



# STATEMENT

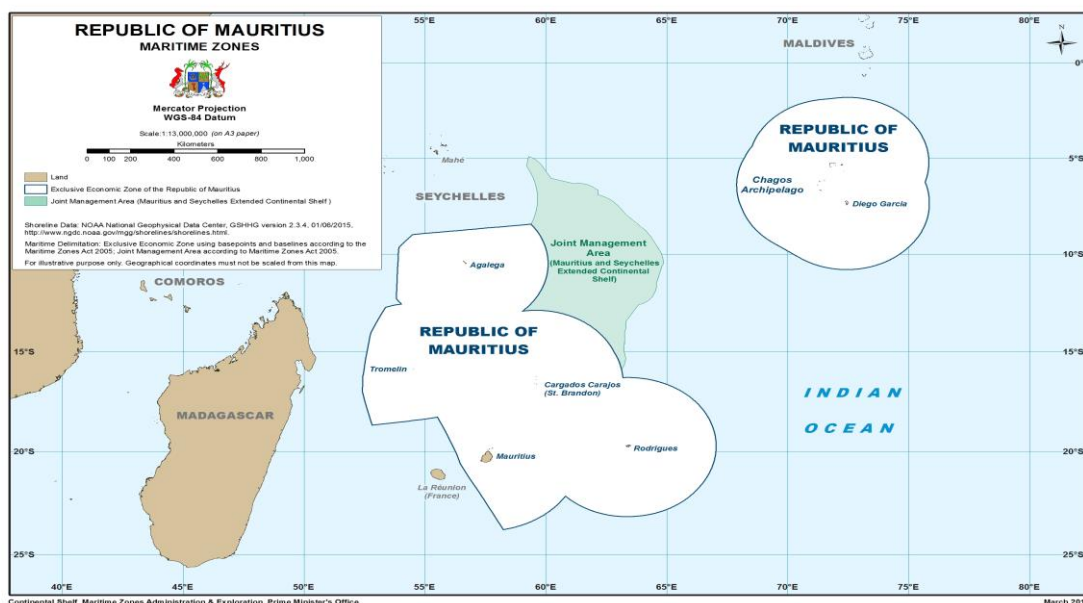
BY

**HON. MANEESH GOBIN**

**ATTORNEY GENERAL, MINISTER OF JUSTICE,  
HUMAN RIGHTS AND INSTITUTIONAL  
REFORMS**

**ON THE  
FOURTH PERIODIC REPORT OF MAURITIUS TO  
THE COMMITTEE AGAINST TORTURE  
FRIDAY 17 NOVEMBER 2017,  
UN OFFICE, PALAIS WILSON, GENEVA**

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**Mr. Chairperson,  
Distinguished Members of the Committee,  
Ladies and Gentlemen,**

It is my distinct honour and privilege to present, on behalf of the Government of the Republic of Mauritius, our Fourth Periodic Report on the implementation of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** to the sixty-second session of the **Committee against Torture**.

I should, at the very outset, acknowledge the unwavering efforts of the Committee in its battle for the eradication of torture across the world and convey to you our full support in this endeavour.

**Mr. Chairperson,**

Before proceeding further, let me introduce the members of my delegation-

- **His Excellency, Mr. Israhyananda Dhalladoo,**  
Ambassador and Permanent Representative of the Republic of Mauritius;
- **Mr. Om Kumar Dabidin,** Permanent Secretary, Prime Minister`s Office;
- **Mrs. Prameeta Goordyal-Chitto,** Assistant Parliamentary Counsel, in my Office;
- **Mr. Premananda Appadoo,** Commissioner of Prisons;

- **Mr. Rajkumar Sookun**, Deputy Permanent Representative, Mauritius Mission to the UN, Geneva;
- **Mr. Nikesh Heerowa** and **Mrs. Fee Young Li Pin Yuen**, both Second Secretaries at the Mauritius Mission in Geneva.

**Mr. Chairperson,**

Since its independence in 1968, the Republic of Mauritius has always been relentlessly committed to the universal values of democracy, good governance, the rule of law, promotion and protection of human rights and fundamental freedoms which have been the bedrock of our development, and which continue to shape our policies to build a nation where our citizens remain at the very core of our development.

With this spirit, the Government of Mauritius, under the leadership of the **Hon. Prime Minister Pravind Kumar Jugnauth**, is determined to provide a human rights-based approach to the socio-economic and cultural development of the country so as to enable our citizens to enjoy a good quality of life based on core values such as human dignity, respect, equality of treatment, economic empowerment and social justice.

At international and regional levels, Mauritius has acceded to almost all the core UN and African Union Human Rights Conventions and has ensured that their provisions are incorporated in our domestic legislations. Our Constitution which is the Supreme law of the land, makes provision in its Chapter II, for the protection of the right to life, protection of the right to personal liberty, protection from slavery and forced labour and protection from inhuman treatment, just to name a few. Moreover, Mauritius is committed to strengthening its national human rights institutions so as to further enhance the protection of the human rights of its citizens as well as the non-citizens living on its soil.

**Mr. Chairperson,**

We will continue to play a constructive role in upholding human rights principles and in meeting our obligations under the Human Rights Conventions to which Mauritius is a party. In this context, I am pleased to inform the Committee, that with a view to meeting our reporting obligations and that of implementing the Concluding Observations of the various Human Rights Treaty Bodies, the Prime Minister's Office and my Office have had wide consultations, over the last two years, with all the stakeholders concerned, including NGOs, Civil Societies and National Human Rights Institutions, prior to submitting the Periodic reports on the following Human Rights Instruments-

- 1) **The African Charter on Human and Peoples' Rights** on which we have already been reviewed on 26 to 28 October 2016, in The Gambia;
- 2) **The International Covenant on Civil and Political Rights** which we have recently presented to the Human Rights Committee on the 23 and 24 October of this year in the same Venue; and
- 3) This present periodic report on the **Convention Against Torture** which is under review right now by the distinguished Committee Members.

We have also, during the course of this year, completed our consultative process and submitted our periodic reports pertaining to the **International Covenant on Economic, Social and Cultural Rights**; and the **Convention on the Elimination of all Forms of Racial Discrimination** to the respective treaty bodies, as well as, our voluntary mid-term report under the **Universal Periodic Review**, to the Human Rights Council.

We are expecting to be reviewed on these periodic reports during the course of 2018 or early 2019.

**Mr. Chairperson,**

I should now, since the submission of our last periodic report, briefly apprise the Committee of the positive development in the legislative fields towards the protection of human rights. In fact, Mauritius has recently enacted several new legislations and amended a few others with a view to complying with International Human Rights Instruments to which we are a party. With regard to the implementation of the **Convention against Torture** and its **Optional Protocol** which we adhered to in 1992 and 2005, respectively, the following pieces of legislation have been enacted-

- **The Criminal Code (Amendment) Act in 2003** which incorporates the definition of torture as set out in Article 1 of the Convention;
- **The Combating of Trafficking in Persons Act in 2009** which has as main object to give effect to the UN Protocol to prevent, suppress and punish trafficking in persons and protect and assist victims of trafficking;
- **The Police Complaints Act in 2012** which provided for the setting up, within the Human Rights Commission, of a Police Complaints Division, to investigate complaints made against members of the Police Force;
- **The National Preventive Mechanism Act in 2012** to give effect to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- **The Criminal Appeal Act** was amended in **2013** to give new power to the Human Rights Division of the National Human Rights Commission in order to enable a convicted person to

apply to the said Division for an enquiry to be conducted as to whether there exists sufficient fresh and compelling evidence that would justify referring the case back to the Court of Criminal Appeal for a retrial;

- **The Protection from Domestic Violence Act** was amended in 2016 to enhance the protection of women;
- **The Independent Police Complaints Commission Act** which was enacted in 2016 to establish the Independent Police Complaints Commission;
- **The Prevention of Terrorism (Amendment) Act**, which was amended in 2016 to strengthen our preventive measures against terrorism, has all its provisions in line with section 3 of the Constitution of Mauritius which guarantees, among others, the fundamental rights and freedoms of the individual, the right to life, liberty and security; and we have also
- **The Social Integration and Empowerment Act in 2016** which provides, *inter-alia*, for the empowerment programmes to be set to combat absolute poverty.

**Mr. Chairperson,**

The Protection of Human Rights Act was also amended in 2012 with a view to strengthening the National Human Rights Commission.

With these amendments to the Protection of Human Rights Act, the National Human Rights Commission has undergone profound structural changes with the creation, within the Commission, of a Human Rights Division (HRD), a Police Complaints Division (PCD) and a National Preventive Mechanism Division (NPMD).

The main functions of the National Preventive Mechanism Division are to sensitise prison officers on the need for a human rights approach towards detainees during training sessions, and to effect regular visits to

the prisons. The Istanbul Protocol is used as a reference document and a source of material for training. Furthermore, the National Preventive Mechanism Division also conducts thorough investigations into death of detainees in prisons or police cells and allegations of violence against detainees.

The Police Complaints Division is also active and operational. From 2014 to date it has received 2,177 complaints against Police Officers, out of which 1,875 (86%) have already been disposed of, 294 are being investigated and the remaining ones have either been referred to the Director of Public Prosecutions (DPP) for advice or to the Disciplined Forces Service Commission for disciplinary action deemed necessary.

Moreover, as announced in the Government Programme 2015-2019, with a view to addressing cases of complaints regarding police brutality in a more expeditious manner, so as to further consolidate the fundamental human rights of the citizens and non-citizens, living on our soil, Government has now established an **Independent Police Complaints Commission**, to be chaired by a former Judge of the Supreme Court. This new Commission will soon become operational.

**Mr. Chairperson,**

As regards the issue of Trafficking in Persons, in view of the concerns expressed in the 2015 Report published by the US Department of State, Cabinet has, during the same year, set up an Inter-Ministerial Committee under the aegis of my Office to look into the issues related to trafficking in persons including children. As at now, the Committee is at the stage of finalising the draft National Action Plan to address the problem in a more effective and holistic manner.

The Committee has furthermore, set a capacity building programme in collaboration with the US Embassy for the training of stakeholders in combatting trafficking in persons namely, officers of the DPP's Office, Police (personnel from CID, Passport & Immigration Office, Brigade des Mineurs), Ministry of Labour, Industrial Relations,

Employment and Training, Ministry of Gender Equality, Child Development and Family Welfare, Ombudsperson for Children's Office and the National Preventive Mechanism Division.

I should also underline that in the meantime, in view of the fact that we have foreign workers mainly from India, Bangladesh, China and Madagascar who regularly travel to and from Mauritius, and a few of whom have been reported to be involved in trafficking in persons, our Police Department has tightened vigilance and control at point of entries to prevent the illegal entry and exploitation of foreign workers.

**Mr Chairperson,**

The issue of domestic violence is also a matter of great concern to the Government of Mauritius. Combating this scourge is high on our agenda. A wide array of measures has already been implemented by the **Ministry of Gender Equality, Child Development and Family Welfare**, to tackle the problem. These include, among others, the strengthening of the legislative framework, capacity building, awareness campaigns, monitoring and evaluation, and advocacy through the media.

In fact, the **Protection from Domestic Violence Act** had been amended in 2007 and 2011 so as to strengthen the enforcement mechanism and provide better protection to victims of domestic violence. However, due to a few cases of tragic deaths of women victims of domestic violence in early 2014, an Advisory Committee was set up under the aegis of the **Ministry of Gender Equality, Child Development and Family Welfare**. Following the recommendations made by the Committee on measures to be taken to reinforce the framework for the protection of women against domestic violence, the **Protection from Domestic Violence Act** was again amended in 2016, with a view to reinforcing the protection measures to victims of domestic violence.

Moreover, as spelt out in the Government Programme 2015-2019, Government has also set up a **National Coalition against Domestic Violence Committee** to work on an appropriate framework to enhance



the protection of victims of domestic violence. The Committee published its first Report in December 2015, with the following main recommendations-

(a) to set up at the Ministry of Gender Equality, Child Development and Family Welfare a Command Centre against Domestic Violence and an Observatory on gender-based domestic violence; and

(b) to develop procedures to guarantee the safety and security of victims and keep them away from perpetrators.

Action has already been initiated to implement these recommendations at the level of the Ministry concerned.

It has been observed that following the several amendments to the Protection from Domestic Violence Act and the measures taken to implement same, there has been a significant increase in the number of victims of domestic violence who are reporting their plight to the enforcement agencies. For example, there has been a 19% increase of cases reported in 2016 as compared to 2015.

As regards children, the **Child Protection and Care Bill** is one of the priority legislations which is expected to be introduced in the National Assembly in 2018. However, as issues related to children are quite sensitive, the said Bill, which was originally known as the Children's Bill, has taken some time for its full consideration by policy makers. In the same vein the Child Protection Act, which dates back to 1994, is being reviewed and the question of corporal punishment, in all its forms, will most probably be addressed in the proposed amendments to the Act. I shall ensure furthermore that the anachronism of the regime known as the "child beyond control" be meaningfully addressed by the said priority legislation.

On the issue of Provisional Charge, as already stated in our reply to the List of Issues, Government intends to come up with a modern legal framework modelled on the UK Police and Criminal Evidence Act to

address the present system of “provisional charges”. In this regard, Government has through the Commonwealth Secretariat, approached an international consultant to provide assistance in the drafting of the new Bill. The Consultant, Mr. Geoffrey Rivlin QC, has already submitted a first report which is being examined at the level of my Office.

In so far as the implementation of the National Human Rights Action Plan 2012-2020 is concerned, since 2012, consultations are being held with all stakeholders including the civil society, the human rights institutions and the private sector, on a yearly basis, to take stock of the progress made in the implementation of same.

A first progress report published in December 2014 indicates that at least 80% of the recommendations in the Action Plan are being implemented. I will personally chair the next monitoring meeting which will be held early next month, to assess further progress made.

**Mr Chairperson,**

Torture is regarded as one of the worst forms of human rights violations and we fully support international initiatives to end this abominable practice wherever it occurs.

In this regard, Mauritius wishes to re-affirm its sovereignty over the Chagos Archipelago which forms an integral part of its territory under both international and Mauritian law. We strongly condemn the illegal excision of the Archipelago from the territory of Mauritius in 1965, prior to our independence in 1968, by the United Kingdom and the shameful eviction of Mauritians of Chagossian origin who were residing in the Archipelago. We had also condemned, in line with Article 4 of the Convention against Torture, the use of Diego Garcia as a transit for rendition flights of persons subject to torture or cruel or inhuman treatment.

**Mr Chairperson,**

Mauritius will continue to pursue its efforts to complete its decolonisation process, and in this respect we will leave no stone unturned until we exercise effective sovereignty over the Archipelago and satisfy the legitimate claim and rights of our Mauritian brothers and sisters of Chagossian origin to return and resettle in their native island.

I wish to take this opportunity, on behalf of the Government of Mauritius to re-iterate our deepest gratitude to all States which are supporting Mauritius in our struggle for our complete decolonization. The latest testimony of this solidarity has been the overwhelming support that we obtained, on 22 June 2017, during the last UN General Assembly, in the adoption of Resolution 71/292 to request for an Advisory Opinion of the International Court of Justice on the legal consequences of the excision of the Chagos Archipelago from Mauritius in 1965.

**Mr. Chairperson,**

After having now briefly given an overview of the human rights situation prevailing in Mauritius, I trust that the Committee has had the opportunity of having an insight into measures taken by Mauritius to ensure compliance with the Convention and the Optional Protocol in order to prevent torture in our country to the best of our ability and also to ensure that Mauritius remains a peaceful haven where people live in harmony and unity.

We are now ready to engage in a constructive and frank dialogue with the Committee on the implementation by Mauritius of its obligations under the Convention and its Optional Protocol.

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