public purse and you will begin to understand to what extent long pre-trial detention cannot be sustained. Taxpayers cannot continue to foot the bill for the incarceration of individuals who may ultimately be found innocent.

The suffering of Mauritian detainees is real, but it pales beside the harsher tragedy endured by foreigners in our prisons. None of those I talked to has been in detention for less than – hold your breath – six years! One of them has lost both his grandmother and his mother while waiting for his day in court. Some have a vague idea of what their children look like now. Others have lost their partners. One detainee in his eighties is beginning to resign himself to the fact that he might die before justice gives him



a chance. He hasn't seen his family for seven years. And a single telephone call costs foreign detainees more than the wages they make in a whole week.

Whichever way you look at it and whether you are a hardliner when it comes to crime or not, one thing you must ask yourself is: how just is a justice system that takes nine years to decide on the innocence or guilt of someone – even if the person is lucky enough to be out on bail?

Justice is not only about fairness; it is also about timing. If it comes too late, it loses its meaning. Every delay in court is a denial of rights. Victims wait in anguish, the accused remain in limbo, lives are devastated and faith in the system crumbles, raising urgent ethical questions.

The principle of "innocent until proven guilty" is meaningless if detention drags on for years and punishes before the verdict, making the innocent at times pay the price of delay. Justice delayed is not justice; it is injustice dressed in robes.



### Silent Chains: The Hidden Machinery of Human Trafficking

By Touria PRAYAG

A letter denouncing what appeared to be a massage parlour engaged in illicit activities landed at the police headquarters. Though unsigned, it contained compelling details, including the exact location of the premises and a layout of the property. That was enough to prompt immediate action.

Acting swiftly, a police unit specially trained in human trafficking set up surveillance and executed a carefully timed raid. Fourteen Malagasy nationals were rescued, some as young as 23. Thanks to the training the police have been undergoing which emphasises a victim-centered approach and ensures that survivors are treated with compassion, the young women were not arrested or charged with prostitution. Instead, they were placed in a safe shelter, where social workers and psychologists provided vital emotional support.

They were initially quiet when we met them at the shelter. It must have felt as if the parlour had been a nightmare from which they were only now awakening. Each carried invisible burdens of fear, shame and the exhausting weight of survival. Some kept their eyes fixed on the floor, unwilling to meet anyone's gaze; others stared out the window, tracing lines in the sky as if mapping a way back to freedom. One of the girls, the youngest, was desperately clinging to another girl's arm. She did not let go for as long as we were there.

Their relief was only partial. They were still haunted by the shadows reminding them of the uncountable times they had been woken up in the middle of the night, had to dress up and line up like cattle for the customers to choose the ones they wanted to spend time with and the others who had to go back to their rooms. So, though there was enough room for them to sleep at the shelter, they all chose to huddle up in the same room where they scattered mattresses and slept.

Years of fear had also conditioned them to expect judgment rather than protection. So the presence of the police, which to others signaled safety, still carried echoes of intimidation and control. It was difficult for them to believe that anyone in authority could act in their best interest or that the labyrinthine wheels of justice could ever turn in their favour. The very idea of "legal recourse" felt abstract, distant and almost unattainable.

Our assurances had to compete with the weight of past trauma. Trust had to be painstakingly earned. Finally, our explanations and the chance of being heard began to chip away at their doubts, though caution lingered in their expressions and in the careful way they measured every interaction.

The horrendous stories which unravelled revealed the existence of a well-oiled, highly lucrative and vast network of human trafficking. There undoubtedly is an intricate web of exploitation that stretches far beyond the walls of the parlour. The scale and organisation of the network left us dumfounded. The victims we spoke to were lured, coerced and manipulated with chilling precision by agents in their own countries. These agents are not the same but they all followed the same script: they spotted vulnerable young girls, offered them money,





a return ticket to Mauritius and Rs 100,000 to make sure the immigration officers allowed them in for a two-week holiday. Then they set them off on a nightmarish journey they will not come out of as easily as they embarked on it.

The day of the departure, the agent takes a photo of the girls in the clothes they were wearing on the day and sends a screenshot to the taxi driver who will pick them up. No names displayed at the airport pick up when the hapless girls reach Mauritius, no trace, no nothing. They are dropped at a house where they will pay the rent and spend the two free days they are not 'working'. The other five days are spent in the "massage parlour". The jobs of waitresses, shop keepers or whatever they were promised vanish overnight and the victims find themselves indebted up to the hilt, away from their families and directionless. Their voices are immediately silenced in the machinery of greed.

Each account we heard added a new thread to the tapestry of deception, exposing layers of complicity, secrecy and cruelty that spanned borders and blurred the lines between the visible and the hidden.

Their minds were caught between two worlds: the safety of the present and the shadows of what they had endured. And though they could feel the fragile stirrings of hope, it mingled with uncertainty, as if the promise of freedom was something that might dissolve the moment they reached for it. In this delicate balance, they began to learn that relief was not a single moment, but a journey – an evolving awareness that protection, care and justice, however slow, could become a reality they might finally believe in.

Inside, their minds were a tangle of memories – fragments of the parlour, the strangers who had come and gone, the whispered promises that were never kept and the moments when their own voices were silenced and they resigned themselves to accepting their fate.

Each girl's journey had its own path, yet all led to the same destination. Some had devoted years to study and earned impressive qualifications, while others had left school at an early age. Some spoke with ease and confidence; others struggled to find words. Some were married with children; others were tied only to their parents back home. Despite their different beginnings, they all arrived at the same place, burdened by the same shame and caught in the same web of entrapment.

Now that they have been freed, their lives appear to have been reclaimed and their dignity restored. Yet, the path ahead remains uncertain. Debts still weigh heavily, with large sums owed to agents. Families depend on them for survival. Poverty continues to stalk their homes and the search for stable employment remains fraught with difficulty.

Still, it is the end of one nightmare and with it comes the possibility of healing and new beginnings. The road ahead may not be free of challenges but it is no longer walked in chains. For some, it may be a hesitant first step toward rebuilding trust, dignity and dreams once thought lost. For others, it may be the relief of knowing that each sunrise brings the chance of renewal. Freedom has opened a door and beyond it lies the promise of light slowly breaking through.



## ÊTRE EN REMAND: UNE PEINE SANS CONDAMNATION?

Par Vijay RAMANJOOLOO

Il est parfois difficile, depuis l'extérieur, de comprendre ce que signifie réellement être en *Remand*, c'est-à-dire en détention provisoire, avant même qu'un procès ne débute ou ne soit complété. Et pourtant, pour ces hommes et ces femmes, cette période s'apparente souvent à une peine – parfois bien plus lourde que la condamnation finale.

En tant que psychologue, j'observe régulièrement les conséquences psychologiques dévastatrices de cet état d'être présumé innocent mais privé de liberté. Cela crée une dissonance insupportable. Chaque jour passé en cellule sans jugement est vécu comme une injustice, un vol de vie, une condamnation invisible. L'esprit oscille entre espoir et désespoir : l'espoir d'un procès équitable qui ne cesse d'être reporté, et le désespoir de voir les années s'effriter sans perspective.

Cette attente, cette incertitude, ce sentiment d'abandon et d'injustice, cette impuissance face au système. Tout cela engendre une détérioration mentale: angoisse chronique, troubles du sommeil, dépression, perte de l'estime de soi, pensées suicidaires.

*Le Remand* place les individus dans un vide émotionnel et judiciaire, où le temps semble figé, mais la souffrance, elle, avance.

J'ai encore en mémoire cette détenue étrangère, à la prison des femmes. Mère de trois enfants, elle est en *Remand* depuis sept longues années! En juin 2025, son procès a enfin commencé, ravivant en elle un peu d'espoir. Mais rapidement, cet espoir a été anéanti: l'affaire a été renvoyée à juin 2026 simplement parce que son avocat n'était pas disponible. Un an de plus, sans raison valable.

Je pense aussi à cette autre détenue, en *Remand* depuis quatre ans, qui attend toujours que le Forensic Science Laboratory (FSL) termine l'analyse des exhibits. Lorsqu'on a demandé des précisions, on nous a dit qu'en 2025, la FSL travaillait encore sur des pièces de... 2019 !

Et que dire de l'épreuve des 21 jours par rapport à la Bail and Remand Court (BRC) ? En effet, chaque détenu en *remand* doit passer devant le BRC tous les 21 jours. En théorie, ce mécanisme



garantit un contrôle judiciaire régulier.

En pratique, il devient souvent une épreuve supplémentaire : si pour des raisons logistiques ou imprévues de la vie carcérale, le détenu n'est pas présenté, il devra attendre encore 21 jours avant de revoir un magistrat. Un exemple marquant : ce détenu étranger, à qui on a désigné un avocat *pro bono* lors de son passage à la BRC ne maîtrisant pas bien la langue, il n'a pas retenu le nom de son avocat. Résultat : il devra attendre encore 21 jours pour sa prochaine audience. Vingt-et-un jours de plus dans l'oubli, pour une simple information manquante!

Vous qui me lisez, tentez – ne serait-ce qu'un un instant – d'imaginer ce que représentent 21 jours d'attente. Ou pire encore : se voir imposer une année supplémentaire après avoir déjà enduré sept longues années. Non pas en liberté, mais derrière les murs d'une prison. Ce ne sont pas 21 jours ou une année ordinaires : privés de liberté, chaque minute pèse, chaque pensée résonne plus fort, chaque émotion s'amplifie, et tout devient plus long, plus douloureux. L'esprit, privé d'horizons, amplifie tout dans une douloureuse démesure. Ce ne sont pas juste des jours ; ce sont des abîmes.

Et pourtant, à Maurice, certains attendent bien plus que 21 jours. Ils attendent des mois. Parfois des années, comme souligné plus haut. En effet, il n'est pas rare que des personnes restent jusqu'à sept, voire neuf ans en détention provisoire, sans jugement, sans condamnation.

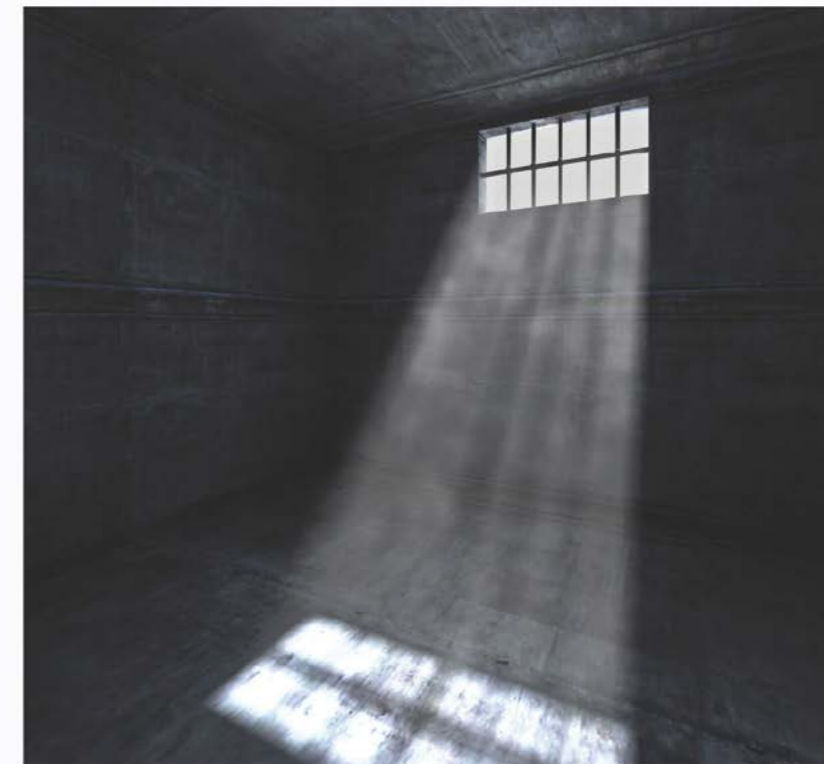
Neuf années à vivre dans l'incertitude, dans l'oubli, dans un temps suspendu qui n'a plus de sens. Peut-on continuer à tolérer une telle attente, si longue qu'elle finit par briser ce qui reste d'humain en chacun? Et pourtant, nous devrions pouvoir espérer mieux, car la République de Maurice est signataire des principales conventions des Nations Unies en matière de droits humains.

Ne serait-il pas impératif d'agir sans délai pour mettre fin à l'extrême lenteur qui caractérise le traitement des



dossiers en détention provisoire? Ne serait-il pas urgent, pour notre société, de reconsidérer nos priorités en renforçant significativement les ressources allouées à la justice, en garantissant un accès réel et efficace à une défense digne, en accélérant les procédures médico-légales, et surtout, en réaffirmant la place centrale de l'humain au cœur de tout notre système judiciaire?

La règle fondamentale énoncée par les Nations Unies est que la détention provisoire demeure une mesure véritablement exceptionnelle, appliquée avec discernement et dans le respect absolu des droits humains. Il est temps de repenser notre système avec humanité, courage et volonté politique. Car, les détenus en *Remand* ne demandent pas des privilèges – ils demandent justice. Rien de plus. Rien de moins.





### Un jour de trop en prison Par Michel VIELLESSE

*"Je ne suis pas vraiment libre si je prive quelqu'un d'autre de sa liberté. L'opprimé et l'opresseur sont tous deux dépossédés de leur humanité."*  
Nelson Mandela

**La charge provisoire : une anomalie du système judiciaire mauricien**

À Maurice, la privation de liberté n'est pas qu'une mesure judiciaire : c'est aussi une expérience humaine lourde de conséquences. À l'approche de la libération, les détenus connaissent une fébrilité mêlant l'impatience, l'insomnie et projets de réinsertion. Mais pour certains, la détention se prolonge au delà du raisonnable, à cause d'une pratique singulière du système mauricien : la charge provisoire.

Né dans les années 1960, au cœur de tensions sociales et raciales, la charge provisoire est une inculpation temporaire formulée par la police. Elle repose sur de simples « raisons plausibles de croire » qu'un individu a commis une infraction, alors même que l'enquête est toujours en cours. Or, cette pratique ne figure dans aucun texte de loi, ni dans la Constitution.

Une fois inculpé, le suspect est présenté devant la Bail and Remand Court. Le magistrat y décide d'une éventuelle remise en liberté sous caution. Selon la récente Bail Act, seule l'autorité du Directeur des Poursuites Publiques (DPP) peut légalement s'opposer à cette libération. La police, en revanche, n'a plus ce pouvoir. Après ces étapes, le procès suit son cours, jusqu'au jugement et à une éventuelle peine.

Le problème, dénoncé depuis longtemps par les observateurs est que la détention provisoire dépasse fréquemment la durée des peines prononcées par la justice. Chaque mois, plusieurs dizaines de détenus se retrouvent privés de liberté plus longtemps que leur condamnation effective, parfois de quelques jours, parfois de plusieurs semaines. Loin d'être de la fiction, c'est une absurdité qui fragilise la crédibilité du système judiciaire et suscite de vives critiques, tant sur le plan local qu'international.

L'arrivée annoncée du *Police and Criminal Evidence Act* nourrit l'espoir d'une réforme. En mettant un terme à la charge provisoire ou en l'encadrant plus strictement, cette nouvelle législation pourrait aligner Maurice sur les standards internationaux et renforcer la protection des droits fondamentaux.

En attendant, de nombreux détenus continuent de vivre une privation de liberté injustement prolongée, une situation qui interroge sur l'équilibre entre nécessité d'enquêter et respect des droits humains.



## THE REALITIES OF REMAND DETAINEES

By Najah AHMED



Mauritius currently holds over 2,800 detainees in its prisons, of which 1,225 are remand detainees. This means nearly half of the prison population (46%) has not been convicted of the crime for which they are being accused and are simply awaiting trial and judgment.

**Length of pre-trial detention**  
The figures speak for themselves. Today, 307 detainees have been on

remand for more than a year. Worse, over 75 have been on remand for more than five years. Each of them represents a life suspended, families fractured, and a presumption of innocence that is quietly eroded.

When trials finally end, the absurdity is laid bare. Between June and August alone, 192 detainees were released immediately upon sentencing because they had already served the full time or more while waiting



for trial. In other words, they had served a sentence without having been sentenced by a Court.

**A costly and dangerous burden**

Prisons are overcrowded and understaffed. The system is stretched to its breaking point and the risk to both detainees and prison officers is real. The serious events which arose in Eastern High Security Prison on 17 July serve as a prime example of this.

Each detainee costs the State Rs 900 per day. With nearly half of them on remand, the financial cost is staggering. The country is paying dearly for a system that punishes before judging.

**Conditions of life on remand**

The realities of life for detainees awaiting trial illustrate the paradox of the system. Unlike convicted prisoners, remand detainees are not obliged to work, in line with the Mandela Rules. In practice, they often would like to, if only to pay for their expenses. Indeed, basic rights such as communication are restricted by cost barriers; telephone calls are paid privileges. Even sending a letter of complaint to the National Human Rights Commission to report ill-treatment or on their conditions of detention costs detainees Rs 25 for the stamp. Given that daily earnings for prison work are Rs 30, this amounts to a prohibitive expense for most detainees. However, there are very few postings open to remand detainees and the rare opportunities are attributed on rotation. In most prison, there is no

possibility of furthering education, which means that most of their days are spent idly watching TV.

**Extra hurdles for foreigners**

For foreign detainees, the situation is harsher still. With no 'fixed place of abode', a term which is blanketly used in Mauritian courts to describe their situation, bail is denied. In drug-related cases, detainees languish for months while courts wait for forensic reports. Obtaining an interpreter can prove to be a big challenge and causes lengthier processes. For many foreigners, remand becomes exile behind bars for years and years – without clear visibility of how it will end.

**A disconnect across institutions**

The high numbers of remand detainees and the proportion of long-term remand detainees expose a deep institutional disconnect between the police, the judiciary and the prison system. Each institution operates within its own limits and constraints but the detainees fall through the cracks. Instead of being a precautionary measure of last resort, remand has become a silent punishment. One more arbitrary, more costly and often harsher than the actual sentence itself.

**The question we cannot avoid**

The question is simple, though uncomfortable: do remand detainees have it better, or worse, than those already convicted? For too many, the answer is clear. They wait longer, suffer more uncertainty, and pay with both time and dignity for a justice system that has yet to decide of their guilt.



**THE COMMISSION AT WORK**

## CAPACITY BUILDING PROGRAMME ON HUMAN RIGHTS FOR ALL NATIONAL HUMAN RIGHTS INSTITUTIONS

From 22<sup>nd</sup> to 27<sup>th</sup> September 2025

The National Human Rights Commission (NHRC) of Mauritius was invited by the National Human Rights Commission of India to participate in a diplomatic mission in New Delhi for a Capacity Building Programme on Human Rights for all National Human Rights Institutions (NHRIs), held from 22 to 27 September 2025.





Speech of Satyajit Boolell, SC - Chairman of the National Human Rights Commission of Mauritius.

*Your Excellency the chairperson of the Indian NHRC, Secretary General Bharat Lal, International Samir Kumar, Fellow Participants*

*It has been truly an honour to be part of this engaging and insightful workshop, and I wish to extend my heartfelt thanks to our gracious host the Chairperson of the Human Rights Commission of the Republic of India.*

*From the moment the Mauritian delegation landed at Delhi Airport, we were overwhelmed by the hospitality that only India holds the secret to.*

*The discussions we have had, rich with diverse perspectives and experience, have provided a profound understanding of the challenges and triumphs within the Indian society.*

*This Capacity building programme has not only been informative but transformative.*

*The topics we explored together, ranging from social justice, cybercrime, climate change, and the existential challenges we face today as human beings in our daily lives created a tapestry of knowledge that will undoubtedly resonate with all the participants for a long time.*

*Your Constitution, President, enacted three years after your independence in 1950, removed the shackles of colonialism and went on to create a new social, economic and political order embedded in the ideals of justice liberty, equality and fraternity.*

*Part 3 of the Constitution recognises the rights of citizens but, more importantly, the Constitution places a positive obligation on the three organs of the state, the executive, the legislative and the judiciary to ensure through good governance the implementation and enforcement of those rights. The NHRC is instrumental in ensuring the enforcement of those rights for the benefit of the citizen.*

*Your Supreme Court has in 1970 in a famous judgment "Keswandaabathi" developed the concept of basic structure holding that Parliament does not have unbridled power to amend the constitution when it comes to the values of the constitution that form the basis of the Constitution.*

*You have also revolutionised access to justice by demystifying the restrictive notion of locus standi by encouraging public interest litigation.*

*These are two examples of the forward thinking of your great country whose commitment to human rights and natural justice can be traced back to the teachings of the vedas, the great epics of the Mahabharata and the Ramayana. On the walls of the Constitutional Gallery of your new parliament I read "Indian democracy incorporates the values of harmony, freedom, acceptability equality, and inclusivity in society enabling a dignified life for all citizens". The Rigveda and aharveda refer to participatory institutions like the Sabha. The Mahabarat and the Ramayana talk about involving people in decision making".*

*Last week, the Supreme Court upheld that a secular state cannot exclude a dignitary from state-sponsored events on religious grounds, rejecting a petition sought to block Booker Prize winning author Band Mushtaq from inaugurating the Dassara festivities on the grounds that she was a non-Hindu.*

*We go back home, President, carrying in our hearts an ancient teaching of the vedas "Vasudeva kutumbakam", the world is one family, a philosophy that emphasises the interconnectedness and unity of all living beings promoting value like compassion, empathy and harmony. It encourages people to look beyond differences and recognises our shared humanity.*

*In closing, I would like to reiterate my heartfelt thanks to the Commission for fostering such a thought-provoking event – an environment where dialogue and collaboration flourish. My delegation leaves with a renewed sense of purpose inspired by the teachings of India.*

*Mahatma Gandhi once said that in our world, there is enough for everyone's needs but not for our greed. These words resonate even more today in our world faced with economic and political turmoil, regional conflicts and genocide.*

*We should all reflect on these wise words.*

*To all my fellow participants, it was a great pleasure to meet and interact with you all. We will build further on this relationship.*

*Thank you*



Truth & Justice Commission

## Enn kolaborasion pou reaktiv implemantasion ek rekomandasion

By Jean Marie RICHARD

*National Human Rights Commission, (Komisyon nasional Drwa Imin) dan kad so bann konsiltasyon ek bann ONG finn rankontré Dr. Vijaya Teelock prezidan ONG Le Chantier ek Madam Colette le Chartier membre, Joel Valerie visprezidan ek Isabelle Laurent Volcy Assistant Sekreter Sa rankont la ti debous lor enn akor prinsip pou reaktiv rekomandasion Truth & Justice Commission*

Dr Vijaya Teelock, pou rapel ti Vis Prezidan *Truth & Justice Commission* ek Madam Le Chartier responsab resers. Bann dialogue ti otour koman pou reaktiv ek implemant propozisyon ek rekomandasion *Truth & Justice Commission*.

Tou finn dakor ki li importan travay ansam pou ki sa rapor 6 volim ki finn prodwir sou direksyon defun Profeser Alex Bhorane dan enn perspective reparasion par examp, ek antrot lor

kestion depossession ek restitision later a traver land restitution committee.

Ena ossi enn lot laspe ki nomm proze prizon ki konsern enn letid fondman nou system penitansyer dans enn perspectiv listwar lesklavaz ek langazman a traver enn apros rehabilitasyon bann prizonier ki pran so distans ek leritaz colonial nou system penitansyer. Pou enan bann kontak ant ban serser Guyana ek Maurice lor sa laspe spesifik listwar ki nou de pei partage.



THE COMMISSION AT WORK

Sharing Minds

## PILS SE PRONONCE EN FAVEUR DE LA 'REGULATION PREVENTIVE' ET DE L'EDUCATION EN MATIÈRE DE LUTTE CONTRE LE VIH ET DU TRAFFIC DE DROGUES

By Jean Marie RICHARD

La National Human Rights Commission (NHRC) a inauguré, au mois de septembre dernier, un cycle de conversations avec des ONG et d'autres acteurs de la société civile. Sous l'appellation *Sharing Minds*, la NHRC affirme ainsi sa volonté d'être à l'écoute des organisations et des personnes en contact direct avec le terrain.

La première session de ces échanges a été consacrée à l'ONG PILS, qui œuvre depuis 30 ans dans l'information, la prévention et la lutte contre la propagation du VIH/Sida. Le point fort de la rencontre a été la présentation de Nicolas Ritter, fondateur de PILS et chargé de mission de Coalition Plus, un regroupement d'organisations mondiales engagées dans la lutte contre le VIH. Il était accompagné de Mme Monica Padaruth, responsable du suivi,



de la recherche et du transfert de connaissances, ainsi que de Jacques Achille, responsable de communication de l'ONG.

D'entrée, Nicolas Ritter a dressé un constat sans équivoque de la situation actuelle à Maurice : le pays figure parmi les plus touchés par la progression du VIH, avec 11 000 personnes infectées pour une population d'un million d'habitants. Or, sur près de 12 000 malades, seulement 2 400 bénéficient d'une charge virale contrôlée.



Cette situation a entraîné une augmentation de 35 % du nombre de personnes vivant avec le VIH en 2024, dont 90 % sont également atteintes du virus de l'hépatite C.

Une réalité qui pousse Nicolas Ritter à s'exclamer : « Nous avons échoué à protéger les personnes et à garantir leur dignité. » Pour le fondateur de PILS, l'une des principales raisons de cet échec est l'absence d'une politique fondée sur la science et sur les droits humains : « Nous avons échoué dans la guerre contre la drogue en raison d'une approche basée sur la prohibition et la répression. C'est un cercle vicieux qui favorise la désocialisation, alimentée par la stigmatisation et l'exclusion. »

Il estime nécessaire d'adopter une autre approche du problème de la dépendance, en s'écartant des jugements moraux qui renforcent la répression, au lieu de privilégier une démarche scientifique : « C'est un amalgame que de mettre le cannabis et l'héroïne dans le même sac. Cela conduit à des jugements disproportionnés, renforcés par le rôle du certificat de caractère, qui demeure un obstacle majeur à la réhabilitation sociale des détenus. »



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À noter que 60 % des détenus sont liés à la consommation de drogues, avec un taux de récidive de 66 %.

« Nos institutions restent prisonnières du cercle vicieux de l'exclusion et de l'insécurité. Il convient donc de changer de paradigme. Cela suppose de placer la santé, la dignité et la justice au premier plan. Nous devons revoir l'approche de la consommation occasionnelle, en reconnaissant que notre véritable addiction est notre dépendance à la répression. »

Pour Nicolas Ritter, la dépénalisation de l'usage de toutes les drogues s'impose. Elle permettrait de dégager des ressources pour cibler les trafiquants plutôt que les consommateurs, tout en investissant dans l'éducation préventive et dans une prise en charge médicalisée des usagers.

« Nous avons transformé un problème de santé publique en une guerre répressive », déplore-t-il.

Il alerte également sur les effets pervers du système carcéral : « Le monde de la prison est devenu une source de propagation du VIH et de l'hépatite C, à cause du partage de seringues. »



Des consommateurs y sont envoyés et en ressortent séropositifs ou porteurs de l'hépatite C. »

Autant de raisons qui, selon lui, expliquent l'échec de la politique répressive et la flambée des cas de VIH à Maurice. Pour conclure, il a cité l'exemple du Portugal et de la Suisse, où l'éducation, la prévention et la dépénalisation ont permis de réduire drastiquement les contaminations liées aux injections. Il a également rappelé que 70 pays dans le monde évoluent dans cette direction, ayant compris que réguler protège, alors que prohiber échoue.

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#### Hussainara Khatoon & Ors v Home Secretary, State of Bihar (1979) 1 SC 98 - By Najah Ahmed

This landmark judgment handed down by the Supreme Court of India in 1979 is one of the most significant judgments in Indian constitutional law. It exposed the shocking condition of pre-trial detention detainees in the state of Bihar. The Court demonstrated an activist role in safeguarding human dignity against systemic injustice. It established that the right to a speedy trial formed part of the fundamental rights to life and personal liberty under Article 21 of the Constitution and that free legal aid was part of the rights guaranteed under Articles 21 and 39A. It further gave birth to the concept of Public Interest Litigation (PIL) in India.

#### Facts

The case was lodged on the collective interests of detainees, following a public report which shed light on the fact that thousands of detainees, in the State of Bihar, remained in prison for years, awaiting trial. Many had already spent more time incarcerated than the maximum term of imprisonment prescribed for the alleged offence. This was said to be partly due to high levels of illiteracy and lack of access to legal advice.

#### Issues raised

1. Whether the prolonged detention of under-trial prisoners violated Article 21 of the Constitution.
2. Whether the right to a speedy trial was a fundamental right of an accused party.
3. Whether free legal services formed an essential ingredient of "reasonable, fair and just" procedure.

#### Conclusion

The Court reshaped the Indian judicial system into one which is more responsive to the needs of the disadvantaged and laid the foundation for a more expansive interpretation of constitutional rights.

#### Held

1. The right to a speedy trial is a fundamental right implicit in Article 21. The State cannot plead financial or administrative inability to justify delays.
2. Articles 39A and 21 together require that free legal services must be provided to those unable to afford them. Without the possibility of counsel, trials cannot be fair or just.
3. The Court strongly condemns the delays in trial by the State and Courts, and qualifies the prolonged detention of detainees having already served de facto sentences as a gross violation of human rights.
4. The Court further made a direction to the State of Bihar ordering the immediate release of detainees who had already been in custody longer than the maximum term of imprisonment prescribed and providing detailed records of all pending cases and undertrial detainees.

#### Birth of Public Interest Litigation

For the first time, the Court recognised that a concerned citizen could approach the judiciary to vindicate the rights of others; this lowered the barriers of locus standi, enabling the latter to address systemic injustices affecting disadvantaged groups.

From this foundation, PILs expanded to cover environmental protection, bonded labour, women's rights and access to education. The case demonstrated the judiciary's willingness to take an activist role in transforming constitutional ideals into lived realities for India's most vulnerable.



## DERRIÈRE LES BARREAUX, IL SOUFFLERA SES 18 ANS!

Par Vijay RAMANJOOLOO

Il n'a que 17 ans. Il aurait dû, comme tant d'autres adolescents, célébrer son 18<sup>e</sup> anniversaire entouré de sa famille, d'amis, d'un gâteau et de rires. Mais cette année, il soufflera ses bougies derrière les barreaux d'une prison pour adultes. Il n'y aura ni gâteau, ni famille, ni lumière... juste les murs froids d'une prison, les barreaux d'une cellule et le silence coupable d'un système qui l'a oublié.

Je l'ai rencontré au cours de mes visites au Correctional Youth Centre (CYC). Son histoire, comme tant d'autres, n'est pas celle d'un criminel né pour faire le mal. Il est né enfant, comme les autres, avec des rêves, des rires, des colères, des fragilités. Mais là où certains ont reçu des bras pour les retenir, lui n'a eu que des chutes: victime d'un système défaillant, d'un environnement familial fracturé, d'une école qui n'a pas su l'inclure, d'une société qui l'a oublié.

Issu d'une famille éclatée, il quitte l'école après avoir échoué au Certificate of Primary Education. Le programme «Extended», censé lui offrir une seconde chance, n'a été qu'un passage vide. Très vite, la rue devient sa salle de classe et, à 15 ans, le brown sugar et les drogues chimiques deviennent ses professeurs. Comme tant d'autres adolescents livrés à eux-mêmes, il glisse du statut de victime à celui de bourreau – non par choix, mais par conséquence.

Son comportement dérape. Tantôt chez son père, tantôt chez sa mère – qui ont refait leurs vies respectives – il vole, ment, frappe, explose. L'usure émotionnelle pousse ses parents à baisser les bras. Une grand-mère paternelle lui ouvre alors sa porte avec compassion. Mais l'addiction est plus forte que l'amour: il ira jusqu'à la voler elle aussi. Arrêté en août dernier pour vol, il est envoyé en centre de détention pour mineurs.



C'est là que l'histoire prend une tournure plus sombre encore. Aucun protocole médical de sevrage n'existe pour les mineurs dépendants. En plein manque, il se frappe violemment la tête contre le mur de sa cellule: deux fois, nécessitant des points de suture à l'hôpital. Parce qu'il s'agit de sa première infraction, il obtient une libération sous caution de 5,000 roupies. Une somme dérisoire pour certains, mais insurmontable pour une famille épuisée, et quand bien même cette caution serait réunie, pour aller où? Vers quel avenir sans accompagnement, sans filet de sécurité?

Où sont nos réseaux de collaboration entre nos décideurs politiques, judiciaires, institutionnels, les ONG, les écoles, les services de santé et de protection de l'enfance? Qui a vu l'enfant sous la colère? Qui a entendu l'appel au secours caché derrière ses actes? Où est cette chaîne solidaire qui devrait entourer nos jeunes les plus vulnérables avant qu'ils ne tombent?

Car que faisons-nous, en tant que société, pour prévenir ces destins? Que faisons-nous pour soutenir les familles en détresse, pour accompagner les victimes d'addiction avant qu'elles ne deviennent des délinquants?

Du coup, on est en droit de se demander si nous remplissons réellement nos engagements en matière de droits humains, notamment ceux pris auprès des Nations Unies? En tant qu'État signataire de ses nombreuses conventions sur les droits de l'enfant et

la justice juvénile, n'avons-nous pas le devoir de garantir un traitement humain, adapté et protecteur à chaque enfant en conflit avec la loi?

La justice des mineurs ne peut se résumer à l'enfermement. Elle doit être avant tout préventive, éducative, thérapeutique. Elle doit soigner les blessures, pas les punir. Elle doit tendre la main avant de pointer du doigt.

Victor Hugo disait: «Éduquer un enfant, c'est fermer une prison.»

Et pourtant, ce jeune garçon semble être la tragique exception à cette maxime.



## “REPARATIONS MUST INCLUDE THE RETURN OF DOCUMENTS AND ARTIFACTS”



Interview by Jean Marie RICHARD :

**Dr Beningma Zimba Director Intercontinental Slavery Museum Member of the Advisory Board to the Government of Mozambique**

The Human Rights Commission has had the privilege to interview Dr Beningma Zimba. Dr Zimba, a Mozambican Citizen and scholar was on our island to participate in the Week of Remembrance of slavery and the abolition of the slave trade. She is one of the presidents and conceptors of the Intercontinental Slavery Museum based in Mauritius. Having had a university career and now a retired professor, she is a member of the advisory board to the Government of the Republic of Mozambique. She agreed to answer our question, particularly as Mozambican, fully aware that Mozambique is the country from which a portion of the Mauritian population originates.

**Q: Dr Zimba What can you tell us about the remembrance of the transportation of Mozambicans to Mauritius as enslaved people, and what is the situation today?**

**A:** First of all, thank you very much. It has been a very emotional day and occasion. Let me begin with some background. One thing is what we know from papers, archives and official records. Another is the communication and opportunities among the peoples of the countries. In the first three decades of the 19<sup>th</sup> century, about 24 to 26 percent of the enslaved population in Mauritius came from Mozambique, which is quite

significant. At that time, the trade was carried out mainly by the French, but also by many entrepreneurs, including the Portuguese.

Mozambique has always been central to the slave trade in the 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> centuries because of its geography and ports spread along the coast.

Some ports, such as Ilha de Mozambique, were official and under control, but many others—Mossoril, Musimba da Praia, Pemba, and Inhambane— were out of control. This lack of oversight facilitated



the trade of human beings. Another point is that many enslaved people who became known as “Mozambics” or “Mozbickers” were not originally from Mozambique. As Slave raids reached far into the African interior, they were brought to Mozambique’s ports, stayed briefly and were then transported.

Today, unfortunately, if you ask in Mozambique whether people know that Mauritians were enslaved here, the answer is usually no. The memory of Mauritians enslaved in Mozambique is very weak compared to the stronger memory of Mozambicans sent to São Tomé to work on cacao plantations, or to Guinea. Some Mauritians have tried to trace their roots in Mozambique, particularly in sugar cane areas, where locals noticed similarities, but this remains rare.

**Q: What could or should be done to reestablish the missing link?**

**A:** This must be addressed at all levels. The economic level is fundamental because the slave trade itself was driven by economics. Cultural links are also important. For example, Mauritians could share their knowledge of sugarcane production adapted to local conditions, while Mozambicans could share traditions such as music.

In my view as an educator, the most important form of reparation is not financial but intangible: memory and identity

Music developed enormously through slavery. Today, we talked about Sega. When you look at Sega instruments, you see they come from Africa—not necessarily Mozambique alone, but from many parts of the continent. In my case, I have six names: five Portuguese and only one Mozambican. This raises questions of identity and re-appropriation. Most importantly, we must write. Oral history is central to Africa, but if we do not document it, in 30 years, it will be lost. Testimonies must be collected, written down and published. The difficulty, of course, is that many of the documents are not in our countries. This is true in Mozambique and Mauritius. That is why reparations must include the return of documents and artifacts.

“  
**In my view as an educator,  
 the most important form of  
 reparation is not financial  
 but intangible:  
 memory and identity**  
 ”



The African Union has declared this the year of reparation. In my view as an educator, the most important form of reparation is not financial but intangible: memory and identity. Money is important, but it is not enough. If we do not safeguard our identity, money will not save us. True reparatory justice would require former colonisers to return original documents and artifacts. Some countries, like Benin and Senegal, have begun this process but often only copies are given back. To access originals, you must travel to Lisbon or Paris. Reparation means bringing those originals home so that our history is preserved where it belongs.

**Q: So you are saying that, in other words, reparation is repatriation and this is applicable to the exhibition of the busts of liberated Africans which were displayed at the Intercontinental Museum of Slavery?**

**A:** This is recognition. It is a way of saying: this is yours. The money required to fully repatriate such objects is far beyond Mauritius’ means. But thanks to the efforts of the government, friends and particularly the Froberville family, this became possible to a great extent. And this is what will sustain us today, tomorrow and for future generations.

We are very thankful to the Mauritian government for the efforts made to bring these masks and busts. The feeling is beyond words. But this is not repatriation. This is recognition, because they have been away for more than 150 years. This is reparatory justice—true

reparatory justice. And it also creates connections between people and these objects. For the first time, we can see them as they were. This is justice at the level of memory. You do not need to speak much or involve money for each individual. Names and ancestries are present and, soon, traditional healers will come. They will play drums, identify ancestors and say: “he is ours; he is from this lineage”. This has already happened in Mozambique. Reparatory justice has been taking place there instinctively even before we called it that.

There is a story that will be included in the museum about a former enslaved woman. Before dying, she told her grandson: “We are not from here. After I die, go back 120 kilometres inland and tell them: I am the one. They will recognise you and give you the pots that were waiting for me.” Her grandson later became one of the greatest healers. When he returned, the community recognised him, played the drums and said: “Yes, it is you. Now we can break the pots.” Similar stories exist in Mozambique, Kenya and other parts of Africa.

**Q: Looking ahead, how do you see the Intercontinental Slavery Museum developing over the next 10 to 20 years? What role will it play and how can we continue benefiting from it?**

**A:** Mauritians have a great responsibility in this museum. For ordinary people, the word “intercontinental” may not matter but



the museum does. Bit by bit, Mauritians must be involved in shaping it, Museums develop slowly – five years is nothing— but, in time, this museum will become one of Mauritius' greatest cultural flags, an international reference in heritage and history.

The museum itself is already a material form of reparation. It was first planned for Mozambique but dialogue about reparations was not advanced there. So it was relocated to Mauritius. That decision created momentum.

**Q: But descendants of slaves do not always show much interest. Should the museum not move towards the people, instead of staying in Port Louis or within academia? Should there not be traveling exhibitions in towns and villages to remind people: this is your history, your memory? From a human rights perspective, people have a right to reappropriate their memory.**

A: Exactly. You have taken the words out of my mouth. This is also the mission of the Human Rights Commission. We must take the museum to the people through outreach, banners and educational programmes. Mauritius is small compared to Mozambique but the challenge remains.

**Q: So where do we go from here?**

A: It is not easy but I take your words as excellent advice. Tomorrow, for example, there will be a section at the Intercontinental Museum focused on interaction and memory. We also have a publication where people can contribute their views. With today's technology, it is

even easier. A museum can be carried on a cell phone, making memory accessible to everyone. The museum has a pedagogical mission: to explain, to teach and to transmit.



## COMBLER LE FAUSSÉ ENTRE LES DROITS DE TRAVAILLEURS MAURICIENS ET LES TRAVAILLEURS MIGRANTS POUR MIEUX PROTÉGER CES DERNIERS

By Melany NAGEN



Lors de la journée inaugurale des Assises du Travail et de l'Emploi le 23 Septembre dernier, la vice-présidente de la Commission Nationale des Droits Humains, Mme Melany Nagen, s'est imposée comme l'une des voix majeures du débat sur la Constitution et Le *Workers' Rights Act*. Son intervention, consacrée à la défense des travailleurs migrants a mis en évidence les limites persistantes du cadre législatif mauricien en matière de protection de cette catégorie de salariés. Elle a rappelé avec force que la Constitution mauricienne garantit des droits fondamentaux à

toutes les personnes relevant de sa juridiction, mais que la *Workers' Rights Act*, pourtant destinée à traduire ces principes dans le domaine du travail, demeure trop souvent insuffisante, voire excluante, à l'égard des migrants.

Selon ses propos, les lois doivent être évolutives et refléter la transformation constante du marché du travail. Or, les lacunes actuelles favorisent la création d'un segment vulnérable de la main-d'œuvre, dépourvu de garanties essentielles et exposé à diverses formes d'exploitation. Elle a ainsi souligné que la



non-protection des travailleurs migrants ne saurait être considérée comme une simple question technique ou juridique, mais bien comme une problématique fondamentale de droits humains. Ces travailleurs contribuent de manière significative à l'économie nationale, tout en restant parmi les plus exposés aux abus en raison de leur statut précaire, des barrières linguistiques et d'une connaissance limitée de leurs droits.

La vice-présidente de ladite Commission a attiré l'attention sur plusieurs angles morts de la législation actuelle, notamment l'exclusion explicite ou implicite de certaines catégories de migrants des dispositions essentielles de la loi, l'accès restreint aux mécanismes de règlement des litiges, l'absence de couverture sociale complète et la faiblesse des recours disponibles face aux licenciements abusifs ou aux conditions de travail dégradantes. Devant un auditoire composé de représentants du gouvernement et de divers acteurs sociaux, elle a lancé un appel ferme à une réforme profonde de la *Workers' Rights Act*.

Les recommandations formulées par la Commission insistaient sur trois points

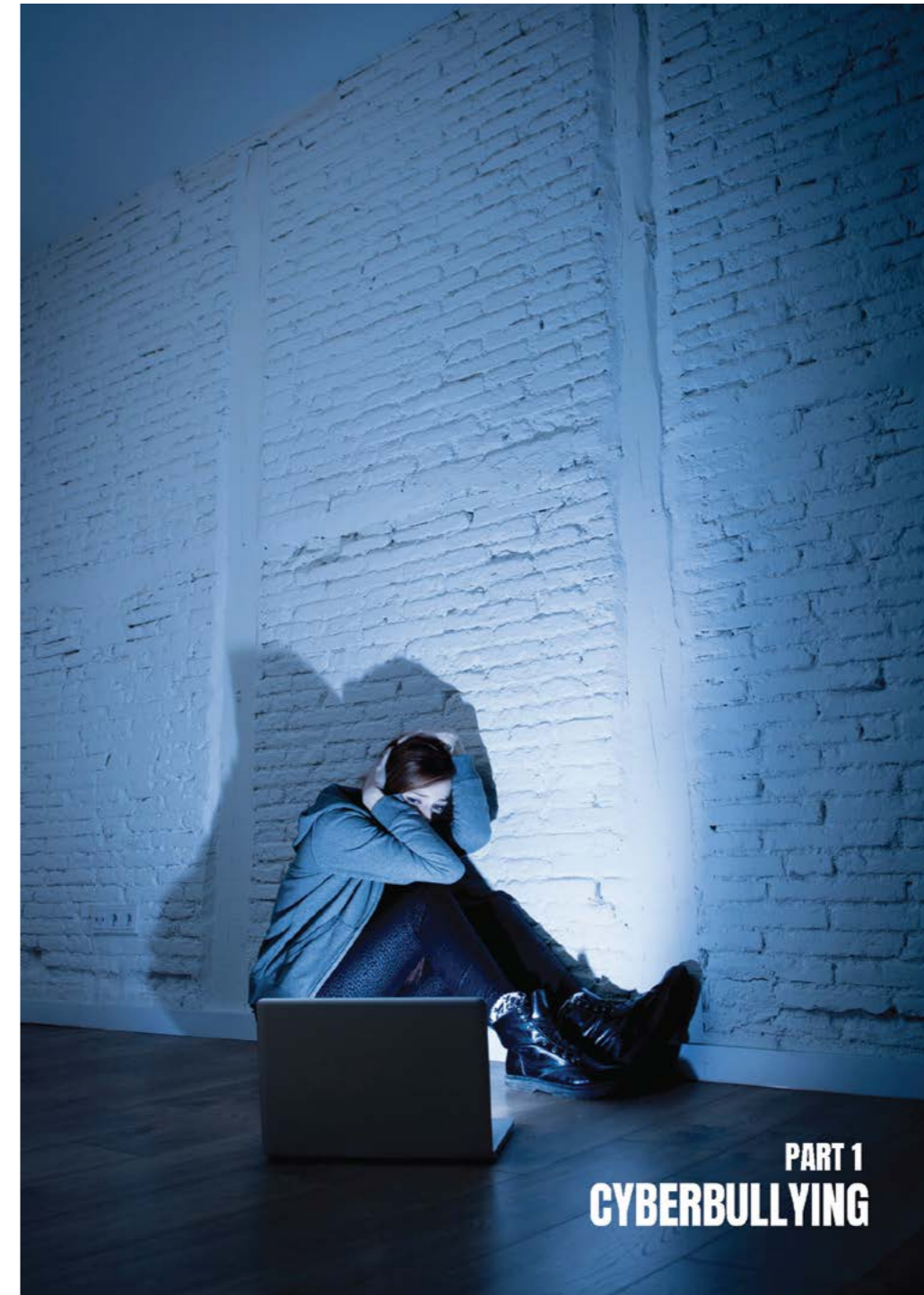
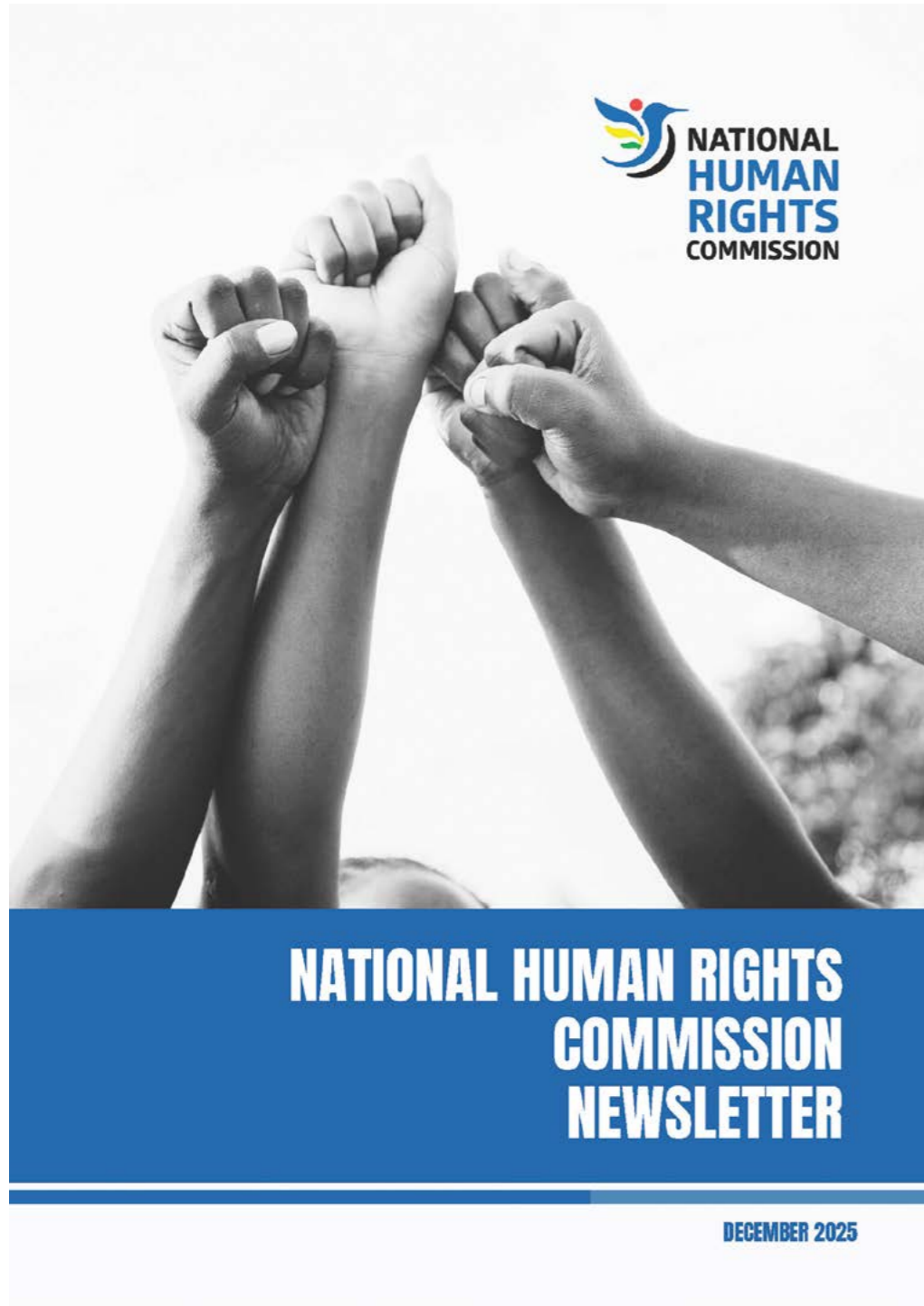
principaux : redéfinir la notion de « travailleur » afin qu'elle englobe explicitement l'ensemble des travailleurs migrants ; renforcer les mécanismes de suivi et d'application pour s'assurer que les employeurs respectent leurs obligations ; et mettre en place une aide juridique accessible et multilingue pour garantir aux migrants une meilleure connaissance et un exercice effectif de leurs droits.

La participation remarquable de la Commission à ce forum de haut niveau a été perçue comme un signal fort. En plaçant la question migratoire au cœur des discussions, l'institution contribue à rapprocher les idéaux constitutionnels de la réalité vécue par des milliers de travailleurs étrangers présents à Maurice. Les débats engagés aux Assises laissent entrevoir la possibilité d'un tournant décisif vers l'instauration d'un environnement de travail plus juste, équitable et respectueux des droits de tous, indépendamment de la nationalité ou du statut migratoire.



## Annex 4

Cyberbullying: Protecting Rights in Digital Spaces (Dec 2025)





## Rethinking Online Safety for Minors : Why Mauritius Must Adopt a Duty-of-Care Approach

**Satyajit BOOLELL SC**  
Chairperson NHRC



### Growing Global Pressure for Stronger Safeguards

Since 10 December, Australia has banned all under-16s from accessing social media platforms - a significant departure from the long-standing reliance on parental supervision and digital education. Malaysia intends to follow suit, and several other countries are now reevaluating how best to protect minors online. These developments highlight a crucial global shift: traditional approaches to online safety are no longer sufficient in the face of rapidly evolving digital risks.

Mauritius has approached these challenges primarily through education and awareness campaigns, encouraging digital literacy and the responsible use of privacy settings. While these initiatives are important and reflect genuine concern, their impact is slow and incremental. The harms faced by young people online, however, are immediate and continually intensifying.

### The Escalating Risks Faced by Young Users

The digital dangers confronting teenagers are now well documented. They include cyberbullying, grooming, exposure to violent or sexual content, privacy violations, misinformation, compulsive behaviours, and various forms of online exploitation and predation. These threats have triggered vigorous debates around the world as governments attempt to strike a balance between protecting minors and safeguarding freedom of expression and access to information.

Mauritius has experienced first-hand the devastating consequences of online harm. In October, a 17-year-old student took her life on the eve of her examinations after intimate images of her were shared online without her consent, with intent to harm. It was an unequivocal case of revenge pornography. Such tragedies starkly illustrate that online harm is not theoretical; it can destroy lives and families in an instant.



They also underscore the inadequacy of relying solely on awareness programmes to shield vulnerable users.

### Mauritius' Legislative Tools: A Foundation, Not a Solution

Mauritius has developed an important legal and regulatory foundation through the Data Protection Act 2017 and the Information and Communication Technologies (ICT) Act 2001. The Information and Communication Technologies Authority (ICTA) has also implemented filtering systems to combat child sexual abuse material (CSAM) and regularly engages in education campaigns.

Yet it is necessary to acknowledge that these efforts, while essential, have not had the expected effect of deterring teenagers from biting into the forbidden apple. A strategy that places the bulk of responsibility on teenagers, parents, and educators—rather than on the platforms that shape the digital environment—is no longer fit for purpose.

The online ecosystem is engineered for constant engagement. Expecting minors to resist powerful design features, or parents to monitor ever-shifting platforms, is unrealistic and unfair. What is needed is a paradigm shift in responsibility.

### The Case for a Statutory Duty of Care

Mauritius must now consider adopting a legal duty of care for online platforms, requiring them to identify, mitigate, and

prevent foreseeable harm to minors. This approach must be supported by enhanced regulatory powers for ICTA, enabling it to impose heavy fines, demand risk assessments, and suspend or restrict the licenses of non-compliant platforms, if necessary.

The concept is not radical: employers already have a legal obligation to provide a safe and healthy workplace. Likewise, entities that profit from the digital activities of children should bear legal responsibility for ensuring their environment is reasonably safe. A statutory duty of care would embed this responsibility directly into the architecture of platform design, moderation, and policy.

### International Models to Learn From

Different jurisdictions are experimenting with distinct solutions. Australia's ban on under-16s is bold and remains to be assessed in practice. It signals, however, a growing impatience with the inadequacy of self-regulatory models.

The United Kingdom offers a more structured alternative through its **Online Safety Act**, which imposes enforceable duties of care on platforms. Companies must conduct risk assessments, implement preventive systems, and ensure harmful content is addressed proactively. This model prioritises systemic safeguards rather than relying solely on individual users to navigate complex digital risks. Such an approach aligns with global debates and provides a useful template for Mauritius as it



reassesses its online safety framework.

**Mauritius at a Policy Turning Point**

The government's ongoing public consultation on amendments to the ICT Act signals a willingness to strengthen regulatory oversight. Discussions around age verification, platform responsibilities, and increased penalties for online misuse indicate that policymakers recognise the need for change.

Integrating a duty-of-care model into these reforms would provide a coherent, future-proofed approach. It would move Mauritius beyond piecemeal measures and toward a comprehensive framework that aligns legal responsibility with the power and influence of digital platforms.

**Conclusion: Protecting the Young Requires Structural Change**

The internet has become an indispensable part of young people's lives, bringing opportunities for learning, creativity, and social connection. But it also exposes them to unprecedented risks. Relying on education and individual responsibility alone—no matter how well intentioned—has not been enough to keep minors safe. If Mauritius is committed to building a digital environment that truly protects its youth, there should be a paradigm shift. A statutory duty of care, backed by an empowered regulator and meaningful enforcement mechanisms, is what is required. The moment demands bold, structural action. Our children deserve nothing less.



EDITORIAL

**Cyberbullying and the Right to Dignity: A Human Rights Crisis**

Touria PRAYAG

**The online world might be virtual but the pain it causes is brutally real.**

The tragic news of a young teenager taking her own life after being tormented online hits like a punch to the heart. Behind the statistics and headlines, there is always a face: that of a child who laughed once, who had dreams and who simply wanted to belong. And yet, in today's hyper-connected world, the cruelty of a few clicks, comments or shared photos can destroy that fragile sense of self.

We often talk about cyberbullying as if it was just part of growing up in the digital age, a painful but inevitable side effect of social media. It isn't. It's a violation of basic human rights: the right to dignity, privacy and to feel safe in one's own skin.

The Universal Declaration of Human Rights may have been written long before the first smartphone but its spirit still speaks powerfully today. It tells us that everyone is born free and equal in dignity and rights. When someone is targeted, humiliated or dehumanised online, that promise is broken.

The online world might be virtual but the pain it causes is brutally real.

What makes cyberbullying so devastating is how inescapable it feels. There's no safe corner to retreat to when the bullying follows you home, ping-pong on your phone, popping up in your messages and haunting your feeds. What might have once been whispered behind a school gate is now broadcast to hundreds, sometimes thousands. A photo, a rumour or a cruel joke can spread faster than anyone can react and it stays there, long after the laughter dies down.

International law already recognises that children have a right to be protected from all forms of violence, including emotional and psychological harm. The Convention on the Rights of the Child makes this clear. But rights on paper are not enough when a young person feels cornered, unheard and unprotected. Governments, schools and social media companies all share responsibility for turning those rights into real protection.



Social media platforms in particular can no longer pretend to be passive observers. Their design choices shape the way people behave. They decide what gets amplified and what gets buried. Yet, too often, the burden falls on victims to report and relive their trauma, while bullies hide behind fake names and digital shadows.

Also, as a society, we must stop treating cyberbullying as “kids being kids”. It is abuse, plain and simple. When online harassment leads to anxiety, isolation or suicide, it’s not just a personal tragedy; it’s a collective failure.

The loss of yet another young life should shake us out of our complacency. Sadly, we can’t undo what has already happened but we can choose to do better by remembering what we too often forget: that there’s a person behind every screen. Remembering that could save a life.



### 25 November: A Day to Honour the Women We Failed to Protect By Melany NAGEN

Our motherland has long proclaimed its commitment to dignity, equality and the protection of fundamental rights. Yet, the brutal sequence of gender-based killings, the murders of Bibi Nawsheen Chady in July 2025, Danaa Laetia Malabar in October 2025, and Natasha Vidushi Cornet later that same month reveal a far harsher reality. These killings expose, with painful clarity, that far too many women in Mauritius continue to face intolerable levels of violence within their homes, and very often with fatal consequences.



The facts are stark. Preliminary Police investigations reveal that Mrs. Chady had reportedly been beaten to death by her husband. Mrs. Malabar was brutally murdered by her spouse and left in an abandoned house. Mrs. Cornet’s lifeless body was discovered in Pamplemousses, with her husband identified as the primary suspect. These tragedies, occurring within mere weeks of each other, are not isolated incidents. They represent the continuation of a long, distressing pattern of intimate-partner violence persisting despite our constitution, the Protection from Domestic Violence Act, and Mauritius’ binding obligations under The Convention on the Elimination of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and other core human-rights instruments.

These recent killings come in the shadow of yet another deeply troubling case: that of Sandhya Bappoo, who was violently killed by her husband years ago. Despite the gravity of the offence and the irreversibility of the harm inflicted, her husband was subsequently granted a revised sentence by the Commission on the Prerogative of Mercy.<sup>[1]</sup> This decision, widely debated in the public domain, raises serious concerns about proportionality, accountability and the message conveyed to survivors of domestic violence and to society at large. It underscores, with alarming force, the systemic minimisation of violence against

women and the institutional blind spots that continue to undermine justice for victims.

Mauritius has historically aligned itself with the global movement for women’s rights, as an early and active supporter of the **Beijing Declaration and Platform for Action (1995)**.<sup>[2]</sup> Yet this legacy stands in sharp contrast with the systemic shortcomings that these cases expose. The gap between our international commitments and the lived reality of women in Mauritius is unfortunately widening and must be urgently addressed.

International jurisprudence is unequivocal in that sphere. Landmark cases such as *Opuz v. Turkey*<sup>[3]</sup> and *Velásquez Rodríguez*<sup>[4]</sup> affirm that States have a positive obligation to protect individuals from foreseeable harm, including violence by private parties. When police complaints, hospital visits, prior assaults are evidently warning signs, and the State fails to intervene decisively, it risks



breaching its duty of protecting lives. The deaths of Chady, Malabar, and Cornet and the unresolved legacy of the Bappoo case collectively raise pressing questions: Were early-warning indicators recognised? Or were ignorance of warning signs allowed to pave the way for preventable violence?

It is undeniable that Mauritius still lacks a unified, transparent national framework for recording and monitoring femicides and high-risk domestic-violence cases. Fragmented reports, inconsistent records, and institutional silos obscure the true scale of the crisis. No reliable data means we are just taking shots in the dark.

It is also clear that Mauritius must establish a centralised national mechanism for documenting and analysing gender-based killings which can track patterns, identifying risk factors, consolidating complaints, and coordinating timely interventions. Such a mechanism is essential for evidence-based prevention and systemic accountability.

Equally, inter-institutional coordination must be strengthened. Police, social services, medical professionals, NGOs, and the judiciary cannot continue to operate in isolation. Protection-order breaches must trigger immediate responses. It is important that high-risk women are not left unprotected because of administrative fragmentation.

Finally, existing legal protections must be enforced with seriousness and urgency. Protection orders must carry real weight. Police intervention must be swift, trained and gender sensitive. Emergency support for victims must be accessible and reliable.

Mauritius cannot allow these women to become footnotes in a country that prides itself on human rights. Women's rights are human rights. The right to life, security, dignity and effective protection is not optional. It is the cornerstone of a just society.

[1] <https://defimedia.info/grace-presidentielle-15-ans-de-remission-pour-le-meurtrier-de-sandya-bappoo-pour-conduite-exemplaire>

[2] [https://archive.uneca.org/sites/default/files/uploaded-documents/Beijing20/NationalReviews/mauritius\\_beijing\\_review\\_report\\_0.pdf?utm\\_source=chatgpt.com](https://archive.uneca.org/sites/default/files/uploaded-documents/Beijing20/NationalReviews/mauritius_beijing_review_report_0.pdf?utm_source=chatgpt.com)

[3] <https://hudoc.echr.coe.int/fre/?i=001-92945>

[4] [https://www.corteidh.or.cr/docs/casos/articulos/seriac\\_04\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriac_04_ing.pdf)



## LE CYBERHARCÈLEMENT: UNE URGENCE PSYCHOLOGIQUE ET UN ENJEU DE DROITS HUMAINS

Par Vijay RAMANJOOLOO



Au cours de cette année 2025, plusieurs cas de suicides d'adolescents à l'île Maurice ont bouleversé l'opinion publique. Un cas particulièrement troublant a touché une adolescente de 17 ans, qui s'est donné la mort après la diffusion non consentie de ses photos intimes sur la plateforme Telegram. Ce drame a profondément choqué la société mauricienne et a suscité des appels à une prise de conscience collective et des actions renforcées auprès des familles, des écoles et des autorités.

Si les causes du suicide sont toujours multifactorielles, l'analyse des situations observées cette année montre clairement que le cyber-harcèlement – sous toutes ses formes – est devenu un facteur contributif majeur chez nos jeunes. Invisibles, persistantes et souvent minimisées, les violences numériques affectent profondément la santé mentale des jeunes et posent un sérieux problème de protection des droits humains.

En tant que psychologue clinicien, je rencontre régulièrement des adolescents qui vivent un mal-être profond, nourri par

des agressions en ligne : insultes, moqueries, rumeurs, diffusions de photos intimes, menaces. Le cyberbullying génère chez eux des conséquences psychologiques lourdes : anxiété, dépression, troubles du sommeil, isolement social et baisse de l'estime de soi, phobie scolaire, comportements autodestructeurs. Et dans les cas les plus extrêmes, le suicide devient, aux yeux de certains adolescents, la seule porte de sortie face à une détresse qu'ils n'arrivent plus à verbaliser.

L'espace numérique, censé être un lieu d'échange et de découverte, devient pour eux une prison invisible, sans issue apparente. Ce harcèlement ne s'arrête pas à la porte de la maison, il les suit jusque dans leur chambre, sur leur téléphone, à toute heure.

Mais au-delà de la dimension psychologique, ce phénomène constitue une grave atteinte aux droits fondamentaux des enfants. Le droit à la dignité, à la protection contre la



violence, le droit à la santé mentale, à l'éducation dans un environnement sûr. N'est-il pas de notre devoir collectif de veiller à ce que ces droits soient garantis, même – et surtout – dans l'espace numérique ?

Que faire ? Une réponse collective est nécessaire.

Face à cette urgence, les solutions doivent être à la fois préventives, éducatives et institutionnelles :

1. Renforcer l'éducation numérique dans les écoles, en apprenant aux enfants à repérer, dénoncer et se protéger contre le harcèlement en ligne.
2. Former les parents et enseignants à reconnaître les signes de détresse psychologique liés au cyberharcèlement.
3. Mettre en place des mécanismes de signalement efficaces, accessibles aux jeunes, et surtout qui garantissent une réponse rapide et empathique.
4. Promouvoir l'accès aux soins psychologiques dans les établissements scolaires et les structures de protection de l'enfance.
5. Rendre les plateformes numériques responsables en exigeant des mécanismes de modération plus réactifs et des outils de protection renforcés pour les mineurs.

Il est temps d'agir. Cet appel à la vigilance et à la solidarité doit nous mobiliser tous pour que le numérique cesse d'être un espace où le mal-être des jeunes

propage, et devienne au contraire un lieu d'expression respectueux, sûr et bienveillant. Chaque adolescent qui met fin à ses jours est un signal d'alarme que nous ne pouvons ignorer. En tant que société, nous avons l'obligation morale et légale de protéger nos jeunes, non seulement dans les rues et à l'école, mais aussi dans cet espace devenu central qu'est le numérique.

Ce combat ne peut se gagner qu'ensemble : institutions, familles, écoles, acteurs du numérique. Il y va de la santé mentale, de la sécurité et, tout simplement, de la vie de nos enfants.



**PART 2**  
**HUMAN RIGHTS DAY**



## UDHR : A CHARTER BORN FROM THE ASHES OF WAR

By Satyajit BOOLELL SC

*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*

*Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,*

*Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law*

.....

Emerging in the aftermath of World War II and the horrors and atrocities of Nazi Germany, the Universal Declaration of Human Rights (UDHR) represented humanity's collective resolve to build a new world order – one grounded not in might but in dignity, equality and the rule of law.



This December 10<sup>th</sup>, the National Human Rights Commission will commemorate that historic moment in the presence of His Excellency, the President of the Republic, and two distinguished scholars – Professor Clare Anderson, University of Leicester and Dr. Mellissa Ifill, Vice-Chancellor of the University of Guyana.



### A legacy older than 1948

The idea of human rights was not born in 1948 nor was it confined to one continent or culture.

One of the earliest known articulations of human rights values appears in the Cyrus Cylinder (circa 593 BCE). After conquering Babylon, Cyrus the Great declared freedom of religion, abolished slavery, and proclaimed equality among peoples – principles now reflected in the first four articles of the UDHR.

In India, the ancient Vedic teaching “*Vasudeva Kutumbakam*” – “*the whole world is one family*” - expressed a philosophy of universal connectedness, urging people to look beyond differences and recognise their shared humanity.

Such ancient traditions remind us that while the UDHR was groundbreaking, it did not invent human rights; rather, it codified and universalised principles that have shaped human societies across millennia.

### The two dimensions of universality

If the UDHR did not give birth to human rights, it strengthened the universality of human rights at two levels:

First, regardless of national legislation everyone is eligible for human rights because of our common humanity.

Second, national sovereignty must not provide a cloak behind which government hide, claiming that human rights abuses against their own citizens or residents are their own business as long as they comply with national laws.

### Birth of international human rights law

The universal impact of the UDHR also saw the birth of international human rights law, providing safeguards for people.

Today, there are at least 16 legally binding UN human rights treaties, alongside regional instruments such as the European Convention on Human Rights, upon which Chapter II of the Mauritian Constitution is based.

In addition, numerous UN bodies – Committees, Councils, Commissions, and Special Rapporteurs – monitor compliance, investigate violations, and provide guidance to States. All of these mechanisms trace their origins to the moral and legal blueprint laid down by the UDHR.

### A document of principles, not promises

The UDHR had never claimed that it would eliminate all human rights abuses worldwide. Violations remain widespread. The UDHR was not meant to be a magic solution but it intended to affirm the inherent worth of every human being and to offer a foundation upon which societies could build systems of justice and peace.



As Shami Chakrabarti eloquently observes, *“human rights celebrate and protect everything that humans need in order to survive in this world. They are our best attempt at respecting human dignity... 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.”*

The challenge, therefore, is not simply to praise the UDHR – but to live its values.

**A call to embrace our shared humanity**

The UDHR gifted humanity a moral compass: a reminder that despite our differences, we belong to one human family bound by human dignity. As we mark Human Rights Day, let us not only commemorate the Declaration but renew our commitment to its vision.

A just and peaceful society is never guaranteed. It must be continuously built—through courage, empathy, and steadfast respect for the rights of all.



## HUMAN RIGHTS DAY: A PROMISE WE KEEP BREAKING

By Touria PRAYAG

Some dates we celebrate; others force us to confront ourselves. December 10 is one of the latter. Every year, Human Rights Day returns not as a celebration, but as a reminder of our failure: after 76 years, what have we truly done with the Universal Declaration of Human Rights?

Adopted in 1948, in a world still reckoning with the horrors of war and oppression, the Universal Declaration (UDHR) was a bold statement of principle. It insisted that every person, regardless of race, gender, belief, nationality or status, is entitled to dignity and rights. It was meant to serve as a moral guide for a world seeking justice, equality and peace.

Yet, as we mark another 10 December, the gap between the Declaration’s promise and reality continues to widen. The past year has shown just how fragile human rights can be when politics, power and prejudice take precedence over human dignity. In Gaza, entire families have been decimated, homes, schools and hospitals destroyed and children buried under rubble in what many describe as a relentless genocide. In Sudan, conflict has forced hundreds of thousands to flee, leaving civilians



exposed to unspeakable violence, starvation and disease. Across the world, communities endure repression, displacement and targeted attacks, while the international response is often delayed, inconsistent or selective. Such uneven attention exposes the double standards that weaken the UDHR’s authority.



Silence is a form of complicity. Human Rights Day should never be a comfortable ritual. The UDHR was not written to be admired once a year; it was written to challenge us, to unsettle us and to demand action. It asks difficult questions: why are some lives treated as less valuable? Why are we up in arms when some countries are attacked but we look away when others are subjected to a genocide? In other words, why do states cite human rights when convenient but ignore them when inconvenient?

Human rights do not fail because declarations are weak. They fail because people are either indifferent or have double standards. This is why Mauritius, though a small island, has a role to play.

Our voice has long carried weight in international forums because it is

principled, consistent and rooted in our own history of struggle. We know that turning away from suffering anywhere in the world is a betrayal of our own humanity. Human rights begin at home but they do not end at our borders.

The first article of the UDHR states that all human beings are born free and equal in dignity and rights. The world has spent decades showing how difficult it is to uphold that principle. Yet, it has also shown that when people stand together and speak with one voice, change is possible.

Human Rights Day is not a reminder of what we have achieved. It is a reminder of our responsibility. This year, more than ever, it asks us to decide: will we let dignity erode in silence or will we refuse to look away?



## HUMAN DIGNITY - THE FOUNDATION WE MUST REMEMBER

By Deepti THAKOOR

The very first line of the Preamble of the Universal Declaration of Human Rights (UDHR) speaks with striking clarity. It recognises the *“inherent dignity and the equal and inalienable rights of all members of the human family,”* and declares that this dignity is the *“foundation of freedom, justice and peace in the world.”* After the devastation of the Second World War, the world needed a moral compass—so Article 1 of the UDHR put it plainly:

*“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”*

Human dignity lies at the heart of the Universal Declaration of Human Rights (UDHR). It is the philosophical and legal foundation[1] on which the modern human rights system is built.

But what do we really mean when we talk about human dignity? And why does it matter so much?

Although difficult to define in precise legal terms, human dignity is something we recognise intuitively.



We know when it has been violated – when someone is humiliated, degraded, dehumanised or treated as less than fully human. Yet, we cannot exactly define it.[2]

Spijkers defined human dignity as the *“state or quality of being worthy of honour or respect by virtue of being human”*[3]. This definition is simple yet profound: dignity is not earned nor can it be lost. It is simply inherent.

Criminal law captures this intuition and provides sanctions for any violation of a



person's dignity such as insult, assault, larceny or more serious offences like rape or murder. The law intervenes because society recognises that certain acts strike at the very core of what it means to be human.

In that way, we would be making human rights an everyday essential; not as a philosophical and legal aspiration sitting on an ivory tower devoid of any practical reality but as something real, lived and shared.

However, irrespective of the fear of criminal sanctions and the fear of deterrence, can we start putting respect and human dignity at the heart of our interactions with people we like, those we are indifferent to and particularly towards those we dislike?

It starts with a small step: let us see the other for who they truly are, a human being.



[1] Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 293  
 [2] Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 300  
 [3] Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 296



## HUMAN RIGHTS DAY 2025

By Satyajit BOOLELL SC



Distinguished guests,

Today marks the commemoration of the International Human Rights Day. On this day in 1948, the world adopted the Universal Declaration of Human Rights (UDHR) at Palais de Chaillot, Paris.

The idea of human rights however, was not born on the 10 December 1948, nor was it confined to one continent or culture. The adoption of the UDHR, was the codification of values that humanity

had been shaping for thousands of years. It was drafted following unprecedented events that had rocked the world, the Great Depression, war, genocide, and the devastation of nuclear weapons. Humanity had learned, at a terrible cost, that rights without moral responsibility result in the collapse of societies.

And the UDHR did something revolutionary. It affirmed two simple truths:



Firstly, that human rights are universal, they belong to every person by virtue of being human; and

Secondly, that human rights are international; no state can hide behind sovereignty to excuse abuse.

Today, as we celebrate National Human Rights Day, the theme “Human Rights: An Everyday Essential” carries a profound message: human rights are fundamental to our dignity and vital in our daily lives, in our homes, workplaces, schools, streets—and in the way we treat one another.

Everyday essentials are things we cannot live without: food, shelter, water. Human rights belong on that same list. They are the air of dignity, the oxygen of equality, the backbone of justice. And like the air we breathe, we often pay very little attention to them – until it is too late.

And this is why a book like **La nuit au cœur** by **Natasha Appanah** matters deeply today. Among many themes, Appanah shows how silence, in the face of sheer violations of basic rights, enables harm and kills.

At the National Human Rights Commission (NHRC), silence is not an option when human rights are being abused. As a direct descendant of the UDHR, the NHRC exists precisely to safeguard human rights which the drafters of our Constitution saw fit to entrench under Chapter II of our Constitution.

It exists to bring hope to those who suffer from human rights violations and face insurmountable obstacles to have access to justice. In my short tenure, I have seen how the Commission can make a difference to the lives of many complainants.

Allow me to share just three examples:

For the first time in our history, the Commission successfully petitioned the Supreme Court for a prisoner who had overstayed in jail due to a wrong computation of his remission time. The said prisoner was released immediately.

In the case of the Air Mauritius Retirees Association, the Commission intervened for the retired workers, who had their concessionary travel privileges taken away following initiation of legal proceedings, affirming the important constitutional principle that no citizen should suffer intimidation for asserting their legal rights.

Finally, in the report on the Melrose Eastern High Security Prison, the Commission recognised an often-forgotten truth: that even those who guard our institutions deserve dignity, respect, and fair prospects. We made recommendations accordingly.



But let us remember that this responsibility does not rest on institutions alone. It belongs to each one of us. Human rights are protected not only by laws, but by attitudes:

The way we speak to one another  
Whether we intervene when we witness harm.

Whether we honour the humanity of those who are different from us.

So today, I invite all of us to rediscover the profound simplicity of human rights in our everyday interaction with others.

Let us make the UDHR a living document – not one to be left in libraries, but in a living document in our lives

Let us ensure that its moral compass continues to guide us, and that the spirit of the Universal Declaration shines in our daily choices. Above all, let us remember that dignity is not negotiable.

May we commit, as a nation, that human rights are not to be celebrated only once a year, but lived every day – by everyone, for everyone.

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May we commit, as a nation, that human rights are not to be celebrated only once a year, but lived every day – by everyone, for everyone.



Speech by Gavin Glover SC - Attorney General

*Human Rights Day is always a moment of pause, a moment when the noise of daily administration should fall away so that we may hear the quieter and more demanding questions of principle.*

*The United Nations theme this year, the "everyday essentials" of human dignity, reminds us that rights do not live only in courtrooms or in public statements. They live in the fabric of ordinary life: in security, in fairness, in clean water and food, in privacy... At the same time, these everyday essentials exist because there is a larger architecture to support them. Hannah Arendt spoke of "the right to have rights", meaning the basic conditions that allow every other right to be exercised. The concrete, practical rights we honor today can only exist in a system where there is the confidence that the State will act lawfully. That the rule of law prevails over the desires of men.*



*Substantive rights may seem more generous - but they place courts in the difficult position of deciding what is enough, often without access to the information or resources required to make those determinations. Procedural rights, by contrast, allow courts to safeguard fairness and rationality. They ensure that environmental decisions consider the rights of Nature, that development plans take account of climate justice, and that digital policies respect privacy. It is a more modest judicial role, but often a more realistic and effective one.*

*The Constitutional Review Commission will have to navigate these questions independently and rigorously. Your views will be essential. The Commission's public consultation, research, and deliberation will shape the way our country understands and articulates its next generation of rights. What matters most is that the process reflects national ownership. Reform imposed from above, or from outside, rarely endures. Reform built through thoughtful, open engagement and participation often does.*

*Human rights also require institutions that are capable of delivering accountability today, not only in a reformed future. The National Human Rights Commission is one such institution. Its work can appear slow or even tedious, a letter here, a site visit there, a follow up on a detail that others might have overlooked. Yet these are the daily practices through which the dignity of detained persons is protected, through which vulnerable individuals are heard, and through*

*In this regard, the Government Programme 2025 to 2029 sets a clear direction. The commitment to restore the rule of law, renew our democracy, and modernise the protection of rights is central to our action. It reflects the realisation that our Constitution, now almost six decades old, must address the realities of a country that has changed a lot. A Mauritius shaped by new demographics, different economic pathways, modern technologies, environmental pressures, and by a heightened expectation of transparency and justice. The reforms announced are wide, but at their heart is the conviction that institutions must serve people, and not the other way around.*

*One of the most consequential steps ahead is the establishment of the Constitutional Review Commission. Its mandate includes recommendations for the protection of new generation rights: environmental rights, digital rights, the rights of Nature, and social and economic rights - all long recognised by international treaties. The challenge will be, not only to recognise these rights, but to decide how to recognise them.*

*Here, the question framed by scholars such as Tarun Khaitan, the LSE Professor who visited us earlier this year, deserves careful attention. Should these rights be substantive, guaranteeing a concrete amount of water, housing, healthcare or digital protection for each Mauritian? Or should they be procedural, requiring every policy and project to evaluate and justify its impact on these rights?*



*which the State is reminded that power must remain answerable.*

*This year, the Commission demonstrated real responsiveness, notably in relation to the Melrose incidents of 17 July. At a time when public confidence was shaken, the NHRC delivered. Not by simply brushing matters under the rug and reassuring everyone. But by moving quickly, asking difficult questions, and insisting that explanations be given. This is what gives the Commission its relevance. It is also why its members must be able to work with independence, resolve, and sometimes a measure of zeal. A watchdog that never disturbs anyone is not doing its job.*

*The NHRC today is composed of strong personalities, individuals with experience, conviction, and occasionally sharp views. That is not a weakness. A collegial body functions precisely because its members do not think alike. They challenge one another, temper one another, and gradually produce positions that reflect both independence and responsibility. Their mandate is not to please the Police, the prison administration, or the Prime Minister's Office. Their mandate is to ensure that these institutions, and mine as well, remain within the bounds of law and fairness.*

*As we strengthen our human rights architecture, we must also correct what does not work. The Independent Police Complaints Commission is an important mechanism but its structure and efficiency raise legitimate concerns. Public trust suffers when an oversight body relies heavily on retired police officers to investigate serving police officers. We must therefore reflect seriously on the consolidation of these functions, possibly within the NHRC itself. This does not mean reducing oversight. It means strengthening it, and ensuring that investigations into police conduct are carried out by individuals who are, and are seen to be, structurally independent from the force.*

*If we take seriously the United Nations invitation to reflect on "everyday essentials", then we must admit that these reforms, whether constitutional or institutional, are not theoretical. They determine whether a young person feels safe in custody, whether a protester trusts the police response to be lawful, whether an elderly citizen enjoys privacy in an increasingly digital State, and whether our natural environment is*

*recognised as a partner in our wellbeing rather than a resource to be used until exhausted.*

*This Government's agenda is ambitious. The Police and Criminal Evidence Bill, the National Crime Agency, the strengthening of the prosecutorial system, the overhaul of digital law, and the embedding of new generation rights into the Constitution are all significant undertakings. Their purpose, however, is simple. They aim to rebuild the foundations of trust: trust in institutions, trust in the law, and ultimately trust in one another.*

*Human Rights Day reminds us that rights do not enforce themselves. They depend on individuals: investigators who insist on answers, commissioners who act without fear, civil*

*servants who refuse shortcuts, lawyers who ask the difficult questions, policemen and prison officers who respect the law, and judges who remain strong and principled. They also depend on our willingness to acknowledge past failures and to correct course when need be.*

*As we look to the years ahead, let us reaffirm that human rights in Mauritius will not remain slogans. They will be embedded in our Constitution, in our institutions, in our procedures, and in our national culture. And they will be measured, not by the elegance of our postures, but by the daily, essential protection we extend to those who need it most.*

*Thank you.*



Speech by His Excellency Mr Dharambeer Gokhool G.C.S.K., President of the Republic of Mauritius

Introduction

Ladies and Gentlemen,

Good morning and thank you for the kind invitation to join you on this very important occasion: UN International Human Rights Day.

A day to commemorate the 1948 adoption of the Universal Declaration of Human Rights -UDHR.

The chosen theme is: Our Everyday Essentials - like food, safety, health, freedom -the daily foundations of dignity and well-being.

As you may be aware, in my capacity as President of the Republic, I bear the solemn duty of safeguarding our Constitution and the values that anchor our nation, our people.

And the prerequisite for human rights to be upheld is that we first recognise our shared humanity - that we start with basics - the recognition that we are all human beings.

With that recognition comes the responsibilities that give those rights meaning and moral strength.

Sunday, 7<sup>th</sup> December, marked one year since I assumed Office - a milestone that has deepened my appreciation for the pillars that uphold our Republic and for the enduring spirit with which we sing our national anthem: as One People, as One Nation, in peace, justice, and liberty.

It is in that same spirit that I address you today on International Human Rights Day 2025.

Allow me to convey my sincere appreciation to Mr. Satyajit Boolell, Senior Counsel, Chairperson of the National Human Rights Commission, and to all members of the Commission for their leadership and steadfast dedication to the advancement of human rights in our country.

I also extend a warm welcome to Professor Clare Anderson and Dr. Melissa Ifill.

I thank the UN Resident Coordinator, H.E. Ms. Lisa Singh, and the Attorney General, Mr. Gavin Glover, Senior Counsel, for their valuable insights.



Having listened attentively to their perspectives, I would like to reiterate that human rights are not upheld solely through institutions or legislative frameworks alone. But also, through our daily thoughts, actions and interactions as human beings.

Reflections

Allow me, therefore, to offer a few reflections – I emphasise - a few-and perhaps raise some thoughtful questions – on that which no statute can compel, and no institution can impose, yet remains the bedrock of human rights in our daily lives: conscience and responsibility of each person.

This year's theme, "Our Everyday Essentials", reminds us once again that human rights are not abstract ideals but principles reflected daily in how we treat others - including those we may not know, yet whose humanity commands our respect, fairness, and protection.

We must also bear in mind that over time, the scope of human rights - from 1948 to date - has expanded significantly.



From first, we have now reached the fourth generation of human rights.

Also, it has been argued that all human rights cover a wide spectrum of rights and are universal, indivisible, interdependent and interrelated.

The realities and specificities of societies-political, economic, social technological, cultural and environmental- put to test the universality and indivisibility of human rights.

Reconciling internationally agreed norms with domestic circumstances and realities can, therefore, be very challenging and call for careful reflection and prudent action.

Presidential Reflections

This is why, since assuming Office, I have made it a point to welcome citizens from all walks of life-children, adults, persons with disabilities, and seniors - to promote reflection and constructive dialogue at the State House.

Over 6,500 visitors have reminded us that governance is meaningful only when rooted in human values.

You would also recall that in July, I convened a roundtable on disability inclusion with the UN, the National Human Rights Commission, and over thirty NGOs to engage multi-stakeholder consultations to foster collaboration aimed at tangible action.

From Reflections to Application

Ladies and Gentlemen,

While we take pride in being a nation that has signed and ratified a wide range of international human rights instruments, we must also acknowledge that the work of human rights is never complete.

Our Constitution, adopted in 1966, remains a pillar of our democracy, yet like all living instruments, it invites periodic reflection.

While the letter of our Constitution provides frameworks to protect human rights, it is only when its spirit is embraced daily-through conscience, empathy, and the fulfilment of our responsibilities - that these rights truly come alive.

As our society evolves, so too must the frameworks that safeguard dignity, equality, and justice.

Questions

In this context, I would like to mention a number of issues demanding urgent attention and introspection:

- If the right to life implies the right to that which sustains life, should health - and by extension mental health- not be guaranteed for doctors, frontliners, police and prison officers, and journalists who shoulder extraordinary responsibility?
- Secularism and diversity remain cornerstones of our nation; how do we deal with religious symbols, cultural attire, or identity so that they do not become barriers to opportunity, productivity or meritocracy in workplaces?
- As digital access becomes a gateway to education, justice, and opportunity, but also to cyberbullying and "rage bait", how do we ensure that knowledge about rights and responsibilities is available and accessible to every citizen?
- In a world of displacement, conflict, and humanitarian crises, how do we prepare our society to offer clearer protection to refugees, asylum seekers, and migrant workers, and foster empathy?
- What cultural shifts must we bring to ensure chronic health conditions, such as PCOS (Polycystic Ovary Syndrome) or Endometriosis - which can become disabilities- do not erode opportunity or fairness for women in professional and public life?
- With our elderly population projected to reach 33% by 2050, how do we guarantee they are respected every day, free from taunts, stigma, isolation, or dismissive attitudes?
- In light of prejudices faced by Rodriguans and Agaléans migrating to Mauritius, how can we ensure that our shared responsibilities toward dignity and fairness shape our response?



- *How can environmental rights, aligned with climate resilience and the Sustainable Development Goals, be more firmly embedded in our legal framework?*

*In the face of the climate crisis, the paradox of air conditioning as both a lifesaving necessity and a climate-damaging device takes centre stage.*

*Extreme heat threatens life itself. Can we imagine a future where access to cooling, clean energy, and climate-resilient infrastructure is intertwined with the right to life and the right to health?*

*The UN Environment Programme has reported that that extreme heat will affect nearly 1,000 cities by 2050, with average summer highs reaching 35°C and 1.6 billion people exposed.*

*Air conditioning is now seen as bordering on a human right, especially for vulnerable groups - the elderly, outdoor workers, and those without access to cooling.*

*So how do we harmonise the complex dual reality of upholding the immediate right to life through cooling, while fulfilling our responsibility to protect a healthy, sustainable environment for current and future generations?*

*This list of issues I have raised is by no means exhaustive, but I hope they will provoke reflection, stimulate debate, and inspire action. As we look toward the future, let us remember that the protection of human rights is not achieved by ratification alone.*

*It is realised through continual reform, ethical leadership, and the courage to modernise what no longer serves our people.*

*Our nation must remain open to renewal, whether as regards strengthening constitutional guarantees, advancing environmental and socio-economic rights, modernising outdated laws, or ensuring that equality and justice guide every public institution.*

**Conclusion**

*On this realistic but optimistic note, allow me to conclude by reaffirming my commitment, as President of the Republic, to uphold human rights and, just as importantly, to ensure that responsibility is embraced and practised by every citizen.*

*I hope that today's fruitful gathering and deliberations will inspire reflection, stimulate action, and strengthen our shared commitment towards a more just, inclusive, and humane society.*

*May God bless our Republic.*

*Thank you for your attention.*



**HUMAN RIGHTS DAY IN PHOTOS - I**





## HUMAN RIGHTS DAY IN PHOTOS - II



### Digital Justice: Using a Human Rights Approach to address Cyberbullying By Dishall Ramdenee (Intern)

In today's increasingly interconnected world, online spaces are critical for communication, education, and social interaction. However, such platforms expose individuals, particularly young people and vulnerable groups, to online threat. Cyberbullying has become one of the most common types of digital abuse. When viewed from a human-rights lens, it undermines dignity, privacy, equality, and security online, making digital justice an increasing priority.

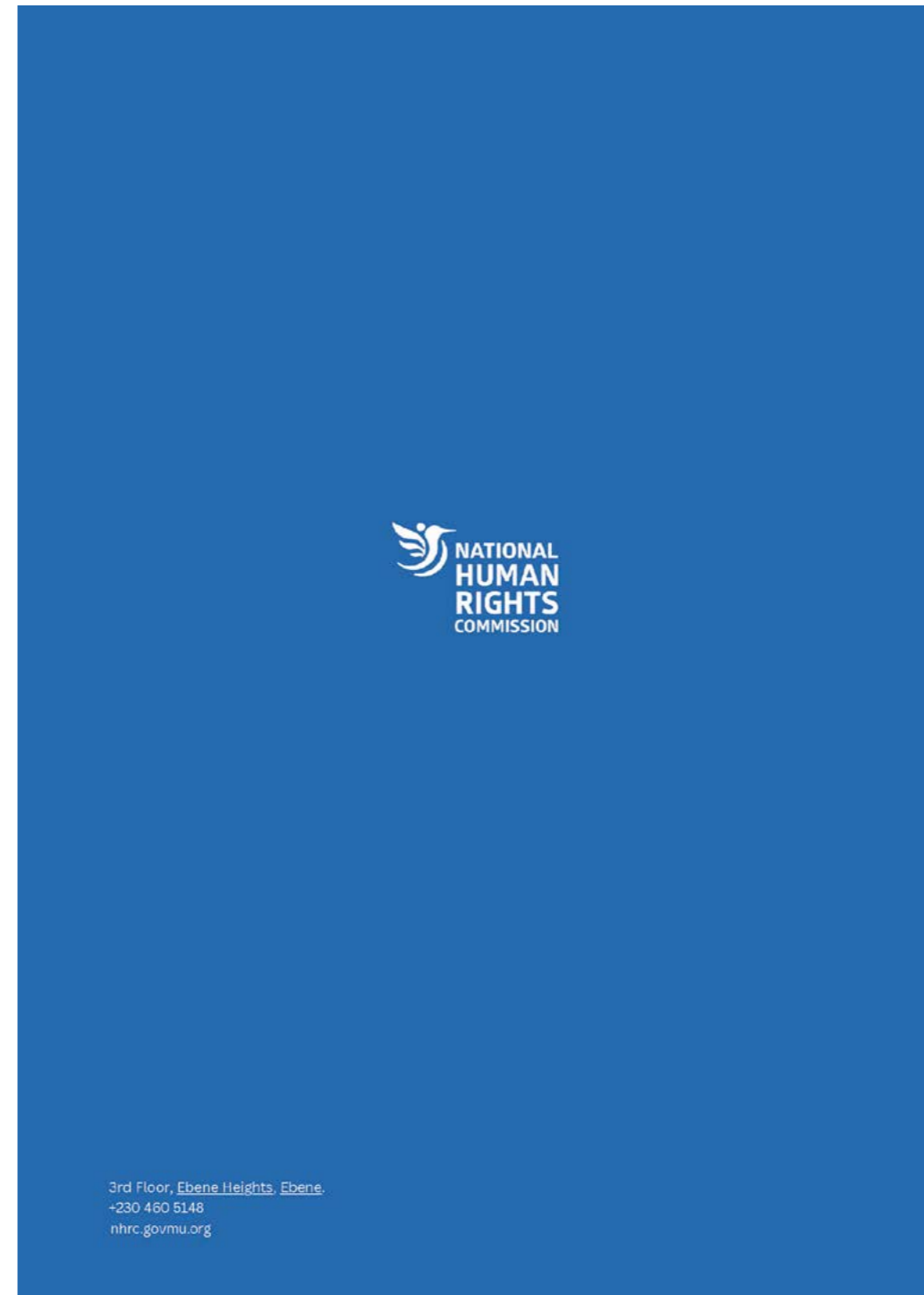
According to the World Health Organization / Europe (HSC 2024), around 15% of teenagers (1 in 6) worldwide have experienced cyberbullying. According to some estimates, internet harassment affects between 5% and 21% of children and adolescents in various nations. These data depict millions of young people whose safety and dignity are threatened every day.

Mauritius is not immune. The trend is rising: from **3,348 cases in 2022 to 5,221 in 2024**, reflecting a **56% increase** over two years. Many victims remain silent due to shame or fear, highlighting the urgent need for awareness and accessible reporting mechanisms. Cyberbullying can take numerous forms, including online harassment, impersonation, hate speech, image sharing without consent, doxxing, and sextortion. Each kind can infringe on fundamental rights. Persistent humiliation violates an individual's right to dignity; publishing private pictures without consent violates the right to privacy; threats and intimidation undermine the right to safety; and harassment based on gender, colour, appearance, or beliefs violates equality and non-discrimination. Cyberbullying can also interfere with children's and young people's right to an education, causing fear, absenteeism, or withdrawal from learning.

To ensure digital justice, one must develop an online environment in which everyone can participate safely. This requires a collaborative effort from families, schools, online platforms, civil society, and human-rights organizations. Social media platforms

must improve their response systems, while schools and parents should promote digital literacy, responsible online behaviour, and internet safety.

Human rights give a clear framework for addressing cyberbullying by ensuring people's dignity, privacy, security, and equality online. Human-rights concepts provide legal and ethical requirements for governments, institutions, and internet platforms by acknowledging that everyone has the right to live free of harassment, intimidation, and discrimination. Human rights-based laws and regulations guarantee that victims have access to remedies, support services, and safe reporting channels. At last, human rights-based education and awareness efforts teach responsible digital behaviour, encourage respect for others, and enable users to identify and prevent abuse. By tying online behaviour to fundamental freedoms, human rights make cyberspace a safer place where people can communicate, learn, and participate without fear, directly minimizing the harm caused by cyberbullying.



# Annex 5

## Xenophobia: Promoting Equality and Non Discrimination (Feb 2025)

Edition **04** **NEWSLETTER**

February 2026 | NATIONAL HUMAN RIGHTS COMMISSION – 3rd Floor, Ebene Heights, Ebene.



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### The Chairman's Message

#### More than a picture Human Dignity Is the Right to One's Image

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## THE CHAIRMAN'S MESSAGE

### More Than a Picture: Human Dignity in the Right to One's Image

By Satyajit Boolell SC, Chairperson NHRC

Click, click, click!

In today's digital age, taking a photograph requires no more than a tap of the screen. Almost all of us have become amateur photographers and videographers. But the lens does not distinguish between the moments we treasure and those we would rather let fade.

Digital technology has preserved weddings and birthdays as readily as arrests, injuries, humiliations and pain. Digital media does not let us forget.

At the heart of the photographs and videos is the human image – and, with it, the question of how society treats human dignity in an age of instant visibility.



Satyajit Boolell SC  
Chairperson NHRC

### The Legal Foundations: Privacy, Image and Dignity

In Mauritius, the right to privacy is situated as one of the counterparts<sup>1</sup> to the right of freedom of expression (section 12 of the Constitution) and also within the right to the privacy of one's home and other property (section 9 of the Constitution). The right to privacy does not operate as positive right but through the limitation imposed on the right to freedom of expression "for the purpose of protecting the reputations, rights, and freedoms of other persons or the private life of persons concerned in legal proceedings" provided the limitations are "reasonably justifiable in a democratic society."<sup>2</sup>

International human rights law has gone further. The European Court of Human Rights (ECtHR) has repeatedly held that a person's image is more than mere visual representation. It constitutes "one of the chief attributes

of his or her personality, as it reveals the person's unique characteristics and distinguishes the person from his or her peers."<sup>3</sup> The ECtHR has recognised that the right to control the protection of one's image is one of the essential components of personal development and the concept of private life extended to one's name, photo and moral and physical integrity.<sup>4</sup>

The ECtHR has been very clear that the release to the media of photographs of a detainee, taken in the course of police enquiry, breached Article 8 of the European Convention on Human Rights, the right to respect for private and family life. In *Sciaccia v Italy*,<sup>5</sup> the Revenue Police of Italy<sup>5</sup> had released, to the press, identity photographs of suspects involved in a fraud and tax evasion scandal, taken in the course of enquiry. The photographs were

published four times over 2 days. The ECtHR held that there has been a breach of Article 8 on the ground that a person's private life included their right to their image and that there was no law regarding the release of detainees' photographs to the press in Italian law.

In *Toma v Roumanie*,<sup>6</sup> the suspect has been arrested in an alleged drug offence. Journalists from a local channel, called by the police, took his photographs showing visible signs of violence and police brutality. The ECtHR held that Article 8 had been breached and such an interference could not be justified for any legitimate purpose inasmuch as the suspect has not escaped police custody, was in police detention and there was no main case against him yet. The publication of those photographs did not serve any public interest, for example, in

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ensuring the suspect's court attendance or prevention of similar offences.

Although framed in terms of privacy and Article 8 seems to have been interpreted broadly<sup>7</sup>, the ECtHR's pronouncements fundamentally rest on a deeper moral reasoning – the need to protect human dignity. Human dignity forms the philosophical and legal foundation<sup>8</sup> of the Universal Declaration of Human Rights, the founding document of the modern human rights. There is no easy definition of human dignity but we all know, intuitively, when there has been a violation of human dignity, even if we cannot exactly define it.<sup>9</sup> Spijkers defined human dignity as the "state or quality of being worthy of honour or respect by virtue of being

human"<sup>10</sup>. This definition is simple yet profound: dignity is not earned nor can it be lost. It is simply inherent. And because it is inherent, it persists even:

1. when a person is in handcuffs,
2. when they are under investigation,
3. when they are at their lowest,
4. or when they are no longer alive to defend themselves.

Have we, in recent times, forgotten that a suspect is also a human and not an object and that irrespective of his reprehensible acts, we should respect his inherent human dignity?

**A local example**

Last year, a picture of a young adult, clearly in a helpless and distressed position, was largely circulated by the press and online media because he allegedly had in his possession a firearm and attempted to enter the VIP area of the airport. Whatever the truth of the allegations, the publication raises serious questions:

1. Was it taken at the airport police station? If so, by whom and why?
2. If the photograph was taken at the airport police station, who authorised (or leaked) its circulation and what was the purpose behind sharing such a picture?

Such publication, portraying the distress and helplessness of the human, seem to provide passing entertainment for a section of society but the lasting impact can be devastating. All too often, the emotional collateral damage is borne by the mothers and sisters in the family. If the Director of Public Prosecutions were one day to find no case against the young man, the image would still remain online – permanently accessible to future employers, friends, neighbours and strangers. Digital humiliation does not evaporate.

**The position of the National Human Rights Commission (NHRC)**



Acknowledging the rights of detainees does not mean excusing wrongdoing. But no matter the allegations, neither the media nor society has any justification for violating a person's inherent dignity and impose lasting irreversible harm through their actions and publications.

The NHRC strongly condemns the publication of photographs of detainees, particularly when they are merely on a provisional charge and are distressed and in a helpless state, unless the publication of that photograph serves a clear, lawful and justifiable public interest. Likewise, images of detainees in handcuffs – especially where cases may collapse or convictions may later be overturned on appeal – can inflict permanent and irreparable harm.

The NHRC further warns that the same principles apply to victims. Photographs of individuals at crime scenes, in hospitals, deceased, dismembered or during police interventions should not be published without family consent. Grief, trauma and loss are not public property.

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**Our responsibility towards others**

We now have the ability to record, publish and broadcast instantly, but we should do so responsibly and with compassion. Having some less "likes" or "reposts" would definitely affect our fragile egos but this restraint may save someone's life from becoming a living hell.

A simple moral calculus must guide us:

- Does this image educate, inform, or serve a legitimate public interest?
- Or is it merely spectacle – a moment of suffering used for clicks, amusement or sensationalism?

If the answer is the latter, we risk reducing human beings to objects – stripping them of their dignity and turning the public into unwitting collaborators in humiliation.

**Conclusion**

Human rights law is clear: a person's image belongs to them and with it, the right to control the use of that image. The cases before the European Court of Human Rights have reinforced this principle and reaffirmed the fundamental value at the heart of modern human rights law – human dignity.

Discussions about crime, responsibility and public security are necessary in any democracy but we cannot reduce a human being to a mere object for spectacle in so doing.

Before posting a photograph and before pressing "share," one question should guide us: "Are we treating the person in the image as a human being, or as a spectacle?"

A society that chooses the former is not only lawful – it is humane. A society that chooses the latter may gain momentary satisfaction, but loses something much more valuable: its commitment to treat every person with dignity.

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- <sup>4</sup> *Von Hannover v Germany (No.2)*, European Court of Human Rights, Grand Chamber, 07 Feb 2012, para. 95 – 96
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## EDITORIAL

### The Invisible Hands of Immigrant Workers

How a country treats its most vulnerable workers offers a quiet but telling insight into the strength of its democracy.

By Touria Prayag



Touria Prayag

Mauritius prides itself on being a model of social cohesion, respect for human dignity and the rule of law. Yet, behind this carefully nurtured image lies a quiet contradiction: thousands of immigrant workers sustain key sectors of the economy while remaining largely invisible in public debate, policy design and social protection.

Immigrant labour has become structural. From textile factories and construction sites to hotels, restaurants and domestic work, foreign workers, mostly from Bangladesh, India, Nepal, Madagascar and increasingly Africa, keep the wheels of the economy turning. Many Mauritians acknowledge this privately. Few are prepared to confront the implications publicly.

The reality is uncomfortable. Immigrant workers are often recruited under systems that prioritise speed and cost over dignity and transparency. Recruitment fees, debt bondage, contract substitution and misinformation remain recurring problems despite legal safeguards. For many workers, arrival in Mauritius marks not the end of vulnerability but the beginning of a new form of dependency, namely on employers, recruiters and intermediaries who control their housing, mobility and, in some cases, their identity documents.

Living conditions frequently reflect this imbalance of power. Overcrowded dormitories, restricted freedom of movement and isolation from the wider community are not exceptions; they are patterns. When abuses occur, workers are reluctant to complain, fearing retaliation, dismissal or deportation. Access to justice exists on paper but, in practice, it is filtered through language barriers, lack of legal assistance and a deep fear of authority.

On top of being a labour issue, this situation is also a human rights issue. A system that tolerates exploitation, even

indirectly, undermines the very values Mauritius claims to uphold internationally. It also distorts the labour market. When immigrant workers are underpaid or overcontrolled, local workers are weakened. Fair treatment of migrants is, therefore, a safeguard for everyone.

Admittedly, employers, too, operate under pressure. Many face tight margins, global competition and rigid procurement contracts. But economic difficulty cannot justify systemic neglect. Ethical recruitment, decent housing and respect for labour rights are not luxuries; they are legal and moral obligations. However, employers who cut corners are sadly helped by enforcement mechanisms that are too slow, too fragmented or too lenient and immigration status is often used as a weapon against workers seeking redress.

There is also a societal responsibility. Immigrant workers live among us, contribute to national growth and, in many cases, spend years in Mauritius without ever being truly seen. Excluding them from public conversations makes exploitation easier and solidarity harder.

Mauritius has a choice. It can continue to benefit quietly from immigrant labour while treating migrant rights as an afterthought. Or it can lead by aligning economic necessity with ethical clarity. This would require political courage, regulatory reform and a shift in public discourse, but it is entirely within reach.

How a country treats its most vulnerable workers offers a quiet but telling insight into the strength of its democracy. This is often more revealing than any slogan or international ranking. If Mauritius wishes to remain credible in its commitment to human rights, it must ensure that immigrant workers are fully recognised, not only for their economic contribution, but as people whose dignity and rights deserve equal respect.

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## FREEDOM OF ASSEMBLY

### A Constitutional Right Anchored in Responsibility and Respect

By Satyajit Boolell, SC

#### WHY THE RIGHT EXISTS: LESSONS FROM HISTORY

Freedom of assembly and association is a cornerstone of democratic society. It enables individuals to come together to express shared views, celebrate collectively, advocate for causes, and participate in public life.<sup>1</sup>

Article 20 of the Universal Declaration of Human Rights (UDHR) creates the right to freedom of peaceful assembly and association. It emerged from a historical context marked by repression, authoritarianism, and the criminalisation of collective expression. The framers of the UDHR understood that banning assemblies was a powerful tool used by oppressive regimes to silence dissent and fragment society.

However, it is equally important to remember that the UDHR speaks of "peaceful" assembly. The right was never intended to legitimise disorder, violence, or contempt for the rule of law. On the contrary, it was designed to protect collective expression rooted in human dignity, our shared humanity,<sup>2</sup> restraint, and mutual respect.

#### The constitutional right to Freedom of Assembly

In Mauritius, this freedom is protected under Section 13 of the Constitution, which guarantees every person the right to assemble freely and associate with others.

However, constitutional protection does not render this right absolute. Section 13 of the Constitution recognises permissible interferences to the freedom of assembly that are necessary in the interests of public safety, public order, public morality, public health, and the protection of the rights and freedoms of others – provided such restrictions are "reasonably justifiable in a democratic society".



<sup>1</sup> Gino Romero, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/80/219) 22 Jul 2025, para. 6

<sup>2</sup> Gino Romero, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/80/219) 22 Jul 2025, para. 5

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### The Palmar Beach Incident: Symptom, Not an Isolated Event

On 25 January 2026, police were called to Palmar beach following complaints of noise pollution. What should have been a routine intervention escalated into confrontation and acts of rebellion, culminating in the arrest of eight individuals. This incident is troubling not only because of the outcome, but because of what it reveals about a growing pattern of violent behaviour.

The question that must be asked is not simply whether the police response was warranted, but why lawful authority is increasingly met with hostility, even in situations involving minimal interference with personal freedom.

A family or group gathering at the beach is a legitimate exercise of the right to freedom of assembly. However, when enjoyment turns into excessive noise, disturbance, or defiance of lawful instructions, the right ceases to be exercised peacefully and begins to infringe upon the rights of others.

This is where the line is often misunderstood—or deliberately ignored



### Freedom of Assembly Is Not the Freedom to Dominate Public Space

Exercising a right does not mean asserting it at all costs, even when it overrides competing interests. In reality, constitutional rights are relational. One person's freedom ends where another person's rights begin. Rights come with responsibilities.

Public spaces such as beaches belong to everyone. The right to assemble does not include the right to impose excessive noise, intimidate others, damage the environment, or disregard public order. When individuals act as though their enjoyment takes precedence over communal harmony, they are not exercising freedom; they are appropriating public space at the expense of others. This shift – from peaceful shared use to perceived entitlement – lies at the heart of many public order conflicts.



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### The Unwritten Assumption: Respect as the Foundation of Rights



Human rights instruments do not explicitly legislate for respect and courtesy because they presume them. Respect is the very foundation upon which all rights rest. Without it, rights become transactional claims rather than shared social guarantees. When respect erodes, the language of rights is easily distorted into a tool for confrontation rather than coexistence. The growing tendency to react aggressively to enforcement, to dismiss the impact of one's actions on others, or to treat legal limits as personal affronts reflects a deeper social malaise: a weakening of civic responsibility.

Leaders such as Mahatma Gandhi and Martin Luther King Jr. demonstrated that the moral strength of assembly lies not in volume, force, or defiance, but in discipline and non-violence. Their movements remind us that restraint is not weakness—it is the highest expression of democratic maturity.

### Environmental Pollution as a Human Rights Concern

The Palmar incident must also be viewed alongside other increasingly common behaviours when people assemble or associate:

- Excessive and unregulated use of fireworks, causing distress to animals, environmental harm, and suffering to vulnerable individuals;
- Pollution of public spaces, where waste is discarded with little concern for environmental sustainability or communal dignity.

When such conduct interferes with the peaceful enjoyment of public spaces, it does more than harm the environment. It directly affects the ability of others to enjoy their constitutional rights, including the rights to dignity, health, and peaceful enjoyment of shared spaces. The issue then ceases to be one of environmental pollution. It becomes a human rights concern, engaging the collective responsibility of individuals and the duty of public authorities to ensure that fundamental rights are respected, protected, and enjoyed by all.

### The role of the law and its limits



The law can regulate behaviour, but it cannot manufacture values. While Section 13 of the Constitution provides a legal framework for balancing rights and restrictions, no statute can substitute for civic consciousness. A society that relies solely on enforcement, rather than internalised respect for others, risks constant friction between citizens and authority.

This is why the phrase "reasonably justifiable in a democratic society" is so critical. Democracy is not measured only by the breadth of rights it proclaims, but by the manner in which those rights are exercised.

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## THE MESSAGE OF THE NHRC

The National Human Rights Commission emphasises the following:

- **Rights are inseparable from responsibilities.**  
Freedom of assembly must always be exercised peacefully and within lawful limits.
- **Public order and safety are legitimate democratic interests,**  
not arbitrary constraints.
- **Respect for the rights and freedoms of others is not optional;**  
it is a constitutional and moral duty.

The NHRC therefore calls upon the population to reflect critically on how freedoms are exercised and to recommit to the values of respect, courtesy, and restraint. These values are not contrary to human rights—they are their very foundation.

A society that understands this balance strengthens democracy. A society that ignores it risks eroding the freedoms it seeks to defend.



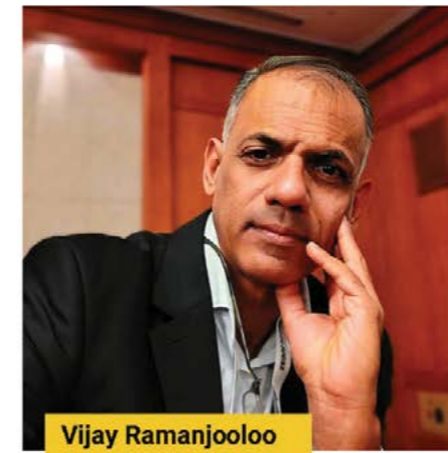
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## XÉNOPHOBIE ORDINAIRE

### Quand la peur de l'autre supplante la justice et l'humanité

By Vijay Ramanjooloo



Vijay Ramanjooloo

Le début de cette année a été marqué par l'horreur : le meurtre d'une jeune femme, dont le suspect principal est son compagnon, un ressortissant camerounais. Au-delà du drame humain. Au-delà de l'horreur du crime lui-même, un autre phénomène a retenu mon attention la réaction de certains internautes mauriciens sur les réseaux sociaux.

L'espace virtuel s'est transformé, en quelques heures, en un tribunal populaire sans juge ni défense. Avant même que les conclusions de l'enquête ne soient établies, avant que la justice ne fasse son travail, une déferlante de propos racistes et xénophobes a envahi les réseaux sociaux. Par un glissement dangereux, l'acte d'un seul individu a été projeté sur toute une nationalité, voire sur tout un continent.

Soyons clairs : cela ne signifie pas que tous les Mauriciens partagent ces idées et cèdent à ces pulsions. Heureusement, ce n'est pas le cas. Mais ces discours existent, ils circulent, et ils méritent que nous nous arrétions pour y réfléchir collectivement.

Un homicide révoite. Il est naturel que l'émotion soit vive. Mais l'émotion, aussi légitime soit-elle, ne doit jamais servir de justification à l'intolérance.

Dans ce climat de tension, la figure de « l'étranger » a été érigée en bouc émissaire idéal. En condamnant sur la base

de rumeurs ou de fragments d'informations déformés, beaucoup ont piétiné un principe démocratique fondamental : la présomption d'innocence et le temps de la justice. Il y aura une enquête policière, un procès, et seule la justice décidera de la culpabilité ou de l'innocence.

Cette précipitation à juger semble trahir une angoisse archaïque : la peur de l'autre, de celui dont la différence devient, aux yeux de certains, une menace intrinsèque.

Plus troublant encore, cette xénophobie a engendré une forme de "victim-blaming" (blâme de la victime) particulièrement insidieuse. Certains commentaires suggéraient que la victime était responsable de sa propre mort : elle serait coupable d'avoir aimé un Camerounais !

Ce discours est d'une violence absolue : il banalise non seulement le féminicide, mais il érige la nationalité en critère de moralité. C'est ici que la xénophobie s'exprime de la manière la plus brute, privant l'humain de sa singularité pour ne plus voir en lui qu'une étiquette.

Aujourd'hui nous vivons à Maurice dans un contexte où la présence de travailleurs étrangers est une réalité sociale incontournable. Ils construisent nos routes, travaillent dans nos usines, nos boulangeries, nos hôtels et nos maisons. Mais au-delà de leur force de travail, ce sont des êtres d'émotions et de sentiments. Il est donc naturel, et profondément humain, qu'ils tissent des liens affectifs et qu'ils construisent des relations amoureuses avec nos fils et nos filles. Reconnaître leur humanité, c'est accepter que l'amour ne connaît pas de frontières et que la rencontre des cœurs est le prolongement inévitable de la mixité de notre société.

Comme l'écrivait si justement Antoine de Saint-Exupéry : « Si tu diffères de moi, mon frère, loin de me léser, tu m'enrichis. »

N'oublions jamais que nous sommes tous, par l'histoire de notre peuplement et par nos origines lointaines, des fils et des filles de l'immigration. Scientifiquement, l'Afrique demeure le berceau de l'humanité ; s'attaquer à l'autre sur cette base, c'est finalement nier une part de soi-même.

Avant de juger, avant de condamner, prenons le temps de réfléchir à ce que nos paroles disent de nous-mêmes. La justice doit rester du ressort de la justice. L'humanité, elle, est l'affaire de chacun.

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**Deepti Thakoor**  
Barrister-at-law

## ANU KOZ LALWA

### Freedom to Travel: When a Preventive Measure Becomes a Punishment

By Deepti Thakoor

Freedom of movement is one of the most tangible expressions of human dignity. It is the ability to leave one's country to work, to study, to seek medical care, to attend a funeral, to do a pilgrimage, to support a family member, or simply to live in an increasingly interconnected world. In Mauritius, this freedom is protected by section 15 of the Constitution.

Yet, for many individuals who have been somehow involved with the criminal justice system, this right is quietly and routinely taken away.

#### The constitutional framework

Section 15 of the Constitution protects the right to freedom of movement, including the right to leave Mauritius. Under section 15(3)(c) of the Constitution, this right may be restricted where a person has been found guilty of a criminal offence or is suspected of having committed an offence for the purpose of ensuring that the person appears before a court.

The Constitution therefore allows restrictions only for a specific and limited purpose – to prevent absconding – and not as a form of punishment or administrative convenience.

#### Section 14(1) of the Bail Act

Section 14(1) of the Bail Act provides that:

"A Court may, upon application made by the Commissioner of Police and being satisfied that an order should be made preventing a defendant or detainee from leaving Mauritius, make an order to that effect."

The language of the statute is clear and deliberate. A court may impose a prohibition order—it is not mandatory. The law confers a discretion, which must be exercised judicially, on the basis of evidence and reasoned assessment.

#### The law on prohibition orders

In practice, a provisional charge is lodged against a person who is suspected of having committed an offence and a prohibition order, under section 14 of the Bail Act, is lodged, *simultaneously*, against the person, before a District Court. If a main case is being lodged against a person, it may be before the District, Intermediate or Supreme Court.

Sometimes, the suspect understands that he would not be able to travel without the Court's permission but most of the time, he may miss that that important information.

Yet, in practice, prohibition orders are frequently imposed without an individualised evaluation of:

- the seriousness (or lack of seriousness) of the alleged offence;
- the nature and strength of the evidence; the personal circumstances of the accused; or
- whether there is a real and substantiated risk of absconding.

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#### The required balancing exercise

Mauritian jurisprudence has long recognised that restricting freedom of movement requires a balancing exercise, as held in *Peerthum v District Magistrate of Rivière du Rempart* 2009 SCJ 283. This balancing exercise is not a technical formality. It is the point at which the law meets human reality. It is an essential safeguard against arbitrariness. The court must weigh the interests of justice against the very real prejudice suffered by the individual whose freedom is restricted.

The mere fact that a person is being prosecuted (through a main case) or provisionally charged – even with a serious offence – does not automatically establish a risk of absconding.

In many cases, applications for prohibition orders rely on vague assertions of "strong apprehensions" of the risk of absconding without explaining:

- the nature of the evidence substantiating the alleged "strong apprehensions"
- why the suspect is likely to evade justice, or
- why less restrictive measures would be insufficient.

By contrast, the following factors may weaken the justification for imposing a prohibition order:

- Where an alleged offence is reported months after its occurrence, and where the suspect had ample opportunity to abscond but did not do so;
- A suspect who has strong family, social and business ties in Mauritius
- suspect who owns property in the country; and
- Where there is no indication of when (or whether) a formal charge will be lodged.

#### Disproportionate and prejudicial consequences

A prohibition order may appear, on paper, to be a procedural safeguard. In reality, it can upend a person's life. Restrictions on freedom to travel are not abstract or minimal. They have concrete, intrusive and stigmatising consequences. The restriction affects reputation, livelihood, family life and mental wellbeing. It imposes a continuing burden and a sense of constant surveillance. It treats mobility as a privilege rather than a right.

A person subject to a prohibition order must:

- each time, seek prior permission from the court, to travel;
- provide a financial security which can be quite substantial;
- have a remark placed on their passport indicating for which countries the variation order is valid and for how long. This remark will stay in the passport until the passport is renewed;
- face questioning and scrutiny at border controls.

In effect, the person is treated as a criminal, even though the case has not been heard and no determination of guilt has been made. This undermines the presumption of innocence and causes excessive prejudice, often far outweighing the speculative risk the restriction is meant to address.

#### A global reality courts must acknowledge

Mauritius operates in an increasingly globalised world. People travel for work, education, medical care, family responsibilities, and business continuity. The assumption that travel is exceptional or inherently suspicious is no longer tenable.

Courts must take into account the modern realities of mobility and ensure that restrictions on travel do not become silent punishments.

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## The principle of proportionality

At the heart of this issue lies a simple but powerful principle: proportionality.

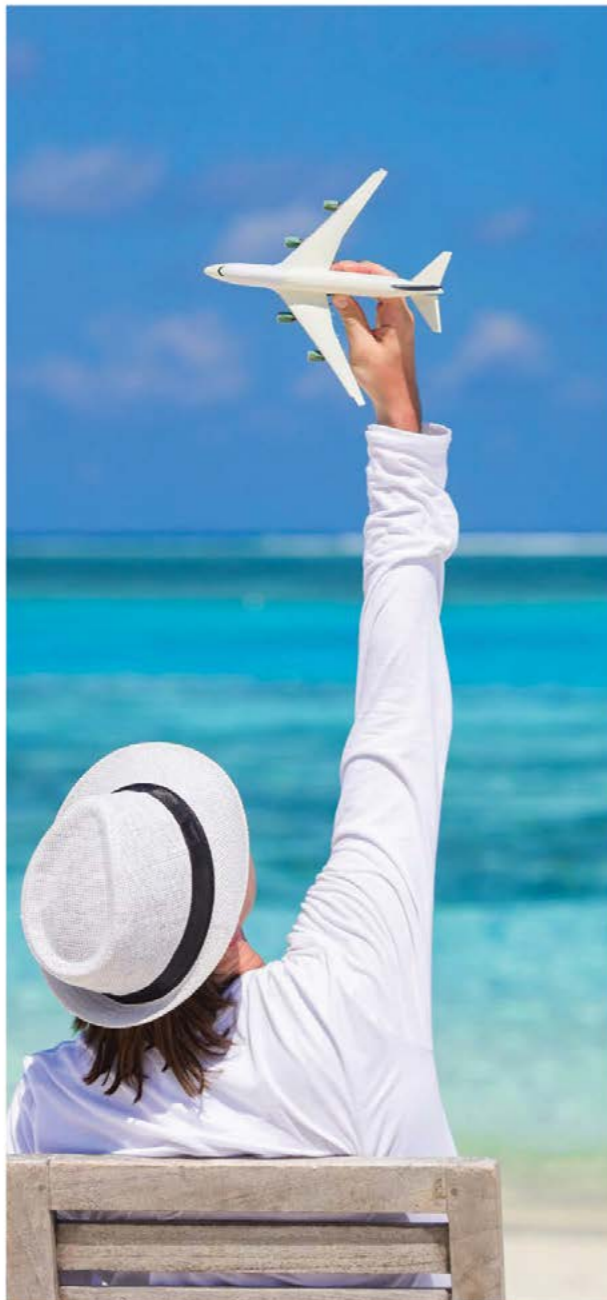
A restriction on a fundamental right must not be more severe than necessary to achieve its legitimate aim. Where the prosecution fails to demonstrate a real risk of absconding, a prohibition order becomes disproportionate – causing harm that is not justified by the objective it seeks to cure.

## Conclusion

Protecting the administration of justice and safeguarding fundamental rights are not competing objectives. They are complementary duties. A justice system that respects freedom of movement strengthens, rather than weakens, public confidence in the rule of law.

It would be high time that prohibition orders are not imposed as a matter of course but after a careful and genuine balancing exercise, grounded in evidence. It is time the Courts reclaimed their powers set out in section 14 of the Bail Act and gave full effect to the word "may". Judicial discretion must be exercised with vigilance, not habit.

Freedom to travel should not be curtailed lightly. When it is restricted without necessity, the law ceases to protect and begins to harm. A justice system worthy of public trust is one that remembers that behind every case file is a human life whose dignity matters and who is presumed innocent until proved guilty.



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Né en 1816, Rémy Ollier grandit dans une société coloniale profondément inégalitaire. Très tôt, il comprend que la dignité humaine ne peut dépendre ni de la couleur de peau, ni de l'origine sociale. Armé de sa plume et de ses idées, il choisit de lutter par les mots plutôt que par la violence, convaincu que la vérité et la justice finiront par triompher.

Fondateur de La Sentinelle de Maurice en 1843, Rémy Ollier transforme la presse en un véritable outil d'émancipation. À travers ses écrits, il défend l'égalité civile, la liberté d'expression et les droits de la population de couleur. Il parle pour ceux que l'on refuse d'entendre. Il dérange, parce qu'il ose dire ce que beaucoup pensent tout bas.

Mais l'histoire nous enseigne que les pionniers paient souvent un lourd tribut. En janvier 1845, Rémy Ollier meurt dans des circonstances douteuses et à ce jour encore non élucidées. Sa mort fut un choc, mais elle ne réduisit pas son combat au silence. Au contraire, elle donna à ses idées une force nouvelle et durable.

Aujourd'hui, près de deux siècles plus tard, Rémy Ollier nous interpelle encore. Il nous rappelle que la démocratie n'est jamais acquise, que la liberté d'expression doit être protégée, et que la justice sociale exige courage, engagement et solidarité. Son héritage nous oblige à rester vigilants face à l'exclusion, aux discriminations et à l'indifférence comme inspiré par sa célèbre citation : "Personne ne saurait faire plier notre front brun que la liberté a peint des couleurs de son soleil."

Rendre hommage à Rémy Ollier aujourd'hui, ce n'est pas seulement se souvenir du passé. C'est faire le choix de défendre les valeurs pour lesquelles il a donné sa vie : l'égalité, la dignité humaine et le respect de l'autre.

## EVENTS

### Hommage à Remy Ollier

Par Jean-Marie Richard

**Ebène 23 janvier 2026 : La National Human Rights Commission, NHRC a tenu cette année à saluer la mémoire de Remy Ollier à l'occasion du 181ème anniversaire de la mort du grand défenseur des droits civiques, politiques et humains durant la période coloniale de notre pays dans la première moitié du 19ème siècle**

C'est transmettre à nos jeunes le message qu'une seule voix, lorsqu'elle est juste et déterminée, peut changer le cours de l'histoire.

Pour rappel, il rédigea une pétition adressée à la Reine Victoria lui demandant expressément : « d'autoriser le gouvernement de Maurice à appeler un ou plusieurs hommes de couleur dans son Conseil. »

Que la mémoire de Rémy Ollier continue de nous inspirer, de nous unir et de guider notre marche vers une île Maurice toujours plus juste, plus libre, et plus humaine, reconnaissant la dignité pour tous.



Buste de Rémy Ollier  
au Jardin de la Compagnie, Port Louis

**La National Human Rights Commission entend ainsi mettre en lumière et valoriser les contributions des filles et fils du sol qui se sont illustrés dans le combat contre l'injustice et pour la reconnaissance des droits au cours de notre histoire.**

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National Human Rights Commission Mauritius

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## EVENTS

### Commemoration of “Martin Luther King Day” at the University of Mauritius

by Jean Marie Richard

The official ceremony marking ‘Martin Luther King Day’ took place in a packed lecture theatre at the University of Mauritius on Wednesday, January 28, 2026. On this day, the National Human Rights Commission, NHRC, in collaboration with the Faculty of Social Sciences and Humanities of the University of Mauritius, organised a commemorative event to mark the day dedicated to the life, work and struggle of Dr Martin Luther King for the establishment of equal civil rights in the United States and against segregation in the southern states of the country.



*“Bann desandan esklav dan Moris inn sibir boukou diskriminasion, ostrasizasion, marznalizacion dan diferan dimansion lavi sosiete, politik, ek lekonomi. Nou bizin rekonstrir nou memwar kolektif, pou depas bann blesir pase à traver la vérité, reappropriasion, reafirmasion, rekonesans, respé.”*

The Vice President of the Republic, H.E. Robert Hungley:

The Vice President of the Republic H.E. Mr. Robert Hungley, G.O.S.K., guest of honour of this half-day event chose for the occasion to make his speech in Kreol Morisyen. He had very strong words to draw a parallel, all things considered, with Rémy Ollier, whose death the country commemorated two days earlier in 1845, after a short life in the service of fundamental human rights in colonial Mauritius in the first half of the 19th century. Reframing the debate around Martin Luther King Day, the Vice President said: *“Pou bann Morisyen desandan Afrikin, sa vedir revandik zot leritaz kreol avek pride. Sa vedir afirme ki bann desandan esklav pa bann viktim etemel, kinn sibir soufrans ek mâtir, me bann akter fier ek kreatif dan konstruksion enn nasion pliyel. Kouma Martin Luther King ti dir: “Nou pou sirmonte parski kourb liniver moral long, me li vers dan kote lazistis. Isi Moris, sa kourb-la pe apel nou pou rekonstrir nou memwar kolektif, pou depas bann blesir pase a traver laverite, reappropriasion, reafirmasion, rekonesans, respé.”*

*“Justice requires more than neutrality; it requires attention, reform, and sometimes courage to confront uncomfortable truths”. The Attorney General, Gavin Glover, SC, also among the guests, said at the outset that the Rev. Martin Luther King: “was, at heart, an advocate of conscience, someone who understood that law is not an abstract system of rules, but a moral instrument that either protects human dignity or corrodes it. His struggle was never against the idea of law; it was against laws devoid of justice, enforced without humanity, or designed to exclude.” He also insisted that the law formally establishing rights does not mean much when the people subject to it are locked in the cycle of poverty*

*of discrimination, fear or institutional inertia.*

*“Justice requires more than neutrality; it requires attention, reform, and sometimes courage to confront uncomfortable truths,” he insisted before declaring that it was in this spirit that the government is engaged in the reforms of the justice system before recalling that “Dr. King also often spoke about responsibility, a word that often sits uneasily in modern discourse, but which he treated as central to freedom.”*

*This event brought together several institutions working in the wake of the historical reparation of slavery,*

awareness, and its societal and historical consequences. This, a few days before the commemoration of the 191<sup>st</sup> anniversary of the abolition of slavery, on February 1, 2026, as well as many Civil Society organizations and NGOs: the Nelson Mandela Center Centre for African Culture, the Intercontinental Museum of Slavery Morne Heritage Trust, the Creole Speaking Union, PILS.

The Faculty of Social Sciences and Humanities of the University of Mauritius was the official partner of this event, while the Students’ Political Science Society, was also involved in the organisation

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### ‘MO ENA ENN REV’

by students of the Creole Speaking Union

After the protocol part, students and teachers in Kreol Morisyen offered excerpts from Pastor King’s famous speech at the Lincoln Memorial in Washington DC in Kreol Morisyen.

This was followed by a forum on the teachings and values of Pastor Martin Luther with Mr. José Moit, a lawyer on reparative history from a nonviolent perspective, Pastor David White, a former member of the Council of Religions and educated in Atlanta, and Dr. Amar Mahadew of the Faculty of Law, who launched his book Mauritius and African Human Rights.

Several personalities from the diplomatic corps were also present at this event, the High Commissioner of South Africa, the Ambassador of Egypt, Junior Minister for Foreign Affairs, the American Chargé d’Affaires, the Chargé d’Affaires of Madagascar, the Director of the Equal Opportunities Commission, the Director of the Nelson Mandela Center for African Culture among others and several dozen students and teachers from the University of Mauritius. The event ended with a quote from Malcolm X, namely “YOU CAN’T BURROW YOUR FREEDOM FROM THE PERSON WHO PROFITS FROM YOUR CHAINS! FREEDOM IS TAKEN BY THOSE BOLD ENOUGH TO CLAIM IT”

### SNAPSHOTS OF THE DAY

Photos from left to right and top to bottom



Dr Verena Tandraven Rughooobar, Dean of the Faculty of Social Sciences and Humanities Robert Hungley GOSK VP of the Republic Gavin Glover SC, Attorney General

Dr. Amar Mahadew handing over a copy of his book to Dr. Verena Tandraven Rughooobar. Robert Hungley G.O.S.K during his speech in Kreol Morisyen.

A view of the audience Presentation of the book by Dr. Amar Mahadew to Mr. Craig Halbmaier, U.S. Chargé d’Affaires and Prof. Rajen Narsinghen, Junior Minister of Foreign Affairs.

(photos credit Vikash Ramsamy)

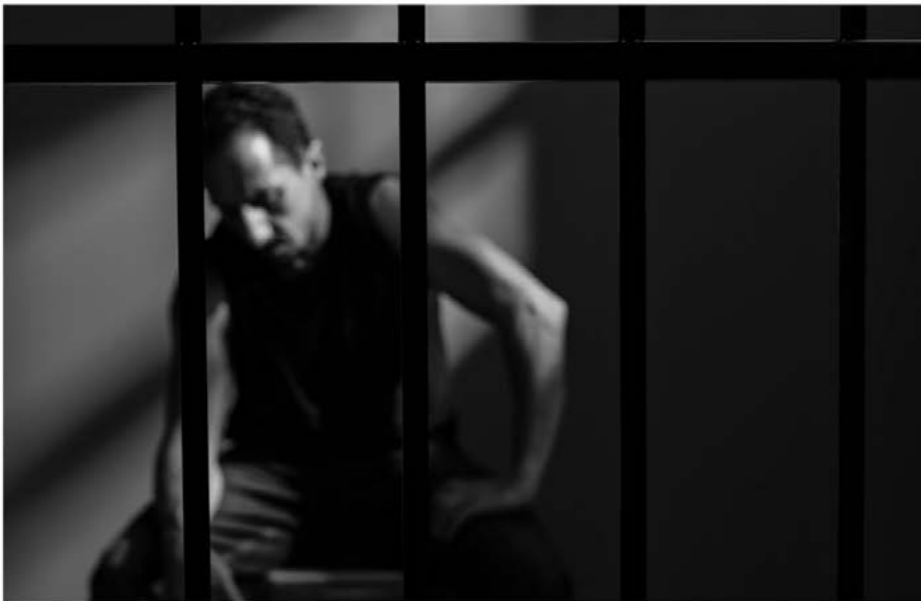
The National Human Rights Commission, in partnership with the Faculty of Social Studies and Humanities- University of Mauritius, The Intercontinental Slavery Museum, The Nelson Mandela Trust for African Culture, Le Morne Heritage Trust, Creole Speaking Union, Political Science Society

National Human Rights Commission Mauritius

## TRIBUNE

### From Victim to Detainee: The Paradox of Human Trafficking in Mauritius

By Chevin Byragee



In the corridors of Mauritian guest houses and the bustling hubs of its labour sectors, a silent crime is festering. While the 2025 US Department of State Trafficking in Persons (TIP) report recognised Mauritius for making "significant efforts", the reality on the ground is quite different; stalled investigations and judicial backlogs present a far grimmer picture. The legal system frequently confuses criminals and victims, often punishing the very people it is meant to protect.

#### The Guest House Trap

The cycle of exploitation often begins with promises of employment, only to end in forced labour or prostitution. During police raids, victims are frequently arrested and charged with "prostitution", a crime carrying in most cases a six-month prison sentence. However, this charge is often a symptom of trafficking.

Traffickers – often guest house owners – seize passports and use debt bondage to ensure compliance. When police arrive, the focus is typically on the act of prostitution rather than the underlying coercion. Consequently, the victim enters the legal system as a perpetrator, while the true architect of the crime remains free.

#### Systemic Bottlenecks

Cases referred to the police's specialized TIP Unit often encounter a wall of administrative stagnation. Investigating trafficking requires hundreds of man-hours to untangle webs of international recruitment; yet, the unit is chronically understaffed. Furthermore, a lack of specialised training for first responders means officers often treat trafficked individuals as common criminals rather than victims of trauma.

#### The Language Barrier and the "Remand Trap"

For foreign nationals from Thailand, Madagascar and South America, the Mauritian legal system is incomprehensible. An acute lack of qualified interpreters creates a "black hole" of communication, where the victim's true story is lost, making it impossible for the TIP Unit to build a credible case and leaving the victim feeling even more isolated and discarded by the state.

The most egregious failure, however, is the duration of remand. While a prostitution charge carries a six-month sentence, TIP investigations are so complex that victims often spend upwards of 2.5 years in jail waiting for trial. During this time, their passports inevitably expire. Instead of the state facilitating renewals, victims are then prosecuted for an "Illegal Stay". This constitutes a secondary victimisation by imposing further harm on individuals as a result of administrative delays beyond their control.

#### The Challenges Faced by Traffic In-Person Officers during Investigations

Trafficking in persons (TIP) officers face numerous challenges that hinder effective prevention, investigation, and victim protection efforts. The international ramifications of trafficking cases further strain investigations, as they require cross-border coordination, legal cooperation, and information sharing that are often slow and complex. Additionally, limited manpower restricts officers' ability to respond promptly and conduct thorough investigations. The high cost of providing safe shelter and comprehensive care for TIP victims places a significant financial burden on the Police Force, frequently exceeding available resources. These challenges are compounded by insufficient support from information technology units, which affects data management, intelligence analysis, and case tracking. Finally, poor communication and coordination among key stakeholders such as law enforcement agencies, social services, NGOs, and judicial bodies create gaps in response efforts, ultimately weakening the overall effectiveness of anti-trafficking initiatives.

#### A Call for Radical Reform in 2025

While Mauritius remains on "Tier 2" of the TIP report, the lack of convictions is a glaring issue. To break these invisible chains, the following measures would be imperative:

1. **Administrative Amnesty:** Passports and visas of victims must be automatically extended to prevent "illegal stay" charges.
2. **Professional Interpretation:** A dedicated fund for certified interpreters in languages like Thai and Malagasy.
3. **Dedicated Funding:** A ring-fenced budget for the TIP Unit and an increase in specialised personnel.
4. **Universal Training:** Victim versus accused identification training for all police officers.

Justice in Mauritius must mean more than just a closed file; it must mean the restoration of dignity for those who have had it stolen.

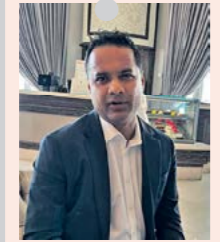




Actualité

Professor Tarun Khaitan

Interview



Let's start with the broad agenda of constitutional reform, what are the main issues regarding Mauritius that we need to tackle?

My understanding is that there are four main issues with constitutional reform in Mauritius. Now, everything I say is with the caveat that I don't understand the context particularly well. I'm a student of Mauritius for all of one week at most. So take everything I say about you and your country with a pinch of salt.

No, I won't because what you're going to say will be based on your research on constitutional reforms in other countries. Of course.

There are things in common with other countries, aren't there? Like one of the most dividing issues here: the Best Loser System (BLS).

I've been teaching the BLS of Mauritius for a few years at LSE in my course on Constitutionalism in the Global South. And the BLS can be seen as part of a family of very common constitutional mechanisms that deeply divide the societies that adopt it.

What do I mean by a deeply divided society? A society in which certain ethnic divisions, whether of religion, caste, race or language are so important that they end up having an impact on how people vote and on what the political system looks like.

So, ethnic divisions become political in character... Indeed and with those deep divisions, in a democracy, minority ethnic groups fear that under a majoritarian process, they will be locked out of political power, that they will basically become permanent losers of the electoral system.

Are those fears justified? Yes, in most cases, they are justified because in a pluralist country where people have different ethnicities, though these ethnicities are not politically salient, you can't as a minority still vote in shifting coalitions, as long as those political coalitions don't track ethnic identities. But when ethnicities matter politically, then the fears of a political knockout are genuine. So the kind of mechanisms that countries tend to adopt are broadly a political insurance.

By the constitution makers? Yes. The constitution makers give an insurance policy to the minority groups that go along these lines: 'We are guaranteeing a modicum of power sharing to you. Democracy will not overwhelm you'. This can take multiple forms.

The BLS in our case is one of them. What other forms of 'insurance policy' are there?

Several. Northern Ireland, for example, has a community vote system. In Lebanon, you had a system where different communities took turns to hold the presidency. In some countries, the Deputy Prime Minister or President has to be from a different community from the current President.

Coming back to Mauritius' BLS, you know why it is controversial, don't you? Yes. What I understand is, there are two distinct problems. One is a specific problem that has to do with its design: it gives political insurance to some ethnic minorities but not others, in particular, the Creole community. People with African ancestry feel that being included in the general category in the BLS does not ensure adequate or fair representation for them. Now that is, at least theoretically, a problem that can be easily solved.

How? By creating a distinctive Creole category.

As Mauritius embarks on an important national conversation around electoral reform, the University of Mauritius, in collaboration with the Mauritius LSE Society Trust Fund, the National Human Rights Commission and the UoM Law Society and Alumni, hosted a timely public lecture and panel discussion on "Constitutionalism in Mauritius" this week. We took the opportunity to interview the keynote speaker, Professor Tarun Khaitan, Chair of Public Law at the London School of Economics and Political Science, an eminent scholar whose work on constitutionalism has shaped debates well beyond the United Kingdom. In this interview, Professor Khaitan reflects on the principles that underpin a resilient constitutional order, the lessons Mauritius can draw from comparative experiences and how reforms can best safeguard both fairness in representation and the integrity of democratic institutions.

Interview by Touria PRAYAG

Rethinking Representation: Electoral Reform in Mauritius

So, instead of four, we have five categories, right? But the more serious problem is that while this kind of ethnicity-based sharing guarantees a political insurance to the minority, doesn't it also entrench these ethnic identities by locking them into the system?

The way around that is through a voting system similar to the one Australia has been using for a very long time and which increasingly other countries like the United States are adopting. It's called the Ranked Choice Vote (RCV).

How does that work in concrete terms? Let me just explain what the RCV system is and then I'll say how minorities benefit from it. In a RCV, voters are either permitted or required to rank their top two or top three candidates. Now, in the first round of counting, the candidate who receives the lowest number of first-ranked votes is eliminated, and her second choice votes are distributed to the other candidates.

What about keeping FPTP and introducing a dose of PR? That mix is a hybrid system. Many countries have thought, well, PR is good because it increases representation and FPTP is good because it creates stable and effective governments. So let's join them.

Hasn't it worked? No, it hasn't. Lots of countries in Europe, like Germany and Italy have mixed systems and depending on the method by which you do the mixing, one of the two elements dominates. Either the proportionally element dominates or the FPTP system does. In Europe, it's mainly proportionality that dominates. So if you're a minority voter and you really like a small party, under FPTP you are forced to vote strategically. If your party is not a player at all in your district, you have to vote for the big party. Or you vote for that party and actually hurt the big party that is ideologically closest to you.

So, it's more representative. But how is it good for minorities? First, it forces all the big parties to cater to voters who are not their own voters. So every party gets an incentive in the system to tell voters of other parties, 'you may not like us, but can you tolerate us by putting us down as number two?'

But the drawback of FPTP is not just the lack of representation of minorities. The biggest drawback is that it does not translate the will of the people. So how do you deal with that?

The best way to get a system that can yield both an effective government and be representative is not to try to mix the electoral system, but to have two Houses. You need an effective government. You don't want a government that lasts only one or two years, right? You want political stability.

Why would voters do that? They would if the party has certain policies that favour the voters of other parties.

But can't you do that in any system? I mean, even here, there's no political party that can face the electorate without including a wide range of ethnicities amongst their candidates. So what would be different?

Two things are different. In a multi-party system where you have a FPTP system, parties are very campaigning about the target. The usual target in a multi-party system, I'm not sure about Mauritius, is between 30 and 40% of the vote. Now, you build coalitions, but you build community-based coalitions. This means that one party may easily decide that the Hindu vote and the Muslim vote are enough for me to cross that threshold. I don't necessarily need to cater to the other parties.

Not in Mauritius, it hasn't happened. No, it hasn't happened. But what RCV system does is that if a party, for whatever reason, has a vote base that is mapped in particular community groups, it would still require an appeal that is very broadly shared. So basically, it's a majoritarian system like the FPTP but it just broadens the tent. So, the FPTP already requires parties to build broad tent. This system puts an even bigger pressure and requires parties to build an even larger tent, to be even more inclusive in their appeal to voters on the margins because little differences in second-choice voting can make a difference to who gets through. And you're very likely in that you don't have communal parties.

They're marginal because you have a majoritarian system. If you were to adopt a Proportional Representation system.

Yes, let's talk about the Proportional Representation (PR) because it keeps coming up as an alternative to FPTP or, at least, a dose of PR is being suggested to avoid situations where one party or one coalition sweeps all the seats.

The problem with PR is that it will increase sectarianism in your politics. The parties that are marginal at the moment are likely to become more powerful. And the logic is very simple. If you're a political entrepreneur in a crowded field where there are many political parties, the easiest way for you to gain that 10, 15 or 20% of the vote share is through PR. Then you become a kingmaker because under PR, coalitions are essential. PR in the system increases the centrifugal force, the force that pushes parties to the margins. RCV exerts an even stronger centrifugal force. But the difference is that RCV separates the smaller parties from FPTP. That is why it's a good compromise between PR and FPTP.

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The best way to get a system that can yield both an effective government and be representative is not to try to mix the electoral system, but to have two Houses. You need an effective government. You don't want a government that lasts only one or two years, right? You want political stability.

How different is this to the Westminster system as we know it? The first difference is that Westminster in the Commons has FPTP.

But isn't the UK have a referendum on moving to RCV in 2011? Indeed but the then ruling party, the Conservatives, defeated the referendum with a huge money-fueled campaign, and today they have been wiped out because of the very FPTP they fought so hard to keep. If they had actually agreed to RCV, which is not as bad for the small parties and minority as some think, it would not be as powerful as it is today in the UK.

How doesn't FPTP hurts small parties? It hurts small parties equally. So, very progressive parties and also far-right parties will be hurt equally. But as soon as extremist parties cross the 30% threshold, which is possible, countries also go mad. They don't get so mad that 50% becomes extreme. But the British far-right party has been consistently polling around 30% now for over a year. 30% can happen anywhere but in FPTP that 30% will translate into 50+ seats.

Why? Because Labour is at 20%. Lib Dem are at 10 to 15%. Conservatives at around 15%. So when the vote against the extremist parties is divided up, then the FPTP basically gives the party with the highest percentage of votes a seat bump and hurts the parties that are below 15 or 20%. So their seats are allocated to the top party, whoever is at the top. RCV does not allow the 70% that against the extremist party to be split because

extremist or hateful parties are nobody's second choice.

You're not suggesting that the electoral system is the fundamental cause here, are you? No. Electoral systems are not the fundamental cause. They are the proximate cause. However, what different systems allow is either to stop or help a political force. In Israel, for example, you've seen how one small extreme party that holds the balance of power can trigger a genocide. The AfD (Alternative für Deutschland - Ed) in Germany has been doing really well. It's 16% of votes but then it moves close to the 30% mark. And then it will become impossible to form a government under PR in Germany without the AfD. In India, PM Modi's BJP won in 2014 with under 32% of the vote. It formed the government, right? This would have been impossible under RCV. Unless the entire country goes mad, which is very difficult.

Tell us a bit more about how this RCV has worked in Australia. It has worked for over 50 years. Australia is one of the few old and established democracies where the traditional party system has not collapsed and where the centre has not collapsed. There is the One Nation Party, which is the Australian far-right party but it does not get into the Lower Chamber ever because of RCV. It does get a few seats in the Upper Proportional Chamber. I think that's important because if there is an extreme political force in your system, it's important to keep it within the system rather than outside the system. It moderates them as well because they are forced to work with others. So I think giving them a platform to rant, but not executive power, is better than leaving them out completely. If they are completely outside, they will take it to violence. So that combination, I think, works really well in terms of stability in the law.

If I can take your example, from what I understand, if I'm an MMM politician in Mauritius today, what would be my calculations? FPTP hurts me very much. Under PR, my party will directly translate votes into seats. But if, as I understand, the MMM is a progressive party, it must worry about not just what PR will do to its own seat share. It must also worry about how PR will encourage an ideology that it hates, which is an extremist far-right ideology. And that is inevitable under PR as sooner or later, somebody will find that this is a low-hanging fruit.

But isn't the Australians RCV complicated? FPTP is a lot simpler and it's quicker. People don't wait for a long time for first count, second count... which would be the case in RCV... The counting will take a little longer. The voting will not be more complicated. The system I am suggesting has a tweak. It is simpler than the Australian one which requires all the candidates to be counted. I'm suggesting a simpler system where you have a ballot with candidates in one column and three columns with first, second, third, and fourth choices.

Understand that after this interview, you're going to talk to the PM. What is the agenda? Reform or a little chat to a fellow LSE alumnus? I think the agenda for our meeting will be up to the PM to decide. I did meet a steering committee in the Prime Minister's Office yesterday, where I shared my knowledge on constitutional reform processes and possibilities. As a scholar, my job is to tell you what to do. My job is to tell you what other countries have done, what they have gotten wrong, what they have gotten right. And for us all to learn from other countries' mistakes.

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L'express



Dignity for all

GENOCIDE

Never Again

The words "Never Again" were meant to be a solemn vow, a promise etched in the global conscience after the horrors of the Second World War. Yet, a recent UN report on the situation in Gaza, which called on the Israeli government to end acts of genocide, confirms what many fear: the promise has been shattered, not once, but repeatedly. Never again the world said. Yet, similar atrocities were committed in Bosnia, Rwanda, Cambodia, Myanmar, Syria, and, more recently, Gaza.

The dictionary meaning of genocide is the killing a people such as an ethnic or religious group. This is what was actually taking place in Gaza and this is what took place during the Second World War to exterminate the Jews. It was also the case in Rwanda when there was a mass murder of the Tutsis in 1994. For nations like Mauritius, which acceded to the Convention on the Prevention and Punishment of the Crime of Genocide in 2019, the legal commitment is clear. The treaty's text is comprehensive, extending the definition of genocide beyond direct killing to include acts like inflicting serious harm and preventing births aimed at destroying a group. But the legal language can feel distant and complex when confronted with the raw reality of suffering. The meaning of the word "destruction", the degree of the atrocity committed and the number of persons involved give rise to various interpretations. Similarly, the convention opens the door to accusations of genocide against governments if their officials inflict serious bodily harm or mental harm on members of ethnic minorities.

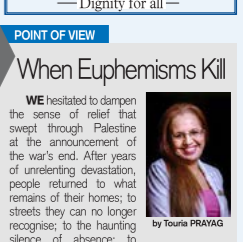
As we celebrate the African Human Rights Day to mark the adoption of the African charter on human rights, we should remind ourselves of the Rwanda genocide. It happened in April 1994 and is considered to be among the fastest mass killing in history, the mass murder of about 500,000 Tutsis in one hundred days. It was a tribal conflict where neighbours lacked neighbours to death under the very nose of the United Nations peacekeeping forces in Rwanda. The world stood by and watched, as we have witnessed recently with Gaza. Today, the nightmare continues in other parts of the world, and to the global powers it has become fertile ground for a geopolitical game as resolutions after resolutions for peace are vetoed in the Security Council. These political games turn human suffering into a bargaining chip, continuing a cycle of impunity and tragedy. The continued nightmare in various parts of the world suggests that for many, "Never Again" has become an empty phrase, its meaning hollowed out by repeated failures to act.



by Satejith BOELLE SC

Actualité

When Euphemisms Kill



When Euphemisms Kill

We hesitated to dampen the sense of relief that swept through Palestine at the announcement of the war's end. After years of unremitting devastation, people returned to what remains of their homes; to streets they can no longer recognise; to the haunting silence of absence; to decomposed bodies lying beneath the rubble of what were once homes; to the agonising memories of dear ones who once dreamed, built and lived.

The images that emerged from Gaza were not scenes of victory; they were the ruins of endurance. Families sifted through the dust, seeking any trace of the world they knew. Children who survived played beneath the remnants of schools, their laughter mingling with the cries of those searching for missing relatives. Hospitals operated amid wreckage and the air was heavy with the smell of dust, smoke and loss.

Survival for Palestinians is their way of resisting. It is the stubborn belief that a people so often written off can still rise. Built into that belief is a defiant hope that insists on seeing humanity where others see rubble; that fosters for laughter amid ruins; that believes dignity can be reclaimed even after everything has been taken. Hope that stands among the ruins and still chooses to rebuild. It is the quiet, rebellious hope of those who refuse to be erased, who plant olive trees when crates once were used to teach their children words of peace though they were born into war.

Such hope is both an act of remembrance and of resistance, and a promise that the story of Palestine will not end in silence but in renewal. We would like to share in that hope, particularly in a world growing accustomed to despair. However, the recent bombardments of Palestinian and their land have shattered whatever illusion of calm the "end of war" had offered. There remains no roadmap for peace and no binding commitment from the powers that fuelled and tolerated this destruction. The so-called cessation of hostilities was merely a pause in a cycle of violence – a fragile interval now broken once more by airstrikes, muzzing and unbridled dead.

The semblance of peace promised to Palestinians has proven to be an illusion, more like a convenient fiction meant to placate public opinion while despair deepens in the ground. These promises are not to be trusted. And it begins with the courage to call war crimes by their name, not to cloak them in the language of diplomacy. Words are not harmless; they shape what we see, feel and, ultimately, allow. When the bombing of homes becomes a "security measure", the slaughter of children is called "collateral damage" and the erasure of a people is described as "self-defence" instead of genocide, language itself becomes a weapon that cleanses conscience and conceals crime.

To soften the language is to soften the crime. Euphemisms numb the world into indifference. They allow horror to continue. They kill twice: first the body, then the truth. And without truth, there can be no justice; without justice, no peace.

Peace begins with the refusal to lie. It begins with witnesses who will not look away, with voices that will not be silenced by diplomacy or decorum. Only through truth can justice take root, and only through justice can peace endure. The soil of Palestine, soaked in both unimaginable grief and indomitable courage, may one day blossom again but only if we dare to speak plainly of the horror buried beneath it.

The world cannot remain silent. It must acknowledge the truth, demand accountability and support the rebuilding of lives and communities. It must ensure that Palestinians are granted their full rights, dignity and sovereignty and that those responsible for war crimes are held to account. Only then can hope itself transform from the hope of survival into the hope of lasting peace.

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Moazzam Begg, former Guantanamo prison detainee, briefs NHRC on conditions prevailing in US special security prison



by Jean Marie RICHARD

ON the 31<sup>st</sup> of January 2002, he was abducted in Pakistan to be detained for one year in Bagram Prison before being transferred to Guantanamo, the special security prison amidst a US base on the island of Cuba. He shared with us his experience, stating that his kidnapping had been organised by the CIA, assisted by Pakistani Special Forces. In Bagram, he de visu witnessed the beating up to death of two inmates by US military.

Thereafter, transferred to Guantanamo, where the humiliations and ill-treatment persisted for two years, enduring physical and verbal abuse, intimidation and solitary confinement in windowless cells, with no contact with the family, no formal charge and no access to lawyers. Being a British citizen, he was finally released with no case to answer after two years. This experience of Guantanamo spurred his desire to engage in worldwide advocacy in favour of political detainees such as Dr Afra Siddiqui and Abu Zubaydah, who is believed to have been among them. He has been charged in Guantanamo without charge for 22 years.

He since travels the world to hold conferences, participate in documentaries and forums denouncing the violation of fundamental rights of people incarcerated and tortured by the same states which present themselves as beacons of democracy, freedom of opinion and champions of human rights. Moazzam Begg affirms: "The respective US administrations have, with Guantanamo, generated so many evil goals that they have become a moral and political disaster wherein people have been imprisoned for the last 23 years without being formally charged or presented to a court of justice."

During his conversation with the NHRC and investigators, Begg further addressed events on the Gaza genocide and Israel's apartheid occupation of Palestine. He also evoked the UK's recent conditional transfer of sovereignty of the Chagos Archipelago back to Mauritius. Mauritius was forced to "sell" the islands to Britain in exchange for independence in 1968. The May 2025 transfer, however, excludes the strategically positioned island of Diego Garcia, which houses a US military base that was a central node in the CIA's top-secret rendition and torture programme. The UK will now "lease" the island for another 99 years, with the base remaining in place.

The CAGE International Senior Director said: "One recurrent question was the role of the British and US governments in the use of Diego Garcia in the CIA torture programme during the War on Terror. Former British Foreign Secretary, Jack Straw, infamously once stated that believing the island was used for US rendition flights was a 'wild conspiracy theory'." That was until CIA Director, Mark Hayden, confirmed the use of the island for rendition stopover flights. Lawrence Wilkerson, chief of staff to the former US Secretary of State Colin Powell, confirmed prisoners were held and interrogated there. Palestinian detainee Abu Zubaydah is believed to have been among them. He's been held without charge for 22 years in Guantanamo. During his tour of the island, Moazzam Begg held conferences on the plight of Palestinians together with the necessity to close Guantanamo.



MOAZZAM BEGG

ABOUT CAGE INTERNATIONAL

CAGE International has evolved alongside the changing nature of the war on terror. Established in 2003 as CAGE-Prisoners, it became one of the most reliable sources of information on the status and whereabouts of US military prisoners seized under the war on terror, for their families, lawyers, as well as press and academics.

In 2013, CAGE-Prisoners became CAGE International in response to a broader remit of confronting other rule of law abuses taking place under the UK counter-terrorism strategy. CAGE International was the first to reveal the core injustices of the UK's counter-extremism strategy. Prevent, and it continuously confronted broader harmful narratives, laws and policies of the war on terror through reporting, media engagement and legal action.

Twenty years on, its unique approach, combining community-based support and advice with a keen eye on current law, policy developments and knowledge of their on-the-ground impact, means that their campaigns and actions are strong, authentic and often successful. Now, they offer advice and support in diverse civil society responses to the harmful war on terror laws and policies around the world.

African Human Rights Day

AFRICAN Human Rights Day, observed each year on 21 October, marks the adoption of the African Charter on Human and Peoples' Rights in 1981. This landmark instrument, often called the Banjul Charter, set out a uniquely African vision of human dignity, rooted in community, solidarity and justice.

The Charter affirmed that every individual has the right to life, equality and freedom from discrimination, while also recognising collective rights such as the right of peoples to self-determination and development. This dual focus distinguishes it from other regional human rights frameworks.

African Human Rights Day is therefore not only a commemoration but also a call to action. It reminds states of their obligation to protect citizens' rights, and to strengthen democratic institutions and the rule of law.

Above all, the day celebrates the resilience of African peoples in their ongoing quest for freedom, dignity and shared humanity across the continent.



T.P.

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Actualité



This January, the National Human Rights Commission pays tribute to one of the world's most compelling moral leaders: Dr Martin Luther King Jr. His life tells a powerful story of how justice can be pursued without violence, and how moral conviction – rooted in faith – can transform societies. King's legacy is not limited to the securing of civil rights for Black Americans; it lies in his enduring message that "injustice anywhere threatens justice everywhere", and that unjust systems can be dismantled through principled, non-violent resistance.



# "INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE"

● *Martin Luther King Jr.: Faith, Non-Violence, and the Moral Struggle for Human Dignity*

► **Faith as foundation: A calling rooted in the Church**

The fight against racial discrimination was not an abstract cause King embraced later in life – it was deeply rooted in his upbringing and spiritual formation. Born into a family of pastors, King was the grandson and son of Baptist ministers, raised in the rich tradition of the Black Baptist Church. This tradition was not merely religious; it was a centre of resistance, dignity, and community leadership for African Americans living under segregation.

The Baptist movement shaped King's understanding of justice as a moral and spiritual imperative. Christian teachings – love of neighbour, human dignity, sacrifice, and redemption – guided his worldview. From an early age, King learned that faith was inseparable from social responsibility, and that silence in the face of injustice was itself a moral failing. These Christian values, combined with his later exposure to Gandhian non-violence, formed the ethical backbone of his leadership.

► **Montgomery, Alabama: Law promises equality, reality denies it**

In 1953, shortly after marrying Coretta Scott, King moved to Montgomery, Alabama, to serve as pastor of the Dexter Avenue Baptist Church. The early 1950s were a period of global transformation. Following the devastation of the Second World War, the international community recognised the need to give practical meaning to the ideals of human dignity and equality. The United Nations Charter identified the promotion of human rights as one of the core aims of the United Nations (UN). This commitment was further reinforced in 1948 with the unanimous adoption of the Universal Declaration of Human Rights by the UN General Assembly in Paris. Article 1 boldly stated:

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."*

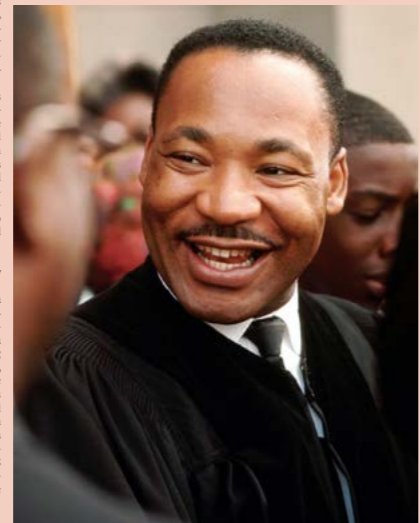
At the same time, independence movements were gaining momentum across Asia and Africa, as colonised people sought freedom and self-determination.

Yet in Montgomery, constitutional guarantees rang hollow. Despite the 13th Amendment abolishing slavery and the 14th Amendment guaranteeing equal protection, African Americans lived under the oppressive Jim Crow system – segregated, disenfranchised, and treated as second-class citizens. The law, rather than protecting dignity, was being used to deny it.

► **Hope through the law: Brown v. Board of Education**

The seeds of change had nevertheless been sown. In 1954, a group of parents challenged the constitutionality of racial segregation in public schools. Although earlier court decisions had upheld segregation under the doctrine of "separate but equal" established in Plessy v. Ferguson, the US Supreme Court reversed this position in the landmark case of Brown v. Board of Education of Topeka, Kansas. On 17 May 1954, Chief Justice Earl Warren delivered the unanimous decision declaring state-sanctioned segregation in public schools unconstitutional as a violation of the 14th Amendment.

This historic ruling marked the end of the "separate but equal" doctrine and became a catalyst for the expanding civil



rights movement of the 1950s. As a young pastor, King welcomed the decision with hope and conveyed to his congregation, at Holt Street, his belief that equality and justice were finally within reach.

► **Rosa Parks and the Montgomery Bus Boycott: Finding his voice**



That hope was tested a year later. On 1 December 1955, Rosa Parks (pictured) was arrested for refusing to give up her seat to a white passenger. This was the second arrest of a Black woman, after that of Claudette Colvin (then aged 15), some nine months earlier. The Black community of Montgomery responded with outrage – and resolve. They turned to King for leadership.

On 5 December 1955, King addressed the gathered community. He acknowledged their anger but urged restraint. The protest, he insisted, must remain peaceful and principled. No riots, no violence. The proposed response was simple but powerful: Black residents would stop using the buses until the system gave way.

King grounded his argument in both constitutional and moral reasoning. "If we are wrong," he declared, "the Supreme Court of this nation is wrong. If we are wrong, the Constitution of the United States is wrong. If we are wrong, God Almighty is wrong." The Montgomery Bus Boycott proved to be a turning point. It was ultimately successful and led to the desegregation of buses in Montgomery and beyond. King had found his public voice and emerged as a national leader of the civil rights movement.

► **From local pastor to national conscience**

Following the success of the boycott, King became a national figure. He travelled extensively across the United States (US) and abroad, lecturing on non-violent protest and civil rights. He also visited India, where he met with followers of Gandhi, further reinforcing his commitment to non-violence. Together with other Black church leaders, he co-founded the Southern Christian Leadership Conference (SCLC), an organisation dedicated to coordinating non-violent campaigns against racial segregation throughout the South.

► **Birmingham and the moral case for civil disobedience**

Between 3 April and 10 May 1963, King led protests in Birmingham, Alabama, one of the most segregated cities in the country. The brutal response of authorities – fire hoses, police dogs, mass arrests – shocked the nation. While imprisoned, King penned his seminal *Letter from Birmingham Jail*, responding to white clergymen who criticised the protests as "unwise and untimely." In the



King articulated a vision of a nation where people would be judged not by the colour of their skin but by the content of their character. The speech captured the moral urgency of the civil rights struggle and transformed it into a shared national aspiration.

letter, King explained the urgency of his actions and articulated a central moral principle: "Injustice anywhere is a threat to justice everywhere." He argued that individuals have a moral duty to disobey unjust laws – those that degrade human dignity and perpetuate injustice – while upholding just laws that affirm equality.

This letter is so powerful that I thought it wise to reproduce an extract here:

*"...the nations of Asia and Africa are moving with jet-like speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears rolling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger", your middle name becomes "boy" (nevertheless old you are) and your last name becomes "John", and*

*your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tip-toe expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness" – then you will understand why we find it difficult to wait."*

► **March on Washington and the "I Have a Dream" speech**

A defining moment of the civil rights movement came on 28 August 1963, when King addressed more than 250,000 people gathered at the March on Washington for Jobs and Freedom. Speaking from the steps of the Lincoln Memorial, King delivered what would become known as the "I Have a Dream" speech, one of the most influential speeches in modern history. Drawing on the ideals of the American Constitution, the Declaration of Independence, and biblical imagery, King articulated a vision of a nation where people would be judged not by the colour of their skin but by the content of their character. The speech captured the moral urgency of the civil rights struggle and transformed it into a shared national aspiration. Widely broadcast and reported, it helped galvanise public opinion, strengthened support for civil rights legislation, and firmly established King as the moral conscience of the movement. The March on Washington and King's address are widely regarded as pivotal in paving the way for the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

► **From moral protest to legal change**

King's leadership combined moral suasion with sustained pressure. He endured imprisonment, surveillance, threats, and violence. Yet within a decade of the Montgomery Bus Boycott, his efforts bore legislative fruit. The Civil Rights Act, Voting Rights Act, and Fair Housing Act dismantled legal segregation and discrimination.

Tragically, King did not live to see the full measure of his legacy. He was assassinated in 1968 at the young age of 39, suffering the same fate that had befallen Mahatma Gandhi, whom he deeply admired. A week after his death, the Fair Housing Act became law.

► **An enduring legacy**

Martin Luther King Jr.'s life demonstrates that faith-anchored leadership, moral clarity, and non-violent resistance can reshape nations. His struggle was not merely political—it was profoundly spiritual, grounded in Christian values. Today, as societies continue to confront discrimination and inequality, King's message remains urgent: justice delayed is justice denied, and silence in the face of injustice is never neutral.

AR BOOLELL

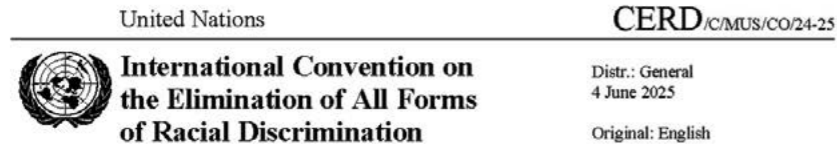
Annex 10  
L'Express 28 Jan 26 | Faith, Non-Violence and Human Dignity:  
Martin Luther King Jr.'s Enduring Relevance

**Kemp Chatteris**  
**NOTICE UNDER SECTION 117 OF THE INSOLVENCY ACT 2009**  
**MountainPeak Investment Holdings Ltd (in liquidation)**  
Notice is hereby given that on 24 December 2025, a resolution of the shareholders was passed, whereby MountainPeak Investment Holdings Ltd would be wound up voluntarily under Section 117 of the Insolvency Act 2009 and Mr Stephen Robert Konfortion, FCA, Registered Insolvency Practitioner, has been appointed liquidator of the company.  
Notice is also given to any person who reckons that the company holds property belonging to him or property in which he has rights, should submit his claim in writing to the liquidator with all supporting documents in respect of such ownership or right by 27 February 2026.  
All persons holding any property documents, books and records of the company are requested to deliver them forthwith to the liquidator.  
Any enquiries should be sent to Mr S. Robert Konfortion, Kemp Chatteris, 3<sup>rd</sup> Floor, Cerné House, La Chaussée, Port Louis, Mauritius.  
Dated this 26 January 2026.  
**S. Robert Konfortion FCA**  
Liquidator

**DÉCÈS**  
On nous prie d'annoncer le décès de  
Monsieur Peter John AH QUAH  
aussi connu sous le nom de Biogo, âgé de 61 ans, habitant de  
Terasson, Pointe aux Sablès  
La veillée mortuaire aura lieu à la Chapelle Ardente de  
Moura à route Royale, Petite Rivière,  
aujourd'hui mercredi 28 janvier 2026 à partir de 19h30.  
Le convoi mortuaire quittera la Chapelle Ardente de  
Moura à route Royale, Petite Rivière,  
demain jeudi 29 janvier 2026 à 12h15, pour se rendre à 13h00  
à la Cathédrale Saint-Louis, Port-Louis,  
puis, défilé au cimetière de Gebert, Les Salines, Port-Louis.

# Annex 11

## Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



### Committee on the Elimination of Racial Discrimination

#### Concluding observations on the combined twenty-fourth and twenty-fifth periodic reports of Mauritius\*

1. The Committee considered the combined twenty-fourth and twenty-fifth periodic reports<sup>1</sup> of Mauritius, submitted in one document, at its 3147th and 3148th meetings,<sup>2</sup> held on 28 and 29 April 2025. At its 3157th meeting, held on 6 May 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twenty-fourth and twenty-fifth periodic reports of the State Party. The Committee also welcomes the constructive dialogue with the high-level delegation of the State Party and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State Party:

- (a) The adoption of the Protection and Promotion of the Rights of Persons with Disabilities Act, in 2024;
- (b) The adoption of the Private Recruitment Agencies Act, in 2023;
- (c) The adoption of the Combating of Trafficking in Persons (Amendment) Act, in 2023;
- (d) The adoption of the Immigration Act, in 2022;
- (e) The establishment of the Constitutional Review Commission, in accordance with the Government Programme 2025–2029;
- (f) The launch of the National Action Plan on Trafficking in Persons (2022–2026); and other measures mentioned in the present concluding observations.

4. The Committee also welcomes the adoption of the National Gender Policy (2022–2030) and the National Strategy and Action Plan on the Elimination of Gender-Based Violence (2020–2024). It also notes that the State Party is in the process of drafting a gender equality commission bill and encourages it to expedite its adoption.

\* Adopted by the Committee at its 115th session (22 April–9 May 2025).

<sup>1</sup> CERD/C/MUS/24-25.

<sup>2</sup> See CERD/C/SR.3147 and CERD/C/SR.3148.



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5. The Committee takes note of the announcement by the State Party's delegation of the ongoing efforts to translate the Convention into Kreol Morisien for public dissemination.

#### C. Concerns and recommendations

##### Statistics

6. The Committee notes the State Party's position that keeping statistics disaggregated by ethnicity goes against national unity. It also notes the statistics provided by the State Party's delegation, including data on nationality, religion and language from the 2022 census. However, the Committee remains concerned about the absence of comprehensive statistics on the ethnic composition of the population, in particular regarding Creoles, Chagossians, and people of African descent, as well as non-citizens, such as migrants and stateless persons. The Committee reiterates that this lack of statistics hinders a comprehensive assessment of the situation of groups most exposed to racial discrimination, including their socioeconomic status and the impact of any targeted policies or programmes. The Committee is further concerned about the absence of statistics on the ethnic composition of the prison population.

7. Recalling its previous recommendations<sup>3</sup> and its general recommendations No. 4 (1973) concerning reporting by States Parties under article 1 of the Convention and No. 24 (1999) concerning article 1 of the Convention, the Committee urges the State Party:

- (a) To develop and implement, in consultation with civil society, robust data-collection tools to produce reliable, updated and comprehensive statistics on the demographic composition of the population, based on the principle of self-identification, and disaggregated by nationality, ethnicity, age, sex, religion, language, region and other relevant factors;
- (b) To compile disaggregated statistics on the socioeconomic situation of ethnic groups including Creoles, Chagossians, people of African descent, and non-citizens, focusing on their enjoyment of the rights to work, social security, housing, food, water and sanitation, health, and education, to provide an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention;
- (c) To collect and publish disaggregated statistics on the ethnic composition of persons deprived of liberty.

##### Status of the Convention in the domestic legal framework

8. The Committee remains concerned that the Convention has not yet been fully incorporated into the State Party's domestic legal framework. It is also concerned about the lack of information on judicial cases in which the Convention has been invoked and applied by domestic courts.

9. Recalling its previous recommendation,<sup>4</sup> the Committee urges the State Party to take all measures necessary to fully incorporate the Convention into its domestic legal framework. It also recommends that the State Party enhance efforts to raise awareness and knowledge of the Convention, in particular among prosecutors, judges and other legal professionals. The Committee encourages the State Party to extend these efforts to the members of the National Assembly and the general public.

##### Equal Opportunities Act

10. The Committee is concerned that, despite the non-discrimination provisions in the Constitution (sect. 16 (1) and (3)), legislative gaps and the inadequate enforcement of the Equal Opportunities Act undermine the accessibility and effectiveness of remedies and

<sup>3</sup> CERD/C/MUS/CO/15-19, para. 17; and CERD/C/MUS/CO/20-23 and CERD/C/MUS/CO/20-23/Corr.1, para. 7.

<sup>4</sup> CERD/C/MUS/CO/20-23 and CERD/C/MUS/CO/20-23/Corr.1, para. 5.

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impede the full implementation of the State Party's anti-discrimination framework (arts. 1, 2 and 4).

11. Recalling its previous recommendation,<sup>5</sup> the Committee urges the State Party:

(a) To develop and adopt comprehensive anti-discrimination legislation that contains a clear definition of racial discrimination and covers structural, direct, indirect and intersecting forms of discrimination on all grounds, including language, gender identity and social origin, in all spheres of public and private life, and, to this end, take into account *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation*;<sup>6</sup>

(b) To ensure the provision of effective remedies for victims of racial discrimination, including through judicial and administrative proceedings.

#### Intersectional discrimination

12. The Committee is concerned that the State Party has not taken sufficient measures to address discrimination based on race, colour, descent, or national or ethnic origin where intersecting with other grounds, such as sex, gender, sexual orientation or gender identity. It is particularly concerned about reports of violence, hate speech and discrimination against individuals belonging to ethnic minorities who are also lesbian, gay, bisexual, transgender or intersex. While welcoming the 2023 Supreme Court decision declaring the criminalization of consensual same-sex relations to be unconstitutional, the Committee regrets the lack of legislative follow-up to repeal section 250 of the Criminal Code and the limited action taken to investigate and address such violence (art. 2).

13. The Committee recommends that the State Party:

(a) Take legislative, administrative and policy measures to combat intersectional discrimination and to ensure the mainstreaming of gender, age, disability, sexual orientation and gender identity into all its measures aimed at combating multiple and intersectional forms of discrimination;

(b) Repeal section 250 of the Criminal Code;

(c) Strengthen measures to prevent violence, hate speech and discrimination based on actual or perceived sexual orientation or gender identity, and ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, and that perpetrators are brought to justice and that victims are provided with redress.

#### Institutional framework

14. The Committee notes the institutional framework for addressing racial discrimination in the State Party, including the Equal Opportunities Commission, the National Human Rights Commission and the Office of the Ombudsman, as well as the statistics on complaints received on grounds such as race, ethnic origin, political opinion, sex, age, and impairment. However, it is concerned that overlapping mandates, limited staffing, a growing backlog of unresolved complaints, and low rates of referral and adjudication hinder the accessibility and effectiveness of remedies for victims of racial discrimination. The Committee is further concerned that the provisions on the appointment and removal of members of the National Human Rights Commission, as set out in section 3 (8) (10) of the Protection of Human Rights Act 1998, compromise its independence (arts. 2 and 6).

15. Recalling its previous recommendation,<sup>7</sup> the Committee urges the State Party:

<sup>5</sup> Ibid., para. 10.

<sup>6</sup> Office of the United Nations High Commissioner for Human Rights and Equal Rights Trust, *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (United Nations publication, 2023).

<sup>7</sup> CERD/C/MUS/CO/20-23 and CERD/C/MUS/CO/20-23/Corr.1, para. 19.

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(a) To continue its efforts to implement the recommendations made in 2021 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions regarding the National Human Rights Commission;

(b) To review section 3 (8) and (10) of the Protection of Human Rights Act 1998 to ensure that the appointment and removal of members of the Commission is independent, fair and transparent;

(c) To strengthen the capacities of the Equal Opportunities Commission, the National Human Rights Commission and the Office of the Ombudsman by ensuring the allocation of adequate human, technical and financial resources, so that each institution can effectively and independently fulfil its mandate;

(d) To review, in consultation with representatives of groups most affected by racial discrimination, the channels available for filing complaints to assess and ensure their availability and accessibility;

(e) To redouble efforts to raise awareness among the general public, in particular among groups most affected by racial discrimination and related intolerance, about the mandates, jurisdictional scope and complaint-handling procedures of the Equal Opportunities Commission, the National Human Rights Commission and the Office of the Ombudsman.

#### Legal provisions on racial hatred and prohibition of organizations that promote racial discrimination

16. The Committee takes note of the adoption of the Judicial and Legal Provisions Act 2018, which repealed and replaced earlier versions of sections 206 and 282 of the Criminal Code. However, the Committee remains concerned about:

(a) The fact that the current legal framework does not fully meet the requirements of article 4 of the Convention, in particular regarding the prohibition of the propagation of ideologies based on racial superiority, the criminalization of racist organizations and organized propaganda activities that promote or incite racial discrimination, and the obligation to prevent incitement to racial discrimination by public authorities or public institutions;

(b) Reports of failure to adequately identify, record, investigate and prosecute cases of racial discrimination, incitement to racial hatred and hate crimes;

(c) The lack of information on measures to systematically monitor and address hate speech in the media, on the Internet and on social media platforms, despite the adoption of legislative measures (art. 4).

17. Recalling its general recommendations No. 35 (2013) on combating racist hate speech, No. 15 (1993) on article 4 of the Convention and No. 7 (1985) relating to the implementation of article 4 of the Convention, which state that all provisions of article 4 of the Convention are of a mandatory character and highlight the preventive aspects of article 4 to deter racism and racial discrimination, the Committee urges the State Party:

(a) To amend its Criminal Code to explicitly criminalize serious forms of racist hate speech and hate crimes in line with article 4 (a), (b) and (c) of the Convention, and ensure that it includes all the grounds of racial discrimination recognized in article 1 of the Convention;

(b) To condemn any form of racist hate speech, distance itself from racist hate speech expressed by politicians and public figures and ensure that such acts are investigated and appropriately sanctioned;

(c) To update its statistics on the number and types of complaints of racial discrimination, racist hate speech and hate crimes, including those occurring in the media, on the Internet and on social media platforms, on the number of investigations, prosecutions and convictions, and on the remedies provided to victims, disaggregated by the age, gender and ethnic or national origin of the victims;

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(d) To conduct specialized training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of acts of racial discrimination, racist hate speech and hate crimes.

#### Structural discrimination and special measures

18. While noting recent legislative initiatives and institutional developments aimed at addressing racial discrimination, strengthening protections for migrant workers and persons with disabilities and promoting gender equality, the Committee remains concerned that these measures appear limited to specific areas. It also notes with concern the lack of information on legislation and policy measures that address racial discrimination in the broader context of efforts to realize economic, social and cultural rights (arts. 2 and 5).

19. Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State Party:

(a) In consultation with disadvantaged ethnic groups, including Chagossians and Creoles, notably people of African descent within these groups, and with women, youth, persons with disabilities, and other relevant stakeholders, conduct a baseline study to comprehensively assess the effectiveness of, and identify barriers to, the implementation of existing special measures in areas such as employment, social security, health, education, water and sanitation, food programmes, and other relevant sectors;

(b) Adopt and implement a national action plan to combat racism, racial discrimination, xenophobia and related intolerance and ensure that the plan includes measures to combat structural racial discrimination, promote inter-ethnic dialogue, and strengthen social cohesion with a view to building a more inclusive and equitable society.

#### Public and political participation

20. The Committee welcomes the establishment of a constitutional review commission to consider electoral and constitutional reform, including the “best loser” system. However, it remains concerned that political participation and representation do not fully reflect the diversity of the State Party’s population, and that existing requirements related to ethnic classification limit access to elected office. The Committee also takes note of the Views adopted by the Human Rights Committee in *Narain et al. v. Mauritius*<sup>8</sup> in this regard (arts. 2 and 5).

21. Recalling its previous recommendation,<sup>9</sup> the Committee urges the State Party to expedite the process of electoral reform and take all steps necessary to address barriers to equal participation and representation in political life for all of its population, in particular ethnic groups, at all levels of government and decision-making.

#### Truth and Justice Commission

22. The Committee notes the steps taken following the work of the Truth and Justice Commission, including the establishment of the Land Research and Monitoring Unit and the Land Division of the Supreme Court, and initiatives to promote remembrance and reconciliation. However, the Committee remains concerned that key recommendations of the Commission, in particular those relating to land dispossession, reparative justice, and the structural inclusion of affected communities, have yet to be fully implemented. It also notes the absence of a dedicated, well-resourced mechanism to coordinate and monitor implementation in consultation with the communities concerned, notably people of African descent (arts. 2, 5 and 6).

<sup>8</sup> CCPR/C/105/D/1744/2007.

<sup>9</sup> CERD/C/MUS/CO/20-23 and CERD/C/MUS/CO/20-23/Corr.1, para. 25.

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23. The Committee recommends that the State Party take concrete and time-bound measures to fully implement the outstanding recommendations of the Truth and Justice Commission, in particular those related to land dispossession, redress for historical injustices and the recognition of the rights of people of African descent. It also encourages the State Party to establish a well-resourced and participatory mechanism, including representatives of the Government, equality and human rights institutions, civil society, and affected communities, to coordinate, monitor and report on the implementation of those recommendations.

#### Creoles

24. The Committee remains concerned that Creoles, in particular those of African descent and those residing in Rodrigues and Agalega, continue to face disadvantages in the enjoyment of economic, social and cultural rights. The Committee notes with concern reports of ongoing discrimination in employment and public services, the lack of disaggregated data, and the absence of a dedicated, consultative strategy to address the historical and structural inequalities affecting Creole communities (arts. 2 and 5).

25. Recalling its previous recommendation<sup>10</sup> and its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee urges the State Party to take effective measures, including special measures, to combat structural racial discrimination, stigmatization and marginalization targeting Creoles, notably those of African descent, and those residing in Rodrigues and Agalega, to reduce poverty and social exclusion among these communities and improve their access to adequate living conditions, education, health and employment.

#### Situation of the Chagossians

26. The Committee takes note of the advisory opinion delivered by the International Court of Justice on 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.<sup>11</sup> It also notes the efforts made by the State Party to support the Chagossians, including through the Chagossian Welfare Fund, educational and cultural initiatives, land allocation and its engagement in negotiations on the return of the Chagos Archipelago. However, it remains concerned about the ongoing effects of forced displacement, including poverty and discrimination, and the lack of information on the impact of support measures for those living on the mainland. The Committee is further concerned about the extent to which the Chagossians have been meaningfully consulted in ongoing negotiations and processes related to their right to full reparations (arts. 2, 5 and 6).

27. The Committee recommends that the State Party:

(a) Follow the advisory opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965;

(b) Ensure the full and meaningful participation of the Chagossians in all processes relating to the ongoing negotiations concerning the Chagos Archipelago, in fulfilment of their right to self-determination;

(c) Take concrete steps, in consultation with and with the consent of Chagossian representatives, to develop and implement a comprehensive reparations framework that addresses restitution, rehabilitation, satisfaction, including the restoration of dignity, resettlement, redress and guarantees of non-repetition;

(d) Strengthen and monitor the effectiveness of support measures for Chagossians residing on the mainland, including by addressing structural barriers to

<sup>10</sup> Ibid., para. 27.

<sup>11</sup> International Court of Justice, *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019*, p. 95.

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**equality in housing, employment, education, health and social security and report on progress made in its next periodic report.**

**Situation of migrants, refugees, asylum-seekers and stateless persons**

28. The Committee notes the adoption of the Immigration Act of 2022 and the State Party's cooperation with the Office of the United Nations High Commissioner for Refugees. However, it remains concerned that the State Party has not yet adopted a comprehensive legal and policy framework to protect the rights of migrants, asylum-seekers, refugees and stateless persons. It is particularly concerned that migrants and refugees in the State Party face barriers in accessing education, health and the labour market. The Committee is further concerned that the State Party lacks mechanisms to identify or protect persons at risk of statelessness (arts. 2 and 5).

29. Recalling its general recommendations No. 22 (1996) on refugees and displaced persons in the context of article 5 of the Convention and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party:

- (a) Adopt comprehensive legal and policy frameworks to ensure the protection of the rights of migrants, refugees, asylum-seekers and stateless persons, in line with international human rights standards;
- (b) Guarantee equal access, without discrimination, to education, health and the labour market for migrants and refugees;
- (c) Establish effective procedures for identifying and protecting persons at risk of statelessness and preventing statelessness, and collect and publish disaggregated data on stateless persons and those at risk of statelessness;
- (d) Consider acceding to the Convention relating to the Status of Refugees and its Protocol, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

**Migrant workers**

30. The Committee notes the measures taken by the State Party to strengthen protections for migrant workers, including the Private Recruitment Agencies Act 2023 and bilateral agreements with countries of origin, which are aimed at ensuring fair recruitment and combating discrimination. However, it remains concerned about reports of discrimination and abuse, such as underpayment of wages, excessive working hours, limited access to health, and mandatory HIV testing. The Committee is also concerned about gaps in data collection and the oversight of recruitment practices, and the lack of a comprehensive framework to ensure equal rights and protections for all migrant workers (arts. 2 and 5).

31. Reiterating its previous recommendation,<sup>12</sup> the Committee urges the State Party:

- (a) To take effective measures to combat the abuse and exploitation of migrant workers, including by reviewing and reforming the legislative framework governing their employment, with a view to reducing their vulnerability, in particular to exploitation by employers;
- (b) To ensure access to justice for all migrant workers, irrespective of their legal status, and conduct awareness-raising campaigns on their rights and the remedies available to them;
- (c) To abolish mandatory HIV testing for migrant workers and put an end to the denial of work visas or permits and deportation based on HIV status;
- (d) To collect and publish disaggregated statistics on migrant workers, including by sex, nationality, employment sector, wages, complaints and outcomes, to inform and support targeted protection efforts.

<sup>12</sup> CERD/C/MUS/CO/20-23 and CERD/C/MUS/CO/20-23/Corr.1, para. 33.

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**Trafficking in persons**

32. The Committee takes note of the State Party's efforts to strengthen the legal framework and institutional response to trafficking in persons, including the adoption of the Combating of Trafficking in Persons (Amendment) Act 2023 and the National Action Plan on Trafficking in Persons (2022-2026). It also welcomes the increase in the number of victims identified and increased police collaboration with the prosecution services. However, the Committee remains concerned that trafficking in persons, including for sexual and labour exploitation, in particular in women and children, persists, and that prosecution and conviction rates remain very low. The Committee is further concerned about the lack of data on trafficking cases, the limited use of trafficking-specific charges, the length of judicial processes and reports of inadequate protection and support services for victims (arts. 2, 5, 6 and 7).

33. The Committee recommends that the State Party:

- (a) Enforce anti-trafficking laws effectively, ensuring that traffickers are prosecuted under the appropriate legislation and receive adequate penalties;
- (b) Continue strengthening the capacity of police officers, prosecutors and judges to detect, investigate and handle trafficking cases promptly;
- (c) Improve the identification of and support for victims, including migrant workers, and ensure access to justice, shelter and rehabilitation services;
- (d) Address delays in trafficking cases and ensure that victims are not discouraged from coming forward;
- (e) Ensure sufficient funding for victim protection and raise awareness to prevent trafficking and exploitation;
- (f) Take all measures necessary to promulgate the Child Sex Offender Register Act, passed in December 2020.

**Racial profiling and the Independent Police Complaints Commission**

34. While noting the inclusion of human rights training in police curricula, the Committee remains concerned about reports of racial profiling by the police, in particular targeting Creole individuals of African descent through unlawful checks, searches and detentions. It is further concerned about the significant number of pending investigations before the Independent Police Complaints Commission and the lack of information regarding the outcomes of completed cases, which undermines accountability and public confidence in law enforcement oversight mechanisms (arts. 2, 4 and 7).

35. Recalling its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee urges the State Party:

- (a) To ensure that the Independent Police Complaints Commission carries out prompt, impartial and effective investigations into all allegations of racial profiling and police misconduct, prosecute and punish those responsible and ensure that victims have access to effective remedies and full reparation;
- (b) To provide adequate and continuing human rights training for law enforcement officials, in accordance with the Committee's general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights;
- (c) To collect and publish data regularly on complaints received, investigations conducted and outcomes reached by the Independent Police Complaints Commission.

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#### Combating racist prejudice, stereotypes and legacies of slavery

36. The Committee welcomes the State Party's efforts to promote diversity, cultural expression and remembrance, including through initiatives such as the Intercontinental Slavery Museum and the Nelson Mandela Centre for African Culture. However, it remains concerned that entrenched racial and caste-based stereotypes, as well as social hierarchies based on descent, continue to undermine inter-ethnic relations. The Committee also notes with concern the limited visibility of educational programmes specifically addressing the history and enduring impacts of the trade in enslaved Africans and its relevance to contemporary forms of racial discrimination (art. 7).

37. The Committee recommends that the State Party:

- (a) Strengthen efforts in terms of education and awareness campaigns to combat racist stereotypes and promote diversity and inclusion;
- (b) Incorporate the history and legacies of slavery and colonialism, including the trade in enslaved Africans, into school curricula and public education;
- (c) Promote inter-ethnic dialogue and ensure that all ethnic groups are fairly represented in national history and culture.

#### D. Other recommendations

##### Ratification of other treaties

38. Bearing in mind the indivisibility of all human rights, the Committee encourages the State Party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance.

##### Amendment to article 8 of the Convention

39. The Committee recommends that the State Party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

##### Declaration under article 14 of the Convention

40. The Committee encourages the State Party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

##### Follow-up to the Durban Declaration and Programme of Action

41. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State Party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State Party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

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#### International Decade for People of African Descent

42. In its resolution 79/193, the General Assembly proclaimed 2025–2034 the Second International Decade for People of African Descent. Also in that resolution, the Assembly decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In the light of this development, the Committee recommends that the State Party implement the programme of activities in collaboration with people of African descent and include in its next periodic report information on the concrete measures adopted in that framework, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

##### Consultations with civil society

43. The Committee recommends that the State Party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

##### Dissemination of information

44. The Committee recommends that the State Party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

##### Paragraphs of particular importance

45. The Committee wishes to draw the attention of the State Party to the particular importance of the recommendations contained in paragraphs 7 (statistics), 27 (situation of the Chagossians) and 29 (situation of migrants, refugees, asylum-seekers and stateless persons) above and requests the State Party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

##### Follow-up to concluding observations

46. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State Party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 17 (c) (legal provisions on racial hatred and prohibition of organizations that promote racial discrimination), 19 (a) (structural discrimination and special measures) and 33 (b) and (f) (trafficking in persons) above.

47. The Committee commends the State Party for the timely submission of the follow-up report requested in its previous concluding observations.<sup>17</sup>

<sup>17</sup> CERD/C/MUS/FCO/20-23.

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**Preparation of the next periodic report**

48. The Committee recommends that the State Party submit its combined twenty-sixth to twenty-ninth periodic reports, as a single document, by 29 June 2029, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>14</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 21,200 words for periodic reports.

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<sup>14</sup> CERD/C/2007/1.

## Annex 12

### International Convention on the Elimination of All Forms of Racial Discrimination



#### 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 Mauritius<sup>1</sup> at its 740th and 741st meetings,<sup>2</sup> 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,<sup>3</sup> 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.<sup>4</sup> 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).


<sup>1</sup> CRPD/C/MUS/2-3.

<sup>2</sup> See CRPD/C/SR.740 and CRPD/C/SR.741.

<sup>3</sup> CRPD/C/MUS/QPR/2-3.

<sup>4</sup> CRPD/C/MUS/CO/1.

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### 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.

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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.

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14. Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,<sup>5</sup> 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;

<sup>5</sup> See [www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations](http://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations).

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(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,<sup>6</sup> 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;

<sup>6</sup> CRPD/C/5.

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(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,<sup>7</sup> 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

<sup>7</sup> CRPD/C/MUS/CO/1, para. 22.

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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 disabilities<sup>9</sup> 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.

<sup>9</sup> A/72/55, annex.

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28. Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities,<sup>9</sup> 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 disabilities<sup>10</sup> and its previous recommendations,<sup>11</sup> the Committee recommends that

<sup>9</sup> 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>.

<sup>10</sup> A/HRC/52/32.

<sup>11</sup> CRPD/C/MUS/CO/1, para. 32.

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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;

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(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;

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(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,<sup>12</sup> 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.

<sup>12</sup> Ibid., para. 34.

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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.

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**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**

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**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;**

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(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 Lois 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,<sup>13</sup> 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;

<sup>13</sup> CRPD/C/1/Rev.2, annex.

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(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.

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