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Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 8, 38 and 40 of the concluding observations on the report submitted by Mauritius (CCPR/C/MUS/CO/5) adopted by the Committee at its 121st session, held from16 October to 10 November 2017.

On 8 November 2019, the Committee received the reply of the State party. At its 133rd session (11 October to 5 November 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 4 (see CCPR/C/133/2/Add.4) to the Report on follow-up to concluding observations (see CCPR/C/133/2). I hereby include a copy of the Addendum 4 (advance unedited version).

The Committee considered that not all the recommendations selected for the follow-up procedure have been fully implemented and decided to request additional information on their implementation. The Committee requests the State party to provide this information in the context of its next periodic report due in 2025.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Vasilka SANCIN
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Evaluation of the information on follow-up to the concluding observations on Mauritius

Concluding observations (121st session):	CCPR/C/MUS/CO/5, 6 November 2017
Follow-up paragraphs:	8, 38 and 40
Information received from the State Party:	CCPR/C/MUS/CO/5/Add.1, 8 November 2019
Committee's evaluation:	Additional information required on paragraphs 8[**C**][**B**], 38[**C**][**A**] and 40[**C**][**A**]

Paragraph 8: National human rights commission

The State party should: (a) ensure a more transparent and participative process for the selection and appointment of the members of the Commission and of its divisions, with a view to guaranteeing their independence; (b) guarantee their tenure; (c) take measures to prevent conflicts of interest in relation to members' duties; (d) clarify the missions of each division of the Commission; and (e) provide the Commission with sufficient and stable trained staff so as to enable it to properly discharge its mandate, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Summary of the State party's reply

(a) Section 3 (8) of the Protection of Human Rights Act provides for the Chair, the Deputy Chair and the members of each division to be appointed by the President. Section 3 (2) establishes that the Commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions.

(b) Section 3 (10) of the Act makes specific provision for the removal from office of any member of the Commission who is unable to perform his or her functions, whether that be the result of physical or mental illness or misbehaviour. In addition, the Constitution of Mauritius also provides for the termination of an appointment made to an office by the Prime Minister or on the advice of the Prime Minister, at any time after a general election held after the appointment.

(c) There are no conflicts of interest in relation to members' duties.

(d) The mission of each division is clearly defined by law.

(e) The functions of the National Human Rights Commission are aligned with the Paris Principles. The Commission has confirmed that it is provided with sufficient staff by the Prime Minister's Office and additional provision will be made in the forthcoming budget to recruit more investigators. It has also indicated that it is proceeding with a request to have the law amended to recruit its own secretary.

Committee's evaluation

[**C**]: (a), (b), (c) and (d)

While it takes note of the information provided on sections 3 (2) and (8) of the Act, the Committee regrets the lack of information on measures taken after the adoption of the Committee's concluding observations to ensure a more transparent and participative process for the selection and appointment of the members of the Commission and of its divisions, with a view to guaranteeing their independence.

The Committee also takes note of the information provided on section 3 (10) of the Act and on the Constitution. Nevertheless, it regrets the lack of information on any specific steps taken to implement the Committee's recommendation.

The Committee notes with concern the lack of information on measures taken to prevent conflicts of interest in relation to members' duties.

The Committee is also concerned by the absence of information on measures taken after the adoption of the concluding observations to clarify the missions of each division of the Commission.

[**B**]: (e)

The Committee welcomes the information provided by the State party. It requests further information on (i) whether additional investigators were recruited following the decision to do so, including information on their number and date of recruitments; and (ii) the progress made in amending the law to ensure that the Commission can recruit its own secretary.

Paragraph 38: Refugees, asylum seekers and stateless persons

The State party should consider establishing a national framework on asylum, including a mechanism for assessing and determining refugee status in order to also ensure respect of the principle of non-refoulement. It should take the necessary measures to prevent statelessness, and collect and publish information on the number of asylum seekers, refugees and stateless persons residing in its territory.

Summary of the State party's reply

The State party strives to treat applications for refugee status or political asylum on a humanitarian and case-to-case basis by facilitating applicants' settlement in a friendly country willing to receive them. As the State party is a small, densely populated country with limited resources, it has not yet adopted a policy or laws to grant refugee status to foreigners. It is working in close collaboration with the Office of the United Nations High Commissioner for Refugees to put in place a mechanism to better handle asylum applications and assist asylum seekers and refugees. In this respect, a workshop was held in Mauritius in May 2019 at which stakeholders were required to draw up standard operating procedures, which have now been prepared in order to better guide officials on the process to be followed.

The State party respects the principle of non-refoulement. The Extradition Act of 2017 (sect. 8) provides that a request for the extradition of a person by a foreign State shall not be favourably considered where, in the opinion of the Attorney-General, there are substantial grounds to believe that the person sought: (a) is likely to be prosecuted or punished in that State on account of his or her race, religion, nationality, ethnic origin or political opinions; (b) is likely to be subjected in that State to torture or cruel, inhuman or degrading treatment or punishment; or (c) is not likely to receive the minimum fair trial guarantees in criminal proceedings in that State.

There are no refugees or stateless persons residing in Mauritius. The State party provided information on the number of asylum seekers and refugees who arrived in Mauritius in 2017, 2018 and 2019 and their current status.

Committee's evaluation

[**C**]: The Committee takes note of the information provided by the State party, including on the Extradition Act 2017. Nevertheless, it is concerned that the State party continues to lack a national framework on asylum and a mechanism for assessing and determining refugee status in order to also ensure respect of the principle of non-refoulement.

[**A**]: The Committee welcomes the statistics provided by the State party on the number of asylum seekers, refugees and stateless persons residing in its territory.

Paragraph 40: Juvenile justice

The State party should: (a) set a minimum age of criminal responsibility in its legislation in accordance with international standards; (b) finalize the setting up of juvenile justice tribunals and related procedures and provide them with adequate human, technical and financial resources, including designating specialized trained judges; (c) train police officers to handle cases relating to juvenile justice; and (d) ensure that children in conflict with the law are systematically assisted by a lawyer or counsel and appear for trial with their legal representatives.

Summary of the State party's reply

(a) The Committee's recommendations were integrated into the draft Children's Bill 2019, which was introduced in the National Assembly in September 2019. The main aim of the Bill was to repeal the Child Protection Act and replace it with a more appropriate, comprehensive and modern legislative framework. The Bill provided that children under the age of 12 should not be held criminally responsible. Nevertheless, the National Assembly was dissolved on 6 October 2019 before the Children's Bill was put to the vote.

(b) The Children's Bill provided for the establishment of a juvenile court, to be known as the Children's Court.

(c) During the period 2015–2018, some 1,958 police officers underwent training at the Police Training School in integrated approaches in detecting, investigating and prosecuting child-related offences. Moreover, in 2018, psychologists from the Ministry of Gender Equality, Child Development and Family Welfare conducted 16 training sessions with police officers at the Police Training School.

(d) Pursuant to the Legal Aid and Legal Assistance Act, persons who earn less than 15,000 rupees and whose net worth is less than 500,000 rupees are eligible to legal aid and legal assistance. Even if a person does not qualify for legal aid, the Chief Justice or a magistrate may grant legal aid if certain conditions are met. A minor charged with a crime or misdemeanour can benefit from legal aid even if he or she fails to meet the thresholds set out in the Legal Aid and Legal Assistance Act. The Children's Bill provided for legal assistance for juveniles and, where a juvenile has no parent or legal guardian or his or her parent or legal guardian refuses to apply for legal assistance on his or her behalf, for the juvenile to be brought before a magistrate within 24 hours of arrest, who would grant the juvenile legal assistance.

Committee's evaluation

[**C**]: (a), (b) and (d)

The Committee notes that the Children's Bill established the minimum age of criminal responsibility at age of 12 years of age. It however regrets that such legal reforms have not been implemented due to the bill not having been enacted into law

While the Committee notes the provision in the Children's Bill for the establishment of a juvenile court, it notes with concern that the Children's Bill has not been adopted. It reiterates its recommendation.

The Committee takes note of the information provided by the State party on legal aid, including on the Legal Aid and Legal Assistance Act. While noting that the Children's Bill provided for legal assistance to juveniles, the Committee regrets that such provisions have not been adopted. The Committee reiterates its recommendation. [**A**]: (c)

The Committee welcomes the information provided on the measures taken to train police officers to handle cases relating to juvenile justice. It requests further information on these training sessions mentioned by the State party, including the number and nature of all such training activities, when they took place, the number of participants in the 16 mentioned training sessions and their substantive impact.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2025 (country review in 2026, in accordance with the predictable review cycle. See www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).