



REPUBLIC OF MAURITIUS

**Statement by
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**Second Cycle of Universal Periodic Review of the
Republic of Mauritius**

**at the 17th Session of the Working Group of the
Human Rights Council on UPR**

Geneva, 23 October 2013

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**Mr. President,
Distinguished Delegates,
Ladies and Gentlemen,**

On behalf of the Government of Mauritius, it is my immense privilege to address this august Council during the second cycle of the Universal Periodic Review of Mauritius at the 17th session of the Working Group.

I seize this opportunity to express our deep appreciation of the work of the Council and its tireless efforts to ensure universal respect for and compliance with human rights.

In the same vein, the Government of Mauritius wishes to reaffirm its commitment and continued support to the work of the Human Rights Council and the UPR mechanism. The UPR mechanism has established itself as an important platform for assessing the performance of Member States in the promotion and protection of human rights in a spirit of openness and transparency.

As you are already aware, Mr. President, in July this year, the Government of Mauritius, the Office of the High Commissioner for Human Rights and the Human Rights Council co-hosted a Seminar in Mauritius for the Least Developed Countries and Small Island Developing Countries to prepare them for the second cycle of the UPR. We are grateful that you, Mr. President, played an active part in the Seminar.

As a founding member of the Human Rights Council, on which it has served two consecutive terms until the end of last year, Mauritius has actively participated in the work of the Council to contribute to the safeguard of human rights worldwide.

Further, we wish to lay stress on the relentless efforts of the Government of Mauritius to uphold human rights. The promotion and protection of Human Rights are very high on the Government agenda.

The protection of human rights is entrenched in Chapter II of our Constitution, which is inspired by the Universal Declaration of Human Rights and the European Convention on Human Rights.

One of the priorities of the Government of Mauritius is to provide its people with a quality of life based on human dignity, equality of treatment, economic empowerment and social justice.

Since its independence in 1968, Mauritius has spared no effort to foster its development based on the universal values of democracy, good governance, the rule of law, promotion and protection of human rights and fundamental freedoms. We continue to build a nation where the welfare of our citizens remains at the very core of such development. Our reputation in human rights and good governance has been firmly established.

Mr President,

We are pleased to share with the Council the actions that have been taken by Mauritius to implement the recommendations which we accepted during our first review.

The mid-term Progress Report which we voluntarily submitted in February 2011 and our National Report which was forwarded to the Council in July 2013 contain comprehensive information on the actions taken by Mauritius to address the said recommendations.

Mr. President,

In the preparation of our report, we have carried out extensive national consultations with all relevant stakeholders, including national human rights institutions, non-governmental organisations and civil society in both mainland Mauritius and in the island of Rodrigues.

We have also taken steps to consult the general public for their comments and views on our national report through the Government website and media. Awareness campaigns have been carried out on a regular basis in the local language, which is the Mauritian Creole, on national television during peak time in order to sensitize more people.

We also work in close collaboration with NGOs and international organisations to improve and reinforce the human rights framework, policies and training needs of the country. A full day workshop in April 2013 was organised by the Prime Minister's Office to invite submissions from NGOs on the human rights situation in Mauritius for the UPR. Around 100 NGOs attended the workshop. Subsequently, other meetings were organised on this issue. Last week, prior to leaving Port Louis, I had a meeting with the stakeholders and briefed the press in order to keep the public and NGOs informed about the whole review process and to ensure adequate media coverage on the UPR process.

Mr. President,

Allow me now to highlight some of the important measures that the Government of Mauritius has adopted since our last review in 2009 in

order to improve the situation of human rights of our people. In my address, I shall also endeavour to reply to the other questions that have been flagged in advance by some Member States.

We are proud to announce that in October 2012, the Government of Mauritius launched the National Human Rights Action Plan for the period 2012-2020. This is a landmark in the human rights landscape of Mauritius. The Action Plan embodies all the commitments taken by the Government of Mauritius to improve the human rights situation in line with international best practices. It aims at inculcating a human rights culture among all sections of the population.

A Human Rights Monitoring Committee has equally been established comprising representatives of relevant Ministries and departments, National Human Rights Institutions as well as NGOs to ensure the implementation of the recommendations of the National Human Rights Action Plan.

The Human Rights Action Plan advocates a number of measures, amongst which:

- (i) the strengthening of international cooperation on human rights through ratification of human rights instruments and domestication of human rights treaties,
- (ii) a greater realisation of economic, social and cultural rights,
- (iii) the strengthening of women's rights in the context of equal opportunities,
- (iv) a better protection and safeguarding of the rights of vulnerable persons including children, older persons, persons with disabilities and persons living in poverty as well as securing the right to sustainable development.

A database of Human Rights Indicators with the assistance of the UNDP and the University of Mauritius is in the process of being finalised in order to monitor progress in the implementation of the recommendations of the Action Plan.

Mr. President,

In 2012, the Protection of Human Rights (Amendment) Act, the Police Complaints Act and the National Preventive Mechanism Act were passed in the National Assembly in order to broaden the mandate and functions of the National Human Rights Commission in line with international best practices.

The National Human Rights Commission now consists of a Human Rights Division, a Police Complaints Division and a National Preventive

Mechanism Division. The Human Rights Division enquires into violations of human rights enshrined in the Constitution.

The Criminal Appeal Act as recently amended, gives new powers to the Human Rights Division. A convicted person may apply to the Division for an enquiry to be conducted as to whether there exists sufficient fresh and compelling evidence that would justify referring his case back to the Court of Criminal Appeal for a retrial.

The Police Complaints Division has the responsibility to investigate complaints made against members of the Police Force. The Division is also empowered to investigate into any death occurring in police custody or as a result of other police action and to address any form of police misconduct.

The National Preventive Mechanism Division gives effect to the Optional Protocol to the Convention against Torture. It has the responsibility to visit places of detention in order to ensure that persons deprived of liberty are protected against torture and inhuman or degrading treatment or punishment. It is also mandated to investigate into complaints made by detainees and to make recommendations on the treatment of persons in custody.

Mr. President,

In January 2012, Mauritius enacted the Equal Opportunities Act which provides better protection against all forms of discrimination. The Act aims at eliminating direct or indirect discrimination on the basis of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

In April 2012, the Equal Opportunities Commission was set up to investigate alleged discriminatory policies and practices. The Commission not only examines and investigates complaints referred to it but can also investigate on its own motion and independently into cases where it has reason to believe that an act of discrimination has been or may be committed.

An Equal Opportunities Tribunal has been set up to determine cases where the Commission cannot achieve conciliation between the parties.

Mauritius has recently amended the Legal Aid Act so that legal assistance may be provided to accused parties from the very early stages of the criminal process.

Mr. President,

As regards political representation of women, we wish to highlight that the Local Government Act, which was passed in 2011, provides that any group presenting more than 2 candidates in an electoral ward during Municipal Council and Village Council elections shall ensure that the candidates are not of the same sex. The Constitution was also amended in that regard. As a result, there has been a significant increase in the number of women standing as candidates and elected at the recent Municipal Council and Village Council elections.

The Government of Mauritius is conscious of the need to address the issue of domestic violence in all its forms and it is endeavouring to curb Gender Based Violence by 2015. A costed National Action Plan was launched in November 2011. This Action Plan deals with legislation and prosecution, capacity building, campaign for prevention, awareness, raising and education through the media amongst others. It has been formulated in such a way that recommended actions have to be implemented within defined time frames.

A series of awareness programmes such as Zero Tolerance Clubs, Men as Partners, Strengthening Values for Family Life Programmes are run to sensitise women at grassroot level on the problems of domestic violence and services available to them. The National Domestic Violence Committee and a National Platform have been set up to promote a coordinated approach against domestic violence and to end gender based violence.

Special programmes aimed at young people seek to promote a culture of non-violence so as to reduce and prevent recurrences of gender-based violence. The Ministry of Gender Equality, Child Development and Family Welfare through its Family Protection Bureaux, is working in close collaboration with the Family Protection Unit of the Police Department, other Ministries and Departments and NGOs.

Moreover, in 2012, a Toolkit to end Gender Based Violence, DVDs, a pamphlet and posters on domestic violence were launched. Capacity Building programmes on the same theme in collaboration with all stakeholders including NGOs are ongoing. The sensitization campaigns have had huge coverage and have met with a good response.

Mr. President,

As far as the rights of the disabled are concerned, Mauritius ratified the Convention on the Rights of Persons with Disabilities in January 2010. We are pleased to announce that Mauritius has submitted its

report last year to the UN Committee on the Rights of Persons with Disabilities. Various measures have been adopted to ensure that disabled persons are not deprived of their rights in all areas including education, health and employment.

Persons with disabilities benefit from a staunch support from the Government. In July 2012, the Training and Employment of Disabled Persons Act was amended to promote access of persons with disabilities to employment. The main objectives of the amendments were to align the Act with the provisions of the Convention.

Following a forceful campaign carried out by the Training and Employment of Disabled Persons Board, 1,022 employers and 1,050 persons with disabilities who are "able and willing to work" have registered with the Board. So far, 68 persons with disabilities have been placed in employment. The Service to Mauritius Programme of the Ministry of Finance and Economic Development has facilitated the placement of graduates with disabilities in different Ministries.

Persons with disabilities in gainful employment and the parents of severely disabled children are provided with duty-free facilities for the purchase of motor vehicles. Free training courses for persons with disabilities to enhance their creativity are run by the Small and Medium Enterprises Development Authority. A Special School of Performing Arts has been set up to develop the talents of persons with disabilities. Scholarships are also provided to children with disabilities to pursue secondary and tertiary studies.

The Lois Lagesse Trust Fund, which operates under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions has taken measures to rehabilitate visually impaired children and adults. In line with Government's policy of inclusive education, the Fund, in collaboration with the Ministry of Education and Human Resources, has made appropriate arrangements for students with visual impairment to attend mainstream secondary and tertiary institutions. It has set up a women's wing that organizes regular activities to empower blind and partially-sighted women to effectively participate in the socio-economic development of the country.

Mauritius made a reservation on Article 11 of the Convention which deals with situations of risks and humanitarian emergencies. The National Disaster Committee is taking broad measures to include the needs and concerns of persons with disabilities in its emergency planning and response. The National Disaster Risk Reduction and Management Bill currently being prepared by the National Disaster

Management Unit will make provision for the disabled. Once the law is passed in the National Assembly and proclaimed, Government will remove the reservation.

A reservation was also made on Article 24.2(b) which states that "persons with disabilities can access inclusive, quality and free primary and secondary education...." Mauritius has now engaged in a policy of inclusive education and expects to remove the reservation as soon as this policy is fully implemented. The Ministry of Education and Human Resources has already set up a High Level Committee comprising representatives of Ministry of Social Security, the Mauritius Institute of Education, the Ombudsperson for Children and the Office of Public Sector Governance with a view to achieving parity on government funding between disabled and nondisabled children. The Committee has had consultations with all stakeholders concerned including NGOs looking after children with disabilities. Once this parity is achieved, the reservation will be removed.

Mauritius made a reservation on Article 9.2 (d) which calls on Member States "to provide in buildings and other facilities open to the public signage in Braille and in easy to read and understandable forms;" The reservation had been made in view of the costs involved in providing access through Braille signage in all public facilities. The Government proposes to remove this reservation in due course.

Mr. President,

Mauritius is firmly committed to the protection of children from any form of abuse and exploitation and a National Child Protection Strategy has been initiated in this regard.

Government is also in the process of finalizing a Children's Bill which will be debated in the National Assembly shortly. The Bill aims at consolidating the various pieces of legislation on children's rights and to harmonize all domestic laws in line with the Convention on the Rights of the Child.

In 2011, Mauritius extended an invitation to the Special Rapporteur on the sale of children, child prostitution and child pornography. Following the visit, Mauritius ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 14 June 2011 and signed the Optional Protocol to the Convention on the Rights of the Child on Communications Procedure on 13 August 2012.

Mr. President,

Educating the population on human rights at all levels and nurturing a culture of human rights in the island remains a priority for the Government. Human rights education programmes in Youth Centres and Citizens Advice Bureaux around the island are ongoing.

The Government of Mauritius has approached the United Nations for technical assistance for the integration of human rights across the curriculum of pre-primary, primary and secondary education. Human Rights is a compulsory subject in the Bachelor of Laws course at university level. The University of Mauritius has introduced a postgraduate Degree with specialisation in human rights.

The national television runs human rights programmes every week. A Human Rights Portal has been launched to inform about our human rights strategy both at national and international levels and to provide a platform for exchange of information and a link to our database of the reports of Mauritius to Treaty Bodies and their Concluding Observations.

Mr. President,

A Ministry dealing with social integration and economic empowerment has been specially set up to aim at the eradication of absolute poverty and combat social exclusion. The National Empowerment Foundation falling under this Ministry is already implementing a number of programmes such as placement and training schemes for the unemployed, educational support to needy children, social housing and integrated housing units. These programmes provide immediate support to vulnerable groups, foster integrated community development, enable re-skilling of the unemployed and promote development of income generated activities.

Mr. President,

The policy of the Government regarding the elderly is "*Moving the Nation Forward: pleasant and active retirement for our Elderly*" which advocates productive and healthy ageing. In this connection, Government has, over the past years, launched a number of projects and programmes such as Payment of Basic Retirement Pension on a universal basis, free travelling by bus for all elderly persons as from the age of 60, the setting up of additional Recreation Centres, domiciliary visits to persons over 90 years and bedridden people over 75 years as well as anti-influenza vaccination for elderly persons aged 60 years and above. An Observatory on Ageing has been set up to carry out action-oriented research on the socio-economic aspects of ageing.

The National AIDS Secretariat which operates within the Prime Minister's Office has formulated a National Strategic Framework 2013-2016, following wide consultations with all stakeholders. The Framework aims at achieving the Ten Targets of the United Nations Political Declaration on HIV and AIDS, 2011, to which Mauritius is signatory. The Framework adopts a human rights approach for responses to HIV and AIDS, to ensure that it is universal, equitable, inclusive, and fosters participation, informed consent and accountability.

Mr President,

The Constitution of Mauritius guarantees to all Mauritians the right to equal protection and benefit of the law without discrimination based on race, caste, place of origin, political opinions, colour, creed or sex, and this, in order to maintain and strengthen an environment conducive to equal opportunities and equality for our people.

The report of Truth and Justice Commission has been laid down before the National Assembly on 28 November 2011. On 9 December 2011, Government set up an Inter-Ministerial High Powered Committee to look into the implementation of the recommendations contained in the Report. The Committee has decided to implement a first set of 19 recommendations of the Commission.

In addition, Ministries represented on the High-Powered Committee have set up, at their level, a dedicated unit to look, in detail, into the issues and recommendations in the Report in relation to their respective sector. A four-member Co-ordination Team was set up to closely co-ordinate and monitor the implementation of these recommendations. A Land Research and Mediation Commission was set up to look in depth into complaints made by persons aggrieved by dispossession or prescription of any land in which they claim to have an interest from colonial times.

Following our review by the Committee on the Elimination of Racial Discrimination in February 2013 Mauritius has sent an update to the Committee in June 2013 on the status of the implementation of the recommendations of the Truth and Justice Commission.

Mr President,

As regards the practice of suspects being detained on the basis of provisional information, the draft Police and Criminal Evidence Bill makes provision for a police officer not to arrest a person on the basis of a mere allegation by a third party unless he has carried out the necessary investigations to verify that an offence has been committed or is about to be committed. It is also provided therein for a provisional information to

lapse should a formal charge not be preferred within six months. The proposed draft also focuses on the rights of the victims.

Mr President,

The Police Force is already equipped with video recording system for recording of statements of suspects involved in high profile cases.

With the coming into force of the DNA Act, more emphasis is being laid on scientific evidence instead of reliance on confessions. These are additional safeguards against allegations that force is used by Police to extract confessions from suspects.

Under the draft Police and Criminal Evidence Bill, the Attorney General will issue Codes of Practice in connection with the tape-recording and visual recording of interviews of persons suspected of the commission of criminal offences.

As regards the decriminalization of sodomy, we need to have further consultations on this issue. On the other hand, Government intends to amend the Criminal Code in order to specifically provide for the offence of marital rape.

The Government of Mauritius is equally conscious that retooling for the future requires a review of our Constitutional regime including the reform of our electoral system. As our Prime Minister announced on the occasion of the 2013 National Day Celebrations, there is a need to bring about constitutional changes through consultations and this by engaging the population in a national debate. Government will present a White Paper on electoral reform in the light of the various proposals made by constitutional experts including proposals on gender balance. The purpose of the objective of the reform is to ensure that the country has an electoral system which is more equitable and which promotes nation building.

Mr. President,

With regard to the Rome Statute of the International Criminal Court, although Mauritius is not yet a party to the Agreement on Privileges and Immunities of the Court, draft regulations for the implementation of the Agreement have already been circulated to relevant Ministries for discussions and comments.

Mauritius has already forwarded an instrument of ratification with regard to Article 8 of the Rome Statute, the provisions of which have already been incorporated in our International Criminal Court Act. Mauritius is still considering the Kampala amendments with regard to the

crime of aggression. Any technical assistance would be welcome, once we take the decision to incorporate the crime of aggression in the International Criminal Court Act.

Mr. President,

The implementation and consolidation of human rights principles is a dynamic and ongoing process. The review will help us evaluate how much we have achieved whilst also enabling us to identify areas for improvement.

My delegation feels deeply honoured today to engage in a frank and constructive dialogue on the implementation by Mauritius of its human rights obligations and on the human rights situation in Mauritius with the members and observers of the United Nations Human Rights Council.

Thank you, Mr. President.