

Advance unedited version

Distr.: General
4 April 2025

Original: English
English, French and Spanish only

Human Rights Committee**List of issues prior to submission of the sixth periodic report of Mauritius*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please report on any other significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the previous concluding observations. Please indicate which procedures are in place for the implementation of the Committee's Views under the First Optional Protocol and provide information on measures taken to ensure full compliance with the Views adopted in respect of the State party, including *Maharajah Madhewoo v. Mauritius* (2021) ([CCPR/C/131/D/3163/2018](#)).

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee**Constitutional and legal framework within which the Covenant is implemented (art. 2)**

2. In the light of the previous concluding observations¹ (para. 6), please describe the measures taken to give full effect to the provisions of the Covenant in national legislation and to continue raising awareness of the Covenant among judges, lawyers and prosecutors, so that its national laws are interpreted and applied in line with the Covenant. Please provide examples of cases in which the Covenant has been invoked or implemented by domestic courts. Please describe the role played by civil society organizations in the implementation of the Committee's previous concluding observations and in the preparation of the State party's report.

National human rights institution (art. 2)

3. With reference to the Committee's previous concluding observations (paras. 7-8) and the report on follow-up to the concluding observations of the Human Rights Committee², please provide information on the measures taken to ensure that the National Human Rights Commission acts in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) and to strengthen its independence, in particular in relation to the measures taken to: (a) provide

* Adopted by the Committee at its 143rd session (3 to 28 March 2025).

¹ [CCPR/C/MUS/CO/5](#).

² [CCPR/C/133/3/Add.4](#).

sufficient financial, material and human resources, including for the recruitment of additional investigators; (b) strengthen the National Human Rights Commission to independently engage with international human rights mechanisms including by submitting parallel reports to treaty bodies, UPR, and special procedures; (c) ensure a more transparent and participative process for the selection and appointment of members of the Commission in order to guarantee their independence and the progress made in amending the law to ensure that the Commission can recruit its own secretary.

Non-discrimination (arts. 2 and 26)

4. Further to the Committee's previous concluding observations (paras. 9-10), please provide information on the measures taken to provide effective protection against discrimination, stigmatisation, and violence against lesbian, gay, bisexual and transgender persons, including to address homophobic and transphobic hate speech and hate crimes; as well as against discrimination and hate speech against the Creoles. Please provide information on the trainings for police officers, judges and prosecutors and awareness raising campaigns for the general public on the rights of lesbian, gay, bisexual and transgender persons. Indicate the number of complaints received, investigations opened, perpetrators prosecuted, and convictions handed down, as well as the nature of the sentences imposed and the reparations provided to victims, in cases of discrimination and hate speech and hate crimes.

Gender equality (arts. 3 and 26)

5. In the light of the previous concluding observations (paras. 11-14), please describe the measures taken to address discrimination against women at work, in the public and private sectors, including measures to facilitate the lodge of complaints and protect victims from reprisals. Please indicate the steps taken to increase the participation of women in legislative, executive and judiciary bodies, particularly in decision-making positions. Indicate the awareness raising campaigns carried out to combat stereotypes concerning the role of women in the family and society and encourage women to engage in public and political affairs.

Voluntary termination of pregnancy and reproductive rights (arts. 6 and 7)

6. In light of the Committee's previous concluding observations (paras. 15-16) and with reference to paragraph 8 of the Committee's general comment No. 36 (2018), please provide information on the measures taken to amend the State Party's legislation to guarantee safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk, and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is non-viable. Indicate the measures taken to prevent women and girls from having to resort to clandestine and unsafe abortions, including by repealing the criminal sanctions applied to women and girls who undergo abortion and to medical service providers who assist them in doing so. Describe the measures taken to ensure access to safe and affordable contraceptives and other services related to reproductive health care, including sexual and reproductive health education programmes for adolescents and adults.

Domestic violence, including violence against women (arts. 3, 7 and 26)

7. In the light of the Committee's previous concluding observations (paras. 19-20), please provide information on the measures taken to address violence against women, including domestic violence as well as to provide effective protection and assistance to victims. In this regard, provide information on: a) the measures taken to facilitate and encourage the reporting of cases of violence, including protection from reprisals or social reprobation; b) the steps taken for the criminalisation of marital rape and c) the training and awareness-raising activities on violence against women and girls and on the criminal nature of such acts for judges, prosecutors, law enforcement officers, and other relevant government officials.

Elimination of slavery, forced labour and trafficking in persons (art. 8)

8. In the light of the previous concluding observations (paras. 25-26), please report on the steps taken to prevent and combat trafficking in persons, including of children, Creoles asylum seekers and migrants, for sexual and labour exploitation purposes. In this regard, indicate: a) the measures taken to strengthen victim identification programmes, facilitate access to effective complaint mechanisms and exempt victims from criminal liability; b) the training and awareness-raising programmes to handle cases related to trafficking in persons, for judges, prosecutors, law enforcement officers, border control officers and other relevant government officials carried out; and c) the protection and rehabilitation services available to victims, including shelters and psychosocial and legal support. Please provide information on the number of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation and measures of protection offered to victims.

Liberty and security of person (art. 9).

9. With reference to the Committee's previous concluding observations (paras. 29-32) and taking into account the Committee's general Comment No. 35 (2014) on liberty and security of person, please indicate all measures taken to ensure full respect of the fundamental procedural safeguards for detained persons from the very outset of detention, including the measures to ensure that detained persons are brought before a court within a maximum period of 48 hours. Please indicate the measures taken to: a) ensure that pretrial detention is only used as an exceptional measure and for a limited period of time, including on drug-related offences; b) increase the use of non-custodial measures and penalties, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), including foreigners and c) reduce the delays, take into consideration the time spent in pretrial detention on the imposed sentenced, and improve the efficiency of police enquiries. Please provide information on the steps taken to remove the rule of provisional charges and to amend articles 5, paragraph 1(k) and 4 of the Constitution to bring them into full conformity with the Covenant.

Counter-terrorism measures (arts. 9 and 14)

10. Further to the Committee's previous concluding observations (paras. 27-28), and taking into account the Committee's general Comment No. 35 (2014) on liberty and security of person, please provide information on the measures taken to align the State party's counter-terrorism legislation and practices into full compliance with its obligations under the Covenant; including access to legal counsel from the outset of their detention and authorising judges to decide whether to release a suspect on bail. Please provide statistical data on the application of the Prevention of Terrorism Act, in particular on the number of arrests, detentions, releases, investigations and convictions pronounced.

Conditions of detention and treatment of persons deprived of their liberty (art. 10)

11. Recalling the previous recommendations of the Committee (paras. 33-36), please specify the measures taken to improve the living conditions and treatment of prisoners, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including in respect of the separation of persons in pretrial detention and convicted persons; the treatment of those imprisoned for drug related offences, as well as their access to harm reduction and drug treatment health services and essential medicines, in line with the International Guidelines on Human Rights and Drug Policy. Please describe the measures taken to establish accessible, safe and effective complaint mechanisms against ill-treatment on persons deprived of their liberty and indicate the number of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation provided to victims. Please provide information about the measures taken to enable the Police Complaints Division within the National Human Rights Commission to carry out its mandate effectively, including by providing sufficient financial, material and human resources.

Refugees, asylum seekers and stateless persons (arts. 6, 7, 12 and 13)

12. With reference to the Committee's previous concluding observations (paras. 37-38) please provide information on measures taken to develop a national legislative asylum framework or procedures that safeguard and promote the rights of asylum-seekers and refugees, including a framework for refugee status determination which allows refugees to seek asylum in the State party and ensure respect of the principle of non-refoulement. Please indicate the measures taken to develop a national framework establishing procedures for statelessness status determination or providing a framework for the protection of stateless persons in the country. Please inform if the State party has considered to accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

Access to justice and right to a fair trial (art. 14)

13. Please provide information on the measures taken to ensure that penalties of drug or drug-related offences are proportionate to the gravity of the offences; and that mitigating factors as well as non-custodial measures are considered for persons convicted of drug offences or drug related offences of a minor nature .

Right to privacy and freedom of expression (art. 17 and 19)

14. Please describe the measures taken to ensure that the State Party's legal framework on privacy, including the [Information and Communication Technologies Act \(ICT Act\) 2001](#), is compatible with article 17 and 19 of the Covenant, as well as the Committee's general comment 34 (2011) on freedom of opinion and expression, including regarding the alleged use of provisions to target and arrest journalists and media outlets; and the use of vague and broad provisions for the criminalisation of acts, such as posting information considered offensive, abusing, false or misleading. Please provide information on the safeguards and mechanisms in place to protect privacy, in particular against arbitrary surveillance and misuse of personal data. Please indicate if steps have been taken to: (a) adopt a freedom of information law, (b) decriminalise defamation and (c) address hate speech and misinformation.

Human rights defenders (arts. 9, 17, 19, 21 and 22)

15. Please provide information regarding allegations that human rights defenders have increasingly faced reprisals, threats, unlawful arrests, unlawful interference of their privacy, online censorship and intimidation during assemblies and protests, including the deployment of military police. In this regard, please indicate the number of investigations opened, perpetrators prosecuted, and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation provided to victims.

Juvenile justice (arts. 14 and 24)

16. With reference to the Committee's previous concluding observations (para. 39-40) and the report on follow-up to the concluding observations of the Human Rights Committee, please provide information on the measures taken to ensure that a) juvenile justice tribunals have been set up and specialized trained judges appointed and b) children in conflict with the law are systematically assisted by a lawyer or council and appear for trial with their legal representatives. Please provide information on the training sessions for police officers handling cases relating to juvenile justice carried out, including the number and nature of such training activities.

Participation in public and political affairs (art. 25)

17. Recalling the previous recommendations of the Committee (paras. 41-42), please describe the measures taken to ensure wide participation in political life as well as an adequate representation of all different groups and communities within society.

Rights of Indigenous Peoples (arts. 1, 25 and 27)

18. In the light of the agreement for the return of the Chagos islands to Mauritius, please describe all measures taken to ensure the effective and meaningful participation of

Chagossians in the negotiations and decision-making process and to guarantee their right of free, prior and informed consent in respect of all measures that affect them, including on issues related to remedy and reparation and return to ancestral territories.
