**STATE REPLY- REPUBLIC OF MAURITIUS**

**Human Rights Council Resolution 39/11 on equal participation in political and public affairs**

**1. Introduction**

Mauritius is a democratic state, and the rights of its citizens are guaranteed by the Constitution of the Republic of Mauritius. It clearly provides for an unequivocal right for every citizen to be treated equally. It also provides that any person whose rights under Chapter II of the Constitution have been, are being or are likely to be contravened may apply to the Supreme Court for redress.

**2. Respect for basic principles underpinning the effective implementation of the right to participate in public affairs**

2.1Freedom of the press

In Mauritius, journalists and the local media at large enjoy a long tradition of freedom and pluralism. Freedom of the press is guaranteed by the Constitution and is an essential component of the right to freedom of expression. The local media comprises a number of dailies, weeklies, fortnightlies and monthlies, whilst the audio visual landscape consists of the national radio and television, the Mauritius Broadcasting Corporation, and equally private radio stations.

The Press in Mauritius generally operates in a conducive environment free of violence or coercion, with journalists free to exercise their profession. However, as the rule of law prevails, the press is subject to the general laws on publications (notification, reproduction of printers’ imprint, sedition, defamation, right of reply etc.). People have access to the media to express their views and have unrestricted exposure to different viewpoints. It is important to note that there is no official or unofficial censorship of the press.

2.2 Freedom of Information

Since 2015, the Government of Mauritius has taken a number of important initiatives to enhance transparency and accountability in the management of the affairs of the State, which is precisely the aim of a freedom of information legislation. Some of these initiatives are as follows:

1. introduction of the Citizen Support Portal;
2. implementation of the National Open Data Portal;
3. implementation of the Public Sector Transformation Strategy;
4. the mandatory use of the Electronic Procurement System in the Public Sector; and
5. the live broadcast of the proceedings of the National Assembly.

Section 48 of the Prevention of Corruption Act provides for the protection of informers, including whistle-blowers.

Moreover, in the State of Mauritius, there is unrestricted access to the internet, which is widely used.

The Government of Mauritius is not envisaging to proceed with the Freedom of Information Bill for the time being.

2.3 Fair gender representation in Boards and Committees

With regards to gender diversity on the right to participate in public affairs, the State of Mauritius implemented the National Code of Corporate Governance (2016) which lays down the main principles of governance and encompasses the concept of gender balance and equality under Principle 3: ‘Director Appointment Procedures’, Board structure and Board Diversity. The Principle calls for all organisations to ensure appointment of Directors from both genders (at least one female Director) as members of the Board.

As a budget measure in Financial Year 2019/2020, the Companies Act and the Statutory Bodies (Accounts and Audit) Act have been amended to cater for Public Companies and Statutory Bodies to have at least one woman on their Board of Directors to have a fair gender representation on the boards.

Stakeholders are sentisised with a view to increasing the representation of women on Board of Directors. Women should therefore be provided with relevant training, necessary skills and expertise to become representatives on Boards. In this respect, the Ministry of Financial Services and Good Governance, in collaboration with the Financial Services Institute (FSI) has already set up a Training for Board Readiness programme to train current and prepare potential persons for board readiness. The training programme addresses the issue of Gender Diversity on Boards and provide training and upskill women for Board readiness, which is in line with measure 174 of the Government Programme 2020 – 2024 to ‘strengthen governance of parastatal institutions by ensuring, among others, adequate and appropriate gender representation on their Board of Directors’.

2.4 Youth Participation

Youth participation in public affairs is rendered very accessible throughout the Republic of Mauritius and is effected in a very non-discriminatory approach. All categories of youth including those with disabilities can exercise this right as no discrimination based on age, gender, race or ethnicity is made.

Various advocacy groups have been set up to enhance youth participation in public affairs, for instance, the National Youth Council whose objectives are to:

1. establish and maintain effective communication between government and youth organisations;
2. assist in the implementation and evaluation of government policies relating to youth needs; and
3. initiate youth development projects/activities with the aim of encouraging the active participation of the youth.

Moreover, several platforms namely the National Youth Environment Council, the Volunteer Mauritius, Youth NGO networks, etc. have been created for the youth to voice out their concerns. There are also institutions such as the National Empowerment Foundation which are working towards promoting youth participation in public affairs. Public affairs are rendered more accessible to them through online youth-friendly services such as communications through the website and social media of the Ministry of Youth Empowerment, Sports and Recreation (MYESR) and activities/trainings organized online.

However, one of the challenges faced by the State of Mauritius is that youths from some of the outer islands of the Republic of Mauritius, namely in Agalega and St Brandon, have difficulties in participating fully in public affairs due to lack of necessary technological facilities and infrastructures.

**3. Participation in elections**

3.1 The Constitution of Mauritius or the electoral legislation, namely the Representation of the People Act and the National Assembly Elections Regulations make provision for:

1. regular holding of transparent, free and fair elections;
2. providing citizens with the right and the opportunity to vote and to be elected at periodic elections through universal suffrage as the inalienable right of the people;
3. establishing independent and impartial national electoral bodies responsible for the management of elections;
4. establishing and strengthening national mechanisms that redress election-related disputes in a timely manner;
5. ensuring fair and equitable access by contesting parties and candidates to state controlled media during elections; and
6. allowing rights holders to take part in the conduct of public affairs as voters and candidates for election.

The law provides that in the event of any electoral dispute, an election petition can be presented at the Supreme Court to seek redress. Section 45 of the Representation of the People Act provides the grounds for which an election petition complaining of an undue election of a member can be presented.

3.2 The right to stand as candidate is provided under Sections 33 and 34 of the Constitution. These legal provisions do not differentiate between independent and party candidates. Independent candidates are also given the same opportunities as party candidates. The principle of equality applies to independent candidate and the requirements for the nomination of independent candidates in no way discourage their participation.

It is to be noted that Section 33 of the Constitution provides that for a person to stand as candidate for the National Assembly Elections, he shall, inter alia, be a Commonwealth citizen of not less than the age of 18 years and has resided in Mauritius for a period, or periods amounting to not less than 2 years before the date of his nomination for election.

In accordance with Section 42(1) of the Constitution, a person is entitled to be registered as an elector provided-

1. he is a Commonwealth citizen of not less than the age of 18 years; and
2. either he has resided in Mauritius for a period of not less than two years immediately before such date as may be prescribed by Parliament or he is domiciled in Mauritius and is resident there on the prescribed date.

Non-citizens who satisfy the abovementioned qualifications, have the right to stand as candidate and vote for general elections. However, this provision currently applies only to Commonwealth citizens.

3.3 Section 43 of the Constitution provides that no person shall be entitled to be registered as an elector if he is under sentence of death imposed on him by a Court in any part of the Commonwealth or is serving a sentence of imprisonment exceeding 12 months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him by such a Court, or is under a sentence of imprisonment the execution of which has been suspended.

Persons in pre-trial detention are presently excluded from exercising their right to vote.

3.4 The State of Mauritius also provides for voting by proxy for elections. The regulation makes provision only for those persons entitled to vote by proxy to appoint any person to vote on their behalf at an election.

Section 34 of the National Assembly Elections Regulations 2014, Section 40 of the Municipal City Council and the Municipal Town Council Elections Regulations 2012 (as amended) and Section 40 of the Village Council Elections Regulations 2012 (as amended) provide for persons entitled to vote by proxy.

Voting by proxy is restricted to certain categories of persons according to the relevant elections, for example, for the National Assembly Elections only the following persons are entitled to vote by proxy:-

1. members of the Police and election officers who engaged in the performance of duties at an election;
2. service electors or any elector other than a service elector who is –

(i) serving as Ambassador, High Commissioner or other principal representative of Mauritius abroad;

(ii) a public officer performing duties on behalf of the Government of Mauritius under a person specified in subparagraph (i); or

(iii) a member of the family of a person specified in subparagraph (i) or (ii) and forms part of his household abroad

1. any candidate duly nominated for election;
2. any public officer who is an elector in Rodrigues or Agalega and is serving in the Island of Mauritius; and
3. any public officer who is an elector in a constituency in the Island of Mauritius and is serving in Rodrigues or Agalega.

3.5 The minimum age to stand as candidate as well as to qualify to be registered as an elector is as provided in sections 33 and 42 of the Constitution. There is accordingly no disparity between the voting age and the minimum age of eligibility to stand as candidate for elections, i.e. 18 years.

3.6 Presently, the Mauritian diaspora do not have the right to vote at the National Assembly Elections and Local Government Elections.

3.7 The Office of the Electoral Commissioner has over the years taken a series of measures to facilitate the participation of all citizens in the electoral process, including persons with disabilities.

The measures are as follows:

1. sensitisation campaigns and publicity spots on voting procedures are broadcast with sign language on television;
2. setting up of a “special need voting room’ with a special adjustable booth for wheelchair users in all polling stations in order to allow electors with disabilities to exercise their voting rights without undue hardship;
3. any incapacitated elector may vote with the assistance of a companion (father, mother, brother, sister, husband, wife, son or daughter of the incapacitated person) or an election officer; and
4. consultations are ongoing to promote the right of the blind and visually impaired voter to cast their vote in an effective manner.

The only document required to be able to vote is to produce the National Identity Card or any other document acceptable by the Office of the Electoral Commissioner. The Office of the Electoral Commissioner takes necessary measures to facilitate the registration of electors, including women. There is no burden in terms of the administrative requirements.

The independence and autonomy of the Electoral Management Bodies, i.e., the Electoral Supervisory Commission, the Electoral Boundaries Commission and the Office of the Electoral Commissioner are enshrined in the Constitution. Section 40(3) of the Constitution provides that the Electoral Commissioner shall not be subject to the direction or any other person or authority in the exercise of his functions.

The voting and counting process is done in a complete transparent manner with the presence of candidates, election agents, polling agents and counting agents at all stages of the process.

All measures with respect to the maintenance of public safety and public order are taken by the Commissioner of Police as from the issue of writ of election for the safety of the public, including safety of women standing as candidates.

3.8 Youth participation in election

In order to sensitise the youth to exercise their rights to participate in elections, several training programmes, including a life skills education programme, training in youth leadership, a National Youth Civic Service, and the Youth Parliament have been curated by the MYESR. A close collaboration is also maintained by the aforementioned Ministry with the Office of the Electoral Commissioner while organizing such sensitisation campaigns for the youth. However, that there is a low representation of the youth (aged 18 to 35 years) in National Assembly in the State of Mauritius.

3.9 Women participation in election

3.9.1 The Local Government Act was amended in 2011, to provide for, inter alia, ensuring meaningful participation of women as candidates in local government elections. It provides that any group presenting more than two candidates at an election of a Municipal City Council, Municipal Town Council or Village Council shall ensure that not more than two thirds of the group’s candidates are of the same sex.

3.9.2 For the last General Elections held in November 2019, 14 out of the 70 Members of Parliament (MPs) were women, which represents 20% of the MPs.

3.9.3 Following the amendment of the Local Government Act, the percentage of women representation at Local Government level, was increased by 47.2% at the Village Council Elections 2020 compared to the said election in 2012.

In a nutshell, the statistics in relation to the Village Council Elections, 2020 are as follows:

1. out of 538,727 registered electors, there were 273,425 women registered representing 50.7% who were eligible to vote for the Village Council Elections, 2020;
2. out of 5,275 candidates contesting the election, there were 1,684 women candidates representing 31.9%; and
3. out of 1,170 candidates elected, there were 274 women candidates representing 23%.

3.10 Sensitisation Campaigns

The Office of the Electoral Commissioner in collaboration with the Media Trust organises capacity building and training initiatives on raising awareness of the journalists (both online and print media) on their roles as well as highlighting the importance of women towards the social and political life of the country. Gender-related issues are a priority for the Media Trust.

3.11 Broadcasting Services

The Independent Broadcasting Authority (IBA) is the authority responsible to monitor the private and public-service broadcasters and the sole authority empowered to issue licences for broadcasting. Pursuant to paragraph 6 of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act, guidelines are issued to all broadcast licensees by the Authority during any period starting, in respect of National Assembly Elections, on the day of election and ending on the day poll is to be taken. The guidelines are not static and are revised for each election based on previous experiences and other related changes.

The IBA ensures that all broadcasting licensees strictly adhere to the guidelines. Non-compliance to the guidelines issued is an offence and may be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

The Mauritius Broadcasting Corporation (MBC), which is a public service broadcasting provides equitable opportunities to all political parties. The following guidelines, issued by the IBA, are followed by the MBC:

1. equitable time allocated to each party during every news bulletins once the writ of election has been issued;
2. suppression of all politically related programmes;
3. party political broadcast with timings of each speech of political party as defined by an independent actuary;
4. no party political broadcast nor politically-related news item 24-hours prior to voting day.

The MBC also reserves the right to vet legally every news item and Party Political Broadcast by its legal advisers prior to broadcast.

**4. Participation in non-electoral context**

4.1 Using information and communications technology to strengthen equal and meaningful participation

In the State of Mauritius, the Information and Communication Technologies Authority (ICTA) has the statutory duty, under sections 18 (1) (w), and 21 (1) of the Information and Communication Technologies Act 2001, to establish and manage a Universal Service Fund (USF). The fund was set up in October 2008 under the Information and Communication Technologies (Universal Service Fund) Regulations 2008 and its basis, was established as a principle under section 16(a) of the Information and Communications Technologies Act 2001. The licensed public operators offering incoming voice services (ILD) and/or roaming services (PLMN) are currently the ones contributing to the Fund.

4.2 USF used for the Rodrigues Satellite Bandwidth Project, 2017

In the year 2017, in respect of Satellite Bandwidth Services between mainland Mauritius and the Island of Rodrigues within the Republic of Mauritius, dedicated satellite bandwidth capacity of 425 Mbps (Download: 325 Mbps / Upload: 100 Mbps) was acquired.

The bandwidth capacity acquired represented an increased from 163 Mbps to 425 Mbps that was for the supply and support of services such as data, voice, video and Internet services including IP-based services between Mauritius and the island of Rodrigues. The satellite bandwidth capacity of 425 Mbps was fully allocated to various stakeholders in Rodrigues and the Island has witnessed significant better internet user experience as compared to the preceding years.

In March 2020, the Island of Rodrigues was connected via undersea submarine cable; a project of the Government of Mauritius. Hence upon the expiry of the satellite contract, same was not renewed.

4.3 USF used for connectivity in Agalega

The Agalega project is in line with the Government’s vision to give access to Internet connectivity to Agalega. SinceMarch 2018, Agalega is availing to Internet connectivity at 10 locations, public Internet access corner, Public Land Mobile Network through a 10 Mbps of satellite bandwidth between Agalega.

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