**Ministry of Foreign Affairs, Regional Integration and International Trade**

**(Human Rights Division)**

**Questionnaire in relation to General Assembly resolution 68/268 on “Strengthening and enhancing the effective functioning of the human rights treaty body system” (09.04.2014)**

1. **Status of ratification**

**1.1** Mauritius has acceded to almost all the core Conventions both at international and regional levels and is party to the 7 out of 9 Core Conventions of the UN. Mauritius has also ratified some of the UN Optional Protocols pertaining to the Treaty Bodies and it is not a signatory to the:

* **International Convention for the Protection of all Persons from Enforced Disappearance, and**
* **1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families**

It is to be noted that though Mauritius is not a signatory to the International Convention on the protection of the Rights of all Migrant Workers and Members of their Families, the Government as far as possible applies the essence of the Convention in cases of disputes between migrant workers and their employer. Migrant workers coming to Mauritius are allowed to come with their families, except for low skilled workers. The main reason is that Mauritius is geographically small and we are among the most densely populated island state. In addition, the country has limited resources and would not be able to provide the core basic services that would be required.

**1.2** An assessment was done regarding the various treaties not yet adhered to and the reasons for same. The stand of Mauritius is provided in the various reports to the Human Rights Instruments and at the reviews.

* **Second Optional Protocol to the International Covenant on Civil and Political Rights**

Mauritius is not a party to Second Optional Protocol to the International Covenant on Civil and Political Rights. However, it has already abolished the death penalty by way of the enactment of the Abolition of Death Penalty Act in 1995. A three-quarter vote in the National Assembly is required for the proposed amendment to the Constitution of Mauritius to abolish death penalty. This is currently not available.

* **The** **1951 Convention relating to the Status of Refugees**

Mauritius is not proposing to accede to the 1951 Convention in view of being already a densely populated island. It does however ascertain the principle of non-refoulement and treat requests for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their re-settlement in a friendly country willing to grant them refugee status. In this respect, the State works closely with the Office of High Commissioner for Refugees.

* **Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness**

It is practically for the same above-mentioned reasons that Mauritius does not plan to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It is to be noted Section 11 (4) (b) of the Mauritius Citizenship Act provides that "*The Minister shall not deprive any person of his citizenship of Mauritius where it appears to him that the person would become stateless.*"

* **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

The accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is presently not on the agenda of Mauritius. Adequate avenues of redress already exist in our legal system. A person may have recourse to the provisions of Chapter II of the Constitution, enter civil actions for damages in Courts, or make complaints to the various National Human Rights institutions and the Police as well as address minor petitions to the Attorney General

* **Optional Protocol to the Convention on the Rights of Persons with Disabilities**

Mauritius has signed the Optional Protocol to the Convention on the Rights of Persons with Disabilities on 25 September 2007 but has not yet ratified it.

* **International Convention for the Protection of all Persons from Enforced Disappearance**

Mauritius does not envisage acceding to the International Convention for the Protection of all persons from Enforced Disappearance as there are no cases of enforced disappearance being perpetrated or tolerated by the State.

1. **The number of reports submitted and reviewed by Committees**

The Human Rights Division (HRD) acts as the Secretariat of the National Mechanism for Reporting and Follow-up (NMRF) and ensures the coordination and collection of materials for the various State Reports. The elaboration of the reports is done in-house. All stakeholders, including Ministries/Departments, NGOs and civil society are consulted. The reports are normally validated during the NMRF meeting before submission to Geneva.

The number of periodic and interim reports submitted by Mauritius to the various United Nations Human Rights Treaty Bodies amounts to 15 for the period covering 2014 to 2021.

**2.1 Recognition: -**

**International Covenant on Political and Civil Rights**

Mauritius has obtained two ‘A’ grades in its implementation of recommendations linked to the treatment of asylum seekers, refugees and stateless person residing in Mauritius and its efforts linked to juvenile justice, including the training of police officers to handle cases relating to juvenile justice.

Mauritius is the only country, which has received two As and is the only one from the African Continent. Excluding Mauritius, there are four countries namely Jordan, Liechtenstein, the Republic of Moldova, and New Zealand that have received top grades for their implementation of selected priority recommendations by the Human Rights Committee.

**2.2 Report submissions for the years 2020-2021**

**Reports**

* The State of Mauritius submitted 7 reports to the Office of the High Commission and the Arms Trade Treaty Secretariat in Geneva for the period of July 2020 – June 2021.

**Questionnaires**

* Mauritius replied to 39 Questionnaires from Special Mandate Holders for the period of July to December 2021 on various thematic issues.

43 questionnaires were submitted for the period of July 2020 to June 2021.

**Visits undertaken**

3.1 The UN Special Rapporteur on Toxics and Human Rights visited Mauritius from 25th to 29th October 2021. The Special Rapporteur, along with his Human Rights Officer, had various working sessions with relevant stakeholders. During his debriefing session at the Human Rights Division, he presented his end-of-visit statement which is a preliminary report of his country visit.

Following his departure, as agreed in the debriefing session, additional briefs were submitted to the UN Special Rapporteur in November 2021.

It is to be noted that the final Report of the Special Rapporteur will be presented during the fifty-first session of the Human Rights Council in September 2022.

* 1. In the last recent years, visits were carried by:
* an Independent Expert on older persons from 28 April to 08 May 2015; and
* a Special Rapporteur on sale of children from 02 to 10 May 2011.

1. **Individual communications received and reviewed**

4.1 The late Mr Maharajah Madhewoo, submitted an individual communication at the level of the Human Rights Committee in December 2017 claiming that his rights under article 17 of the ICCPR has been violated by Mauritius. The Committee adopted its views in March 2021 and is of the view that Mauritius is under an obligation to provide late Mr Madhewoo with an effective remedy as well as taking steps to avoid similar violations in the future.

4.2 Members of the political party ‘Rezistans ek Alternativ’ submitted an individual communication to the Human Rights Committee in November 2019 alleging that Mauritius failed to comply with the views of the Committee in as much as the State, by way of a constitutional amendment in 2014, rendered “legal” the qualification of a candidate at the general elections. It was reported that the candidates failed to classify themselves under one of the required “ethnicity – or religion-based” categories in view of the fact that to qualify as a candidate for the general elections, one had to declare his/her belonging to one of the four communities prescribed under the Constitution of Mauritius. The authors of the Communication observed that the amendment was of a temporary application and consequently would not apply after the 2014 general election, and as such, the State had therefore failed to provide an effective and enforceable remedy for the “declared breach” of article 25(b) of the Covenant.

As regards the holistic reform of the electoral reform to reconsider the necessity of the community-based electoral system, Mauritius has attempted to introduce the Constitution Amendment Bill No. XXII of 2018, which includes amendments to do away with the requirement for the mandatory declaration of community to which a candidate belongs to.

However, again, the debates on the Bill before the National Assembly only confirmed the deep sensitivity related to the abolishing of the Best Loser System within the Mauritian society. The tenor and nature of the debates in the National Assembly made it evident that the required majority to effect any constitutional amendment would not be obtained. Without in any way endorsing the merits of the Best Loser System, it is still viewed by many as a way to secure the representation of minority communities in Parliament, and a reason for the continued political stability in a multi-cultural Mauritius.

Thus, despite sincere and genuine endeavours to have a national dialogue on this issue through the Constitution Amendment Bill No. XXII of 2018, the prevailing conjunctures within the National Assembly and Mauritius society made it impossible to bring holistic reforms of the electoral reform.

Notwithstanding the above and conjunctures permitting, Mauritius stands committed to bringing an electoral reform, which will obtain widespread political and nationwide consensus whilst respecting the rights of all its citizens, including those of the authors of the complaint.

1. **State of Backlog**

**The Outstanding Reports are: -**

the Optional Protocol to CRC on the sale of Children, Child Prostitution and Child Pornography (It is overdue since 2011); and

the Optional protocol to the CRC on the involvement of Children in Armed Conflict (It is overdue since 2009).

1. **Capacity building efforts and the results achieved**

**6.1 Activities carried out in 2021:**

* In the context of the International Human Rights Day 2021, the National Human Rights Action Plan Progress Report 2012-2020 was launched and widely disseminated to all stakeholders concerned. It is also available on the Human Rights Division’s social media tools namely, Facebook and the YouTube Channel.

On the same occasion, two guest speakers intervened on the Universal Declaration of Human Rights and its impacts on human rights in Mauritius and on Human Rights Treaties and Conventions in Mauritian Law.

* The Human Rights Division in collaboration with the Ministry of Environment, Solid Waste Management and Climate Change had organised a half day awareness campaign with about 20 Managers of different Residential Care Homes which are located in vulnerable regions in August 2021, to commemorate the World Humanitarian day.
* Additionally, the Human Rights Division produced 9 short films on human rights for dissemination to the public in August 2021 on the following:

1. Right to vote and take part in the Government
2. Right to Work;
3. Right to a healthy and sustainable environment;
4. Right to participate in cultural life of the community;
5. Business and Human Rights;
6. Right to Development
7. Freedom of thought, conscience and religion;
8. Right to rest and leisure; and
9. Right to Social Security

The videos have been distributed among different stakeholders for awareness and further dissemination, namely: all Ministries/ Departments/ NHRIs. Additional distributions were done as follows:

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| --- | --- | --- |
| SN | Org. | No. of DVDs distributed |
| 1 | Youth Centres and Sport Complexes | 100 |
| 2 | Social Security Centres | 100 |
| 3 | Community Centres | 140 |
| 4 | NHRIs | 14 |
| 5 | CAB offices | 80 |
| 6 | Employment Information Centres | 80 |
| 7 | Cultural Centres | 200 |
| 8 | Ministry of Health and Wellness | 100 |

**6.2 Activities carried out in 2020:**

* The Human Rights Division in collaboration with the United Nations Resident Coordinator Office in Mauritius organised a half day symposium in December 2020 on the theme “Build back better by putting Human Rights at the core of the recovery”. A song/video clip commissioned from the NGO, DIS MOI (Drwa de Lom Divan) was launched. The event was attended by approximately 180-190 participants.
* The Human Rights Division has developed two social media tools, namely; a Facebook Page and a YouTube Channel. Both are live since October 2020 and were officially presented to the public on the Human Rights Day on 10 December 2020. A maximum of 8 posts are uploaded on a monthly basis for better communication and knowledge of the public at large on Human Rights including forthcoming and ongoing activities/events, trending human rights issues worldwide and other human rights instruments and mechanisms.
* A workshop on Human Rights was organised by the Human Rights Division at the Hennessy Park Hotel, Ebene, in October 2020. The workshop was attended by around 115 participants from different Ministries/Departments, parastatals, Civil Societies, Non-Governmental Organisations and National Human Rights Institutions. The main objectives of the workshop were to:

1. apprise the participants of the legislative framework and the institutional set up for human rights in Mauritius;
2. identify any proposals for legislative or structural amendments to improve the human rights landscape in Mauritius;
3. exchange information on the human rights actions effected by the NGOs and Civil Society; and
4. propose ways to improve the synergies and strengthen the cooperation between all stakeholders with a view to addressing more effectively the human rights issues in Mauritius.
5. **Allocation of meeting time**

* In December 2017, a Human Rights Secretariat and a National Mechanism for Reporting and Follow-up (NMRF), were established under the then Ministry of Justice, Human Rights and Institutional Reforms as per the recommendations of the OHCHR.
* The NMRF, which took over the functions of the Human Rights Monitoring Committee, has since become the platform for consultations with Ministries, Departments, NGOs and civil society on a regular basis. It is chaired by the Hon Minister under whose portfolio Human Rights lies.
* This new framework aims to ensure that Human Rights obligations are fully met, periodic reports and mid-term Review /Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned. Furthermore, it ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights.
* Following the General Elections in 2019, the Ministry no longer exists and the portfolio for Human Rights was entrusted to a full-fledged Division, namely the Human Rights Division, under the aegis of the Ministry of Foreign Affairs, Regional Integration and International Trade. Since then, the NMRF operates currently under the Human Rights Division.
* The NMRF Committee holds meetings on a regular basis to discuss matters pertaining to human rights with all the stakeholders. The meetings generally run for a duration of one to two hours.
* The HRD also conducts regular meetings in connection with Forthcoming Periodic State Report on various Conventions. These meetings normally last for two hours or more.

1. **Proposal on measures**

The use of technology and social media tools can be a measure to enhance engagement between State Parties and the Treaty Bodies. For instance, conducting conferences, seminars online, capacity-building sessions and meetings in a hybrid mode (both online and face to face).

**07.02.2022**