

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

It is a great honour and privilege for the delegation of the Republic of Mauritius to present to the Committee its third periodic report- which is our first report submitted in accordance with the new optional reporting procedure- and to engage in a frank and constructive dialogue with the Committee on the implementation by Mauritius of its obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

At the very outset, I would like to express on behalf of the Government of Mauritius our deep appreciation of the important work of this Committee and its tireless and laudable efforts to ensure universal respect for and compliance with the Convention.

Mr. Chairperson,

Allow me to take this opportunity to briefly introduce the members of my delegation:

- **H.E Mr Shree Baboo Chekitan SERVANSING**, Ambassador and Permanent Representative of Mauritius in Geneva;
- **Mrs Kan Oye FONG WENG- POORUN**, Permanent Secretary, Home Affairs Division, Prime Minister's Office; and
- **Ms Aruna Devi NARAIN**, Acting Parliamentary Counsel, Attorney-General's Office.

Mr. Chairperson,

Since its independence, Mauritius has been deeply committed to building a society based on democracy, good governance, the rule of law and protection of human rights and fundamental freedoms. As a reflection of this commitment, Mauritius is a party to all the major international human rights instruments and has

enshrined in its Constitution the protection of human rights and fundamental freedoms that must be enjoyed by all. Our Constitution in fact rests on two fundamental tenets: the rule of law and the doctrine of separation of powers. The Government of Mauritius also firmly believes that economic, social and cultural rights are as important as civil and political rights and every effort is made to ensure that all Mauritian citizens enjoy their economic, social and cultural rights.

Indeed, the Government of Mauritius has been working relentlessly to maintain and strengthen a human rights environment that enables our people to develop their individual and collective potential, regardless of race, ethnic origin, colour, gender, disability or creed. All our efforts are geared towards making our multi-cultural, multi-religious and multi-ethnic society a source of wealth and public good, rather than one of tension. In its Government Programme 2010-2015, Government has indicated that the Constitution will be reviewed to help the country face new challenges and provide for a constitutional regime that will strengthen our democracy, promote nation-building and further entrench the fundamental rights and freedoms of Mauritian citizens.

Mr. Chairperson,

As a founding member of the Human Rights Council on which it is currently serving a second term, Mauritius has pledged to, inter alia, continue to uphold primacy of democracy, good governance and development and to strengthen national institutions that protect human rights of citizens; to play a constructive role in the advancement of human rights; to participate actively in the work of the Human Rights Council and to be reviewed under the Universal Periodic Review. Indeed, Mauritius is one of the rare countries to have volunteered to submit a mid-term Report under the Universal Periodic Review to the Human Rights Council. Mauritius is equally under ongoing review by other UN treaty bodies as well as regional bodies such as the African Commission on Human and Peoples' Rights.

In fact, our long delay in submitting the third periodic report under the Convention should not be seen in any way as denoting a lack of respect towards the Committee or for the principles laid down in the Convention or other human rights instruments. Since Mauritius presented its last report to this Committee in 1999, it has submitted reports to a number of treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of all forms of Discrimination against Women and the African Commission on Human and Peoples' Rights.

Rights, besides being reviewed under the Universal Periodic Review mechanism. This has not always been an easy task for Mauritius, bearing in mind its limited resources and the difficult economic and other challenges it has had to grapple with in the last decade.

Mr. Chairperson,

I have tried in my introduction to briefly highlight the commitment of Mauritius to upholding the highest human rights standards as a continuum which challenges complacency and self-satisfaction. You would therefore understand why, for us, torture remains an abhorrent and unacceptable human rights violation. You would appreciate the firmness of our commitment to the international processes and efforts aimed at ending this repugnant and illegal practice, wherever it occurs but especially if it takes place on our territory.

In this regard, I wish to place on record our strong condemnation of the fact that the island of Diego Garcia, which forms part and has always formed part of the territory of Mauritius, was used after September 2001 as a transit point for rendition flights of persons to countries where they risked being subjected to torture or ill-treatment. The use of Diego Garcia for such purpose could amount to complicity in torture within the meaning of Article 4 of the Convention. As the Committee will be aware, Mauritius is unlawfully being denied the right to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia. We have, in February 2008, urged the UK Government to refrain from acts which would violate the Convention and any other international human rights conventions in respect of the territory of Mauritius, and we shall continue to press for an early return of the Chagos Archipelago to the effective control of Mauritius so that we may inter alia ensure that the obligations of Mauritius under the Convention and other human rights instruments are fulfilled in the entire Mauritian territory.

Mauritius also recalls that its citizens who were residing in the Chagos Archipelago at the time were displaced from their homes in abject and inhumane conditions and in deceitful circumstances. We consider that, as Mauritians, Chagossians should be allowed to exercise their right to return to the Archipelago in accordance with international law, including the right of return reflected in the 1965 Convention on the Elimination of Racial Discrimination, and should be granted compensation by the UK Government for the denial of this right over an extended period, and we would urge the Committee to make a recommendation to that effect, along the lines of the recommendation made by the Human Rights Committee in July 2008 in its Concluding Observations CCPR/C/GBR/CO/6.

Mr. Chairperson,

The Committee will recall that Mauritius acceded to the Optional Protocol to the Convention on 21 June 2005 and was the first country to receive the visit of the Subcommittee on the Prevention of Torture established under the Optional Protocol. In the course of their mission in October 2007, the members of the Subcommittee visited police facilities, detention centres, prisons and other institutions and had free and frank discussions with Ministers, officials and other stakeholders. A High-Level Committee was tasked to look into the implementation of the findings and recommendations contained in the report of the Subcommittee which was submitted in 2008. I am pleased to inform the Committee that many of these recommendations have been or are about to be implemented.

Our acceptance of the visit of the Subcommittee at such an early stage testifies to our commitment to the advancement of the work of human rights treaty bodies and the UN human rights system of special procedures and mandate holders. Indeed, we take pride in the fact that one of our most experienced Judges of the Supreme Court, Mr Justice Lam Shang Leen, was recently elected as member of the Subcommittee. Further, following an invitation from Mauritius, the UN Special Rapporteur on Sale of Children, Child Protection and Child Pornography visited Mauritius last week to evaluate the situation, record good practices and make recommendations on the sale of children, child prostitution and child pornography as well as the child protection system in general. The Government of Mauritius extended its total support to, and collaborated with full transparency with, the Special Rapporteur. I had the privilege of meeting the Special Rapporteur myself at the start of her visit and know she had a very productive working session with my officers as well as with other Ministries. I should also add that the visit of the Special Rapporteur coincided with the decision of Government to ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Mr. Chairperson,

Our acceptance of these visits reflects the value we attach to independent and objective scrutiny, such as that of the Committee, and to the reporting process which provides us with an opportunity to discuss constructively our obligations under the Convention and to take home your wise counsel.

In this regard, our third periodic report, in responding to the list of issues raised by the Committee, has sought to outline the legislative, judicial, administrative and

other measures that give effect to the provisions of the Convention in Mauritius. These measures include the enactment of legislation, following a recommendation of the Committee after consideration of our second report, to ensure that public officials who commit torture in Mauritius are held accountable and effectively brought to justice.

We are also pleased to announce to the Committee that draft legislation has been prepared to review the structure of the National Human Rights Commission (NHRC) with a view to enabling it to accommodate the Human Rights Division, the Police Complaints Division and a third Division which will discharge the duties of the national preventive mechanism as provided for in the Optional Protocol to the Convention. We have in this process sought and obtained the views of the Association for the Prevention of Torture as regard the two relevant Draft Bills on which the NHRC has also tendered its views. Further, consultations are on-going between relevant government departments, including the Prime Minister's Office and my Office with a view to finalizing the Draft Bills. We are also working towards the finalization of the Draft Police Complaints Bill which will institute a Police Complaints Division within the National Human Rights Commission for the purpose of investigating complaints against the Police.

Mr. Chairperson,

The International Criminal Court Bill which purports to give force of law to the Rome Statute has already been introduced in the National Assembly and will be debated shortly. We will also be embarking very soon on consultations with respect to the draft Criminal Investigations, Proceedings and Evidence Bill which will aim at better guaranteeing the citizen's constitutional rights to liberty, protection of property, freedom of movement and protection of the law. The Bill will make better provision with regard to the procedures to be followed by police officers and other enforcement officers in the exercise of their power to stop and search, their power of entry, search and seizure, their power of arrest, and with regard to detention of persons and the questioning and treatment of detainees. It is also proposed to make provision in the Bill for the regulation of the admissibility of confessions. Government also intends to introduce a new Bail Act to, inter alia, allow the Courts to impose curfew requirements on detainees and order them to wear electronic bracelets. This will have the effect of significantly decreasing the number of persons in pre-trial detention.

Further, we are working on laws and measures that will minimise delay in hearing and disposing of court cases. Specialised Divisions are being set up within the Supreme Court and the number of Judges of the Supreme Court has risen from 12 to 19 during the period 2008 to 2011. Courts are making more judicious use of technology with a view to cutting down on administrative backlogs and unnecessary delay, and conciliation and mediation have been introduced with respect to civil and commercial cases.

Mr. Chairperson,

It would be fair to say that, since the consideration of our last report, Government has spared no effort to entrench a strong human rights culture in our public service. In particular, some 8,143 Police Officers and 700 Prisons Officers have undergone training in human rights dispensed with the collaboration of the National Human Rights Commission or institutions such as the Commonwealth Secretariat, Amnesty International and the United Nations Development Programme. Divisional Commanders and Branch Officers of the Police Service have been urged to sensitize officers under their command on the importance of respecting human dignity and human rights values at all times. Recommendations made by the National Human Rights Commission on police procedures and practices to counter police brutality are seriously taken into consideration and, if need be, are incorporated and disseminated through circular letters and daily lectures. Greater use is being made of DNA Testing and forensic expertise in crime investigation in order to avoid relying solely on confessions.

I strongly believe that our people will only be able to enforce their rights if they know in the first place what these rights are. I have therefore been distributing free copies of the Constitution in schools and colleges. I have also only last week launched a free Online Database of Laws of Mauritius, including the Constitution. Government is also hoping to set up in the near future a programme whereby needy persons would get free legal advice in decentralized Citizen Advice Bureaux across the Island.

As far as domestic violence is concerned, action is being taken on several fronts to address the problem. On the legislative side, the Protection from Domestic Violence Act was amended in 2007 to enhance the protection to be afforded to victims while providing that the Court may, in specified conditions, order the offender to follow counseling sessions. Assistance is provided to victims in the form of temporary shelters, psychological counseling and legal assistance. A Committee has been set up comprising all stakeholders as well as NGOs to come up with solutions to reduce and prevent the incidence of domestic violence.

A victim-friendly approach has been adopted by the Police with regard to rape victims, and a protocol of assistance to victims has been elaborated. On the preventive side, sensitization campaigns are conducted by the Police Family Protection Unit to children as from primary school level.

Mr. Chairperson,

The Convention is very demanding and imposes on States not only continuous efforts but also requirements to ensure that progress achieved in its implementation is further strengthened. My delegation sincerely holds the view that Mauritius has made significant advances in the implementation of the Convention since our last review in 1999. In the report under consideration, we have indicated some of these advances and strived to the best of our abilities to address the various issues of specific interest to the Committee. We have also endeavoured to follow up on the Committee's specific concerns and recommendations contained in the concluding observations of 1999.

I am fully convinced that this review will be very fulfilling and will allow us to make an introspection of our system as far as human rights are concerned. The dialogue with the Committee will show what we have achieved but may also identify gaps and weaknesses in our implementation process. The concluding observations of the Committee will come at an opportune time since we will shortly finalize an Action Plan on Human Rights which will chart the way forward in so far as the legislation, policies, capacity building and training on human rights are concerned in all sectors.

Mr. Chairperson,

Distinguished Members of the Committee

As we are about to start our frank and open dialogue, I would like to assure the Committee that the Government of Mauritius will carefully consider its recommendations with a view to addressing the issues raised therein. I would wish to conclude by assuring members of the Committee that Mauritius will continue to fight at both the domestic and international levels for stronger protection against torture and other cruel, inhuman or degrading treatment or punishment. Our aim remains the effective prevention of such forms of behaviour and the affirmation of fundamental principles of respect for human rights.

Thank you.