

**REPORT  
OF THE  
PROMOTIONAL MISSION  
TO THE  
MAURITIUS**

*August 2006*

# I. INTRODUCTION

1. The African Charter on Human and Peoples' Rights (African Charter) provides for the establishment of the African Commission on Human and Peoples' Rights (African Commission). The 18<sup>th</sup> OAU Summit of Heads of State and Government meeting in Nairobi, Kenya on 26<sup>th</sup> June 1981 adopted the African Charter. The African Charter came into force on 21<sup>st</sup> October 1986 upon ratification by the requisite number of Member States. The first members of the African Commission were elected at the 23<sup>rd</sup> OAU Assembly of Heads of State and Government (AHSO) in July 1987 and the inaugural session of the African Commission took place in November 1987.
2. Under the African Charter, the African Commission is mandated to promote the rights and freedoms set out in the African Charter and ensure their protection across the continent, monitor and advise on the implementation of the African Charter and interpret its provisions.
3. The Promotional function of the African Commission mandates Members of the African Commission to undertake promotional missions to States Parties to the African Charter. Promotional missions are an important aspect of the African Commission's activities as they enable it to establish communication and links with Member States.
4. Mauritius is party to the African Charter which it ratified on 19<sup>th</sup> June 1992.

## **A Brief Political Background of Mauritius<sup>1</sup>**

5. The Arabs were the first to discover Mauritius and in around the 10<sup>th</sup> Century, the Malay sailors came to know the country. However, the first sailors to visit Mauritius were the Portuguese in the 16<sup>th</sup> century but the island remained uninhabited until 1638 when it was colonised by the Dutch. The Island was named in honour of Prince Maurice of Nassau by the Dutch. The Dutch however abandoned the colony in 1710 mainly because of climate changes, cyclones and the deterioration of the settlement.
6. In 1715, the French claimed Mauritius and renamed it Ile de France. Under the French, the Island became a prosperous colony particularly while it was under the administration of the French East India Company which maintained its presence until 1767. In 1767 until 1810 when the British captured the Island, the Island was under the charge of officials appointed by the French Government.
7. Following their capture of the Island, British possession of the island was confirmed 4 years later by the Treaty of Paris. French institutions, including the Napoleonic

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<sup>1</sup> For a political background and general information about Mauritius, see generally, Mauritius Permanent Mission to the United Nations <<http://www.un.int/mauritius/history.htm#development>>; Wikipedia, the Free Encyclopaedia, Mauritius <<http://en.wikipedia.org/wiki/Mauritius#History>>; US Department of State, Background Note: Mauritius <<http://www.state.gov/r/pa/ei/bgn/2833.htm>>

- code of law, were maintained. Under the British administration, there were rapid social and economic changes on the Island. Slavery was abolished in 1835 and the planters received compensation for loss of their slaves who had been imported from Africa and Madagascar during the French occupation. Mauritian Creoles trace their origins to the plantation owners and slaves who were brought to work the sugar fields. Indo-Mauritians are descended from Indian immigrants who came to the Island to work as indentured labourers after slavery was abolished in 1835. About 17 percent of the Indo-Mauritian community is composed of Muslims from the Indian subcontinent. The Franco-Mauritians controlled nearly all of the large sugar estates and were active in business and banking. However, as the Indian population became numerically dominant and the voting franchise was extended, political power shifted from the Franco-Mauritians and their Creole allies to the Indo-Mauritians. In the 1920s, conflicts arose between the Indian community who were mostly sugar cane labourers and the Franco-Mauritians, leading to several deaths of mostly the Indians.
8. In 1936 Dr Maurice Cure founded the Mauritius Labour Party to protect the interests of labourers. In 1947, elections were held for the newly created Legislative Assembly marking Mauritius' first steps toward self-rule. The elections were won by the Labour Party. When the British agreed to permit additional self-government and eventual independence, the campaign for independence gained momentum. A coalition composed of the Mauritian Labour Party (MLP), the Muslim Committee of Action (CAM), and the Independent Forward Bloc (IFB) won a majority in the 1967 Legislative Assembly election, despite opposition from Franco-Mauritian and Creole supporters of the Mauritian Social Democratic Party (PMSD). The election was won by a small margin. Constituency No 15 was key to the winning of the pro-independence coalition and the MLP led alliance won this constituency. On 12<sup>th</sup> March 1968 Mauritius was granted independence and Sir Seewoosagur Ramgoolam, MLP leader and chief minister in the colonial government became the first Prime Minister at independence.
  9. During the 1970s and 80s political coalitions formed along ethnic and class lines and on 12<sup>th</sup> March 1992, Mauritius became a republic within the Commonwealth. A Mauritian-born president – Cassam Uteem became Head of State, replacing Queen Elizabeth II.
  10. In 1995, Navinchandra Ramgoolam, son of the former prime minister, and a Labour-led coalition came to power after defeating Sir Anerood Jugnauth in a landslide, but in September 2000, Jugnauth and the Mouvement Socialiste Mauricien/Mouvement Militant Mauricien (MSM-MMM) coalition returned to power in a similar landslide. President Uteem resigned in 2002 and Karl Offmann was elected by the national assembly to succeed him. In September 2003, Jugnauth resigned and his MMM coalition partner, Paul Bérenger, became prime minister. Bérenger became the first person not of Indian descent to hold the post. The following month Offman was succeeded as president by Jugnauth. At the 2005 general elections, the MLP led Alliance Sociale coalition won the elections and Navin Ramgoolam became Prime Minister. Sir Anerood Jugnauth remains president.

## **Current structure of government**

### *Executive*

11. The Head of State is the President of the Republic who is elected by the National Assembly. The Prime Minister is appointed from among the members of the National Assembly by the President and the Deputy Prime Minister and other ministers are also appointed from the members of the National Assembly by the President acting on the advice of the Prime Minister.
12. The Prime Minister is the Head of the Government. He presides over the Cabinet of Ministers which is collectively responsible to the National Assembly for any action taken by any one of its members.

### *Legislature*

13. Mauritius has a unicameral National Assembly and its members are chosen during general elections which take place every five years on the basis of universal adult suffrage and secret ballot. For electoral purposes, the Mauritian territory is divided into 21 constituencies, the island of Mauritius having 20 constituencies and the island of Rodrigues forming the 21st. Each constituency returns three candidates with the exception of Rodrigues which returns two.
14. The National Assembly comprises 70 members, that is, 62 elected members as well as eight additional seats allocated to 'best losers' using a formula designed to give at least minimal representation to all ethnic communities and under-represented parties. Having 'best losers' represented in the National Assembly is intended to achieve communal balance but it is done without disturbing the political equilibrium established by the election results. The constitution provides for the nomination of a Leader of the Opposition. The President appoints the Leader of the Opposition, the member, who in his opinion, is best able to have the support of the opposition parties in the Assembly.

### *Judiciary*

15. The constitution of Mauritius guarantees the independence of the judiciary. The Supreme Court is the highest judicial authority in the country. It is a superior court of record and the principal court of civil and criminal jurisdiction. It hears appeals from all other courts of the country, namely District Courts, Intermediate Courts and the Industrial Courts. The Supreme Court also has jurisdiction to hear constitutional matters. The constitution has maintained the right of appeal against judgements of the Supreme Court to the Privy Council in Great Britain. Appointments in the judicial service are made by the Judicial and Legal Service Commission.

## General Information about Mauritius<sup>2</sup>

### Map of Mauritius<sup>3</sup>



### *The Land and People*

16. Mauritius has an area of 1,860 square kilometres and is made up of a central plateau gradually rising towards the south west where it reaches its highest point of 828 metres at Piton de la Rivière Noire. The Island is situated 890 km to the east of Madagascar in the Indian Ocean and 2000 km away from the east African coastline. Together with Reunion and Rodrigues, Mauritius is part of the Mascarene Islands. This archipelago was formed as a result of a series of undersea volcanic eruptions. Mauritius and Rodrigues were formed about 8-10 million years ago.
17. The local climate is tropical and there is a warm, dry winter from May to November and a hot, wet, and humid summer from November to May. Cyclones affect the country during November to April.
18. The Island's capital and largest city is Port Louis which is found in the northwest of the Island. At the end of July 2004, the population of the Republic of Mauritius was estimated at 1,233,669.
19. Mauritian society is multicultural. Mauritians are descendants of people from the Indian subcontinent, continental Africa, Madagascar, France, England and China. Although English is the official language of Mauritius, French dominates the media

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<sup>2</sup> See generally the Web portal of Mauritius < <http://www.gov.mu/portal/site/abtmntius>>; Wikipedia, the Free Encyclopaedia, Mauritius <<http://en.wikipedia.org/wiki/Mauritius#History>>; US Department of State, Background Note: Mauritius < <http://www.state.gov/r/pa/ei/bgn/2833.htm>>

<sup>3</sup> Map courtesy of [www.theodora.com/maps](http://www.theodora.com/maps), used with permission.

and business, radio and television. The French-derived Mauritian Creole is also widely spoken and is considered the lingua franca of the country. Several other languages are also used by the various ethnic groups.

20. The Indo-Mauritians form approximately 68 percent, Creoles 27 percent, Sino-Mauritians 3 percent and Franco-Mauritians 2 percent. The major religions practised in Mauritius are Hindu practised by 52% of the population, Christians – 28 percent, Muslims 16.6 percent, Buddhists 2.5 percent, Sikhs – 0.3 percent.

## **II. THE TERMS OF REFERENCE**

21. Ms Sanji Mmasenono Monageng is the Commissioner responsible for promotional activities in Mauritius. The promotional mission to Mauritius was undertaken from 21<sup>st</sup> to 25<sup>th</sup> August 2006. Ms. Fiona Adolu, Legal Officer at the Secretariat of the African Commission assisted Commissioner Monageng on this mission. The Ministry of Foreign Affairs, International Trade and Cooperation and the Ministry of Justice and Human Rights of Mauritius coordinated the arrangements for the mission on behalf of the government.
22. During the various meetings the African Commission delegation had with various stakeholders, Commissioner Monageng outlined the objectives of the mission to Mauritius as follows :-
  - a) To promote the African Charter and exchange views and information on its implementation;
  - b) To raise awareness of and visibility of the African Commission and its functions especially among the relevant government departments and institutions, and in civil society;
  - c) To encourage Mauritius to submit its 1<sup>st</sup> Periodic Report in accordance with its obligations under Article 62 of the African Charter; and
  - d) To encourage a closer relationship between the African Commission and the Mauritius and between the African Commission and the civil society human rights NGOs in Mauritius.
23. The delegation of the African Commission would like to express its gratitude to the Ambassador of Mauritius to Ethiopia His Excellency Ambassadaor Taye Wan Chat Kwong for the assistance he provided in making contact with the Government of Mauritius in order that the promotional mission could take place. The efforts that the First Secretary, Ministry of Foreign Affairs, International Trade and Cooperation, Mr P. Gopaul and the Acting Assistant Solicitor General, Mr. O. B. Madhub placed into ensuring that the delegation of the African Commission meets the authorities that they had requested to meet are also greatly appreciated.

24. The delegation would also like to express its profound appreciation to the Government of Mauritius for authorising the Mission and for the excellent facilities placed at the disposal of the delegation of the African Commission during the Mission.
25. Due to lack of funds, the delegation of the African Commission could not travel to the Island of Rodrigues which is part of Mauritius.

### **Attorney General and Ministry of Justice and Human Rights**

26. The African Commission delegation's first meeting was with the Attorney General and Minister of Justice and Human Rights, Honourable Rama Valadayen. The Acting Assistant Solicitor General, O. B. Madhub was also in attendance. Commissioner Monageng informed the Minister about the African Commission and the objectives of the mission. She explained that since this was a promotional mission, it should be distinguished from a fact-finding or investigative mission which would normally be undertaken as a response to allegations of serious and massive human rights violations. She indicated that Mauritius was one of the Member States for which she was responsible for promotional activities, the other States being Mozambique, Liberia and Lesotho. The promotional mission to Mauritius she noted, was the first ever mission undertaken to Mauritius and expressed gratitude to the government of Mauritius for authorising the mission.
27. The Minister informed the delegation of the African Commission that there is a concerted effort on the part of the present government to promote and protect human rights in the country. The government is trying to institute a culture of human rights within its population, for instance, the Ministry of Justice and Human Rights had started distributing copies of the constitution throughout the country and would soon do the same for the Universal Declaration on Human Rights. Human rights modules have also been included in school curricula and human rights as a subject is an examinable subject under the General Paper for students sitting their advanced level examinations. The Minister noted that Mauritius had also endeavoured to establish institutions that promote and protect human rights in the country. He reported that for instance, a National Human Rights Commission had been established. Additionally, a Human Rights Centre was being constructed and would be officially opened on 10<sup>th</sup> December 2006. The National Human Rights Strategy would also be launched at the opening of the Human Rights Centre. He reported that the Centre will be expected to sensitise people about human rights issues and empower them with human rights knowledge. The Centre is also intended to be a human rights resource centre, which will be linked to different towns and districts in the country. The Minister indicated that the Human Rights Centre will have to work in cooperation with the existing Citizens Advice Bureau and it is expected that within 5 years, it should become an institution which is independent from the Ministry of Justice and Human Rights.
28. The delegation of the African Commission was also informed that the Ministry of Justice and Human Rights was planning to draft an annual report on the state of human rights in the country. The Minister noted that this annual human rights report

- would also serve as a basis for preparing country reports for submission to various international and regional human rights treaty bodies.
29. The Minister informed the delegation of the African Commission that the Mauritius Law Reform Commission had been restructured and now includes members from the civil society and labour organisations. It was expected that the institution would be fully operational by the end of November 2006.
  30. With respect to whether the Mauritian government offers legal aid to indigent people, the Minister reported that the existing legal aid unit is not within the Ministry of Justice and Human Rights but was attached to the judiciary. The decision to have the legal aid unit attached to the judiciary was as a result of the fact that the judiciary is independent and as such would lend such independence to the services offered by the legal aid unit. The Minister indicated that before anyone can benefit from the legal aid scheme, they are obliged to meet several conditions. If the applicant is unable to meet all the conditions, then s/he should demonstrate the special circumstances that would warrant him/her to receive such legal aid and this may be considered. A proposal has also been made that legal practitioners should be legally required to offer *pro bono* services calculated at several hours per year. In this respect, the Minister stated that the norm was for the young lawyers to offer *pro bono* services, however he reported that he had launched a personal appeal to experienced lawyers to offer such services as well whenever called upon. The Minister reported that senior lawyers had been receptive and positive to this appeal.
  31. The delegation of the African Commission was informed that Mauritius was in the process of reforming the legal profession and that the judiciary was also undergoing a review. The Minister stated that while undertaking these processes all stakeholders are consulted.
  32. Regarding case backlogs, the Minister stated that the courts are jammed with cases particularly in respect of civil matters. He explained the legal system in Mauritius to the delegation of the African Commission. He stated that Mauritius borrowed heavily from English and French law and with time, adapted some of these laws to operate in situations in Mauritius. Consequently, the domestic law which is applied is peculiar to Mauritius. The Minister indicated that Mauritians are so adversarial and stated that the government was seriously considering sensitising the population and lawyers about the benefits of using alternative dispute settlement methods like conciliation and arbitration. He noted that efforts at using such methods were being done on an adhoc basis rather than through legally instituted structures and institutions. The Minister reported that the Ministry of Justice and Human Rights would consider instituting reform in this area.
  33. The Minister informed the delegation of the African Commission that there was a proposal to review the constitution of Mauritius as there was a need to revisit some sections of the constitution which, as they stand presently do not meet the demands of the Mauritian society. He stated that economic, social and cultural rights are not provided for in the constitution of Mauritius and yet in practice the population enjoys these rights. For instance, the State provides free health care, free education



and transport to school, there is a pension scheme for senior citizens and cultural rights are promoted. In terms of promotion of economic rights, the government had launched the economic empowerment fund for the population, and parliament on the other hand was taking steps to ensure that the wealth in the country does not lie with a few people but is evenly distributed among all sectors of the Mauritian society. Chapter 2 of the Mauritian constitution only provides for the guarantee of civil and political rights, and in view of the efforts undertaken by Mauritius to provide economic, social and cultural rights, Chapter 2 of the constitution may be amended to include guarantees of economic social and cultural rights.

34. About the death penalty and its abolition, the Minister indicated that he was an abolitionist. He informed the delegation of the African Commission that although Mauritius has abolished application of the death penalty, the constitution does not explicitly forbid its application. He noted that Mauritius had last carried out an execution in around 1986. However, the public is generally in favour of the death penalty and this was so mainly because at least 1 murder is reported per week and this appears to be too much in a country as small as Mauritius. The Minister stated that the Ministry is going to start developing programmes to sensitise communities about abolition of the death penalty.
35. The Minister also reported that as a result of a decision handed down by the Privy Council, Mauritius was in the process of abolishing mandatory sentencing because such sentences were found to interfere with the discretionary powers of judges when sentencing.
36. Commissioner Monageng informed the Minister of Justice about the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment which were adopted by the African Commission and the Follow-Up Committee which was established to follow up on their implementation. She sought to know whether torture was a problem in Mauritius. The Minister informed the delegation of the African Commission that torture was indeed a problem in Mauritius and that there were especially numerous reports of police brutality. He stated that the government was doing everything to curb the problem and had in this regard gone beyond the constitutional provisions prohibiting torture and enacted a legislation making torture a criminal offence. The Minister reported that in 2005, 37 police officers were prosecuted for police brutality. Additionally, some mechanisms intended to prevent the occurrence of torture had been put in place. For instance, all interrogations are video taped, anyone who is arrested is entitled to counsel immediately upon their arrest and should be brought before a court within 48 hours, and any reports of deaths while in police custody are always investigated through a judicial enquiry. The Minister also informed the delegation of the African Commission that the Ministry of Justice and Ministry of Health were in the process of drafting a protocol to deal with issues relating to how complaints of torture or police brutality should be handled by the various authorities.
37. Commissioner Monageng welcomed Mauritius' ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Right but went ahead to request the Minister to

request his government to make the declaration under Article 34(6) of the Protocol which permits individuals and NGOs to access the Court directly. While promising to look into this issue, the Minister of Justice and Human Rights seized the opportunity to inform the delegation of the African Commission that Mauritius had realised that they needed to develop close ties with other African countries. As a result of this realisation Mauritius had wanted to not only host the African Court on Human and Peoples' Rights but had also availed its facilities in case a decision was made by the AHSG of the African Union (AU) to try Hissene Habré on the continent or in another African country besides Senegal. Unfortunately, he reported that due to some reasons, Mauritius was deprived of the opportunity to host the African Court even though they had made their intention to host the Court known to the AU years ago and had even identified the location where the Court would be situated.

38. Commissioner Monageng raised the issue of the Chagossian people who had been thrown off their land when the islands were excised from Mauritius by the UK at the time of independence. The Minister reported that the government of Mauritius was fighting the Chagossian issue on the diplomatic front but noted that this was a difficult matter to handle given the relevance of the islands to the USA to whom the UK had leased the islands. He stated that nonetheless the government of Mauritius was fully supportive of the Chagossians' struggle to get back their land and that plans were underway to dedicate a day to the Chagossians.

### **Director of Public Prosecutions**

39. The Director of Public Prosecutions (DPP), Mr. A. Hamuth informed the delegation of the African Commission that the constitution of Mauritius establishes the office of the DPP as an independent institution with wide powers including, the power over all prosecutions in the country. As such, the DPP can take over a prosecution from any office and also has the power to discontinue prosecutions anytime before judgement is delivered.
40. Commissioner Monageng expressed concern about the DPP's power to determine which courts would hear a given matter and noted that a decision of the DPP in this respect may be disputed by some parties who may raise concerns about the DPP's independence when determining such an issue. The DPP however assured the delegation that his office was often guided by the gravity of the offence and grave offences are invariably sent to higher courts.
41. As to whether drug trafficking and abuse is a problem in Mauritius, the DPP informed the delegation that in a country like Mauritius where a section of the society is drug dependent invariably there would be a problem of drug trafficking. Once there is a demand for drugs some elements in society would find ways to feed that demand as a means of making money. However, both drug use and trafficking are criminal offences. The courts would however normally order treatment for any one accused of drug use.

42. With respect to the problem of case backlogs, the DPP informed the delegation that delays in the justice system are mostly institutional. He reported that although the Ministry of Justice was seriously understaffed, they had endeavoured to deal with their case backlogs. Consequently, there was an improvement at the level of the Ministry of Justice and Human Rights in terms of disposing of cases. At the time of the visit by the African Commission it was reported that out of about 20,000 cases, there was a backlog of about 400 cases which dated back to 6 months only. The DPP indicated that efforts were being undertaken to reduce this backlog further. As such, the delegation of the African Commission was informed that the backlog of cases is at the level of the judiciary where cases take longer periods before they are concluded.
43. Commissioner Monageng enquired as to whether there were many remand cases. The DPP reported that under the constitution any person who is arrested should be brought before the courts within 48 hours. More often than not, the courts will grant bail to suspects because bail is a right that is guaranteed. Only in exceptional circumstances would police contestations of bail be granted and in such circumstances, the courts would review the matter within a period of 7 to 14 days. Consequently, remand cases are not many.
44. Regarding the structure of the judiciary, the DPP informed the delegation that there is a 3 tier structure within the judiciary – the Supreme Court, the intermediate courts and the industrial courts and district courts. The Supreme Court has criminal and civil appellate jurisdiction and also sits as the Constitutional Court. Appeals from the Supreme Court lie to the Privy Council in Britain. The Intermediate courts deal with more complex and serious civil and criminal cases than the District Courts. In terms of the composition of the judiciary, the DPP stated that all judicial officers are Mauritian and are competent. As to the number of female judges, the DPP stated that most of the district courts are served by female judges while at the Supreme Court there are 5 female judges, including the Deputy Master of Court out of 13 Supreme Court judges. The DPP also indicated that Mauritius had a jury system but it is exclusively for serious offences like murder. The jury number is 12 and decisions of the jury are determined by a majority of 9. Members of the jury are selected from a list of Mauritian citizens who have applied to be included on this list.
45. In response to whether there is a problem of violence against women and children in Mauritius, the DPP stated that like in any other community there are cases of domestic violence. A Sex Discrimination Act and a Domestic Violence Act were enacted as means of legislatively addressing the problem of violence and discrimination against women. He noted however that despite the existence of legislative measures and structures, there is still lack of knowledge within the population about human rights and on how to use the available structures and mechanisms to fight for the protection of their rights. As such, there is need to aggressively promote human rights such that the population is aware and learns the importance of respecting human rights.
46. The DPP informed the delegation of the African Commission that children under 18 years who are found in conflict with the law are sent to rehabilitation centres and it is

only in exceptional circumstances that they may be detained in prison. The DPP stated that the District Courts also sit as juvenile courts.

47. About the existence of gangsters and gangster crimes, the DPP reported that these were not prevalent but on the other hand he indicated that financial crimes were on the rise mainly because the country was a financial centre with many offshore centres.

### **Commissioner of Police**

48. In the meeting with the Commissioner of Police, Mr. R. Gopalsingh, Commissioner Monageng stated that the delegation of the African Commission had so far noticed that the leadership in the government of Mauritius were pro-human rights and as such had put in place structures that promote and protect human rights. She informed him about the African Commission and its activities, particularly, the Special Mechanisms and also about the objectives of the promotional mission.
49. The Commissioner of Police explained that since 1999 the government of Mauritius had established firm structures aimed at protecting human rights, including the National Human Rights Commission (NHRC) and the Complaints Investigations Bureau (CIB). He indicated that unprofessional conduct during interrogations is not tolerated and as such, any complaints lodged against police are investigated. He reported that deaths of persons whilst in police custody have occurred in the past and they were investigated and that there were no reports of extra-judicial killings. The Commissioner of Police stated that all investigations carried out by the CIB are done under the supervision of the NHRC but plans are underway to establish an Independent Investigations Police Complaints Commission.
50. The Commissioner of Police reported that the police force has since 2000 endeavoured to adhere to the human rights principles and obligations under human rights treaties ratified by Mauritius. He stated that all the training courses for the members of the police force have a module on human rights. The Police school also conducts human rights education and trains other police officers to carry out training in human rights. Officers from the Ministry of Justice and Human Rights and judges are often called on to provide human rights training.
51. The Commissioner of Police reported that in addition, the police force was undertaking measures geared towards adhering to international human rights principles. For instance, juveniles are detained in separate facilities referred to as rehabilitation centres rather than in prisons. A Family Protection Unit and Squad had also been created within the police force and it deals specifically with cases relating to juveniles. Female police officers are assigned to work in the Unit and all the teams are specially trained to deal with cases relating to juveniles.
52. Regarding corruption within the police force, the Commissioner of Police informed the delegation of the African Commission that complaints of corruption within the police force can either be reported to the police or to the Independent Commission

Against Corruption (ICAC) which was set up in 2002. The ICAC is mandated to investigate and try such cases and there have been instances where police officers have been successfully prosecuted for corruption related offences. However, the police force is carrying out a lot of work and sensitisation to prevent the phenomenon of corruption spreading within the police force. The Commissioner of Police noted that the problem of corruption within the police force was prevalent especially in the departments that handle procurements. In order to curb the problem, it was decided that civilians would be employed to run these departments rather than members of the police force. Therefore all such departments and any departments that handle financial transactions are now run by civilians. The public is also encouraged to report any cases of any one or police officers engaging in corrupt practices to the ICAC or to the police.

53. Commissioner Monageng enquired as to whether there are reports of police brutality. The Commissioner of Police stated that cases of police brutality are reported but that 90 percent of these cases are settled between the parties through mediation or conciliation. However, where mediation and conciliation efforts fail, the offending police officer would be prosecuted or disciplinary action taken against him or her. The Commissioner of Police indicated that the police force was trying to minimise police brutality by teaching police officers about the importance of respecting the human rights of all, including those of suspects.
54. As to whether there are gangs in Mauritius who carry out crimes, the Commissioner of Police indicated that there was no organised crime in the country as such. He indicated that sometimes there is gangster formation within prisons but the police force works with the prison authorities to separate criminals who they suspect may try to form gangs in prisons. On the other hand, the Commissioner of Police reported that there many reports of drug related crimes and property crimes but these are usually carried out by habitual criminals but that so far they have been neutralised.
55. The delegation of the African Commission was informed that the police had so far recorded about 25,000 drug users. The Commissioner of Police stated that the police deal with about 3,500 drug related cases every year. Searches and screens are routinely done and known traffickers and couriers are profiled. At the time of the African Commission delegation visit, the police had so far carried out 25 heroin seizures and had detained 18 drug couriers from South Africa and 21 from India. The Commissioner of Police indicated that the problem of drug trafficking and drug use was prevalent and as such, in an effort to address the problem an Anti-Drug Smuggling Unit had been established and the Unit was recording some successes. As for the drug users, there are drug rehabilitation programmes in the country which they can take advantage of and drug substitute therapy had also recently been established.
56. Regarding the issue of whether there was a problem of lengthy remands and case backlogs, the Commissioner of Police reported that the police normally aim at completing enquiries in respect of cases within 90 days. He stated that usually a matter is tried within a year and under the law no case can be lodged after 5 years. In

this way, the police had been able to minimise their case backlog. The backlog for misdemeanours and less serious crime contravention was at 6 months or less and efforts were being made to ensure that there is no case backlog on the part of police by September 2006. In order to reduce the number of persons held in detention, the police will not usually make arrests for less serious crimes but will instead require the suspect to make an undertaking to report to the police and appear before a magistrate. Arrests will normally be made for serious crimes. Additionally, the requirement that bail should be granted as of right has helped in reducing the number of suspects held in detention. The Commissioner of Police indicated that delays and the resultant case backlog are mainly at the level of the judiciary as cases take lengthy period on trial.

57. The delegation of the African Commission enquired about the Public Gatherings Act and whether it does not violate the right to associate. The Commissioner of Police stated that this Act was enacted to replace what used to be the Public Order Act. Rather than curtail the right to associate, the Public Gatherings Act is meant to regulate the manner in which any such gatherings are organised so that they do not cause public disorder. Anyone who intends to hold a gathering or demonstration is required by the Public Gatherings Act to give a 7 days notice to the police about such intention. Such notice allows the police to know the time and place where the gathering or demonstration will take place and the police will ensure that there is security. The gathering will be permitted to take place and the police may, for purposes of ensuring security lay, down certain conditions which the demonstrators have to comply with. The Commissioner of Police indicated that he is not given any powers to stop a gathering or demonstration from taking place and assured the delegation of the African Commission that for the last 4 years he had not attempted to prevent any public gathering or demonstration from taking place.
58. In conclusion, Commissioner Monageng informed the Commissioner of Police that she had received assurance from the government of Mauritius that it would soon submit its report under its obligations in terms of Article 62 of the African Charter. After informing the persons present about the process of reporting before the African Commission and the information required of the country, Commissioner Monageng urged the Commissioner of Police to submit information about the police force and implementation of their programmes to the officials preparing the report within the Ministry of Justice. The Commissioner also informed the Commissioner of Police about the Robben Island Guidelines on Prohibition and Prevention of Torture and left copies of the Guidelines with him for future use by his department.

*Visit to Alcatraz – police detention facility*

59. The delegation of the African Commission requested to visit Alcatraz which is a police detention facility. They were accompanied to the facility by Inspector Sham Loll, Assistant Commissioner Beekun, Corporal Manuel and Constable Silvio.
60. Alcatraz houses only male suspects who have been arrested and detained, pending release on bail. Female suspects are held in different facilities. There are 16 cells in Alcatraz and at the time the delegation of the African Commission visited the

detention facility there were only 4 male detainees. There are 8 officers in total at the detention facility with only 3 officers in charge of the detainees. Detainees at Alcatraz are not allowed family visits but they are allowed visits from their legal representatives. While at Alcatraz, suspects are normally provisionally charged until enquiries are finalised.

61. Thereafter, the delegation of the African Commission was accompanied by Inspector Purmessur to see the identification parade room and the interview room. The Inspector explained that the interview room has CCTV cameras and is video linked. He also explained the procedures followed during an identification parade as well as the process followed to ensure that all interviews carried out are legal.

### **Independent Commission Against Corruption (ICAC)**

62. The delegation of African Commission met with the Chief Legal Adviser of ICAC, Mr. Maneesh Gobin. He explained that previously offences relating corrupt practices were found in the penal code but their scope relating to who and what they applied to was very limited. On the other hand, there was an Economic Crimes Organisation which was established by the Economic and Money Laundering Act of 2000 whose mandate of enquiring into economic crimes was wide.
63. The Chief Legal Adviser reported that in 2002, the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) and the Prevention of Corruption Act (POCA) were enacted. The POCA established ICAC and also gave a wide definition to offences of corruption. Through the FIAMLA, financial and anti-money laundering provisions were strengthened and a Financial Intelligence Unit (FIU) was established. The 2 legislations were enacted in order to combat corruption and money laundering related crimes which had increased in Mauritius as a result of the growth of offshore business. ICAC and FIU collaborate in the course of carrying out their respective mandates.
64. The delegation of the African Commission was informed that ICAC is managed by a 3 person board comprised of the Director General who is the Chief Executive Officer of ICAC and Chairperson of the Board and 2 other members. There are 4 divisions within ICAC, namely the Corruption Investigations Division, Corruption Prevention and Education Division, the Legal Division and the Administrative and Finance Division. He noted that the structure and functioning of ICAC was inspired by similar institutions in Hong Kong and particularly the institution in New South Wales, Australia, which is exactly similar to the Mauritian ICAC.
65. The Chief Legal Adviser stated that ICAC has wide powers but there are checks and balances. For instance, it has prosecution powers but prosecutions have to be carried out with the consent of the DPP which consent is usually obtained after investigations are complete. The Courts can also check the powers of ICAC. There are also administrative checks, for instance ICAC activities are monitored by a Parliamentary Committee of 9 members who monitor ICAC's budget, staffing and use of resources. The Chief Legal Adviser however noted that the Committee cannot

question ICAC investigations as this would undermine the institution's independence.

66. In terms of how ICAC carries out its work, the Chief Legal Adviser stated that ICAC can initiate investigations by way of complaints received or as a result of a referral from another government department. However, the majority of the investigations are commenced following complaints from members of the public. The Chief Legal Adviser indicated that because of the trans-national nature of money laundering activities, ICAC would normally collaborate with other relevant national, regional and international bodies working in this area.
67. Regarding Commissioner Monageng's question as to whether persons in high government positions would ever be subject to ICAC investigations, the Chief Legal Adviser informed her that at the time of the delegation's visit there were 2 ex ministers who were under investigation and in court. They had been arrested when they were sitting ministers. In terms of ICAC's record of prosecutions, the Chief Legal Adviser reported that this had been low but it was expected that it would improve with time. He reported that between 2002 and 2006 there were only a handful of prosecutions. At the time of the promotional mission, there were only about 12 cases pending in court. Any person convicted under ICAC would be sentenced to a prison sentence as POCA only provides for custodial sentencing.

*Courtesy call on the Board of the Independent Commission Against Corruption (ICAC)*

68. The delegation paid a courtesy call on the Director General of ICAC and Chairperson of the Board of ICAC, Anil Kumar Ujoodha. In attendance were 2 board members, Hamid Imrit and Indira Manrakhan.
69. The Director General informed the delegation of the African Commission that ICAC is basically an investigative body for white collar crimes and while dealing with suspects and witnesses they are accorded their human rights. However, the Director General pointed out that because of the type of persons involved in such crimes, the risk of abuse of their human rights is very low because they are very well legally represented. He stated that ICAC would normally work very closely with the police especially where detention is necessary.
70. The Director General reported that ICAC receives about 1,000 complaints annually and they are mostly lodged by persons who wish to remain anonymous. He indicated however, that most complaints would fall through as most would not meet the requirements of the law. About 30 percent of such cases would warrant investigations and only about 5 percent to 10 percent would proceed to court. Since its creation, ICAC has only been able to secure convictions for some petty crimes but is yet to secure convictions in respect of the big cases.
71. Following the courtesy call, the delegation of the African Commission was taken around the ICAC offices to visit the Corruption Prevention and Education Division.

**Courtesy call on His Excellency the President of Mauritius**



72. The delegation of the African Commission paid a courtesy call on the President of Mauritius, His Excellency the Rt. Honourable Sir Anerood Jugnauth. Commissioner Monageng discussed several issues with him including the controversies surrounding the application of the death penalty and the problem of HIV/AIDS.

## **Ministry of Foreign Affairs, International Trade and Cooperation**

### *Secretary for Foreign Affairs International Trade and Cooperation*

73. The delegation held a meeting with the Secretary for Foreign Affairs, Ambassador Anund P. Neewoor. In attendance at the meeting was the Second Secretary Niraj Kumarsingh Ramdin.
74. During the meeting with the Secretary for Foreign Affairs, Commissioner Monageng explained about the African Commission and its functions, the special mechanisms created by the African Commission and about the objectives of the promotional mission to Mauritius.
75. The Secretary for Foreign Affairs informed the delegation of the African Commission that in recognition of the fact that Mauritius places great importance to the promotion and protection of human rights, Mauritius had been elected to the UN Human Rights Council. The country had garnered 178 votes out of 183.
76. He indicated that human rights are guaranteed under the constitution of Mauritius and as such, the country is attentive to human rights issues and has held numerous meetings and seminars in this respect. Additionally, the government had established structures and mechanisms intended to promote and protect human rights. The Secretary for Foreign Affairs pointed out that Mauritians are articulate and alert when it comes to human rights issues. As such, because of the protection offered by the existing structures and mechanisms they have not found reason to approach the African Commission with a communication in accordance with Article 55 of the African Charter.
77. The Secretary for Foreign Affairs noted that Mauritius was a multi cultural society and that all sections of society were represented in Parliament. He indicated that since the 1990s there has been a new government after every 5 years. There are over 30 registered political parties but only 4 are major political parties. He informed the delegation of the African Commission that every major party goes into an alliance with another political party and sometimes the margin between the opposition alliance and the ruling alliance is very close. In terms of freedom of expression, he stated that there were 3 private radio stations operating in the country and although there was only one state owned television, there were proposals to allow for private television stations to be set up in future. He informed the delegation of the African Commission that the independent media in Mauritius was active and the population was permitted to express a variety of views including partisan views freely and

- without restriction. In addition, the Secretary for Foreign Affairs stated that NGOs operate freely in the country and they have a good working relationship with the government.
78. The delegation of the African Commission noted with appreciation the fact that efforts were underway on the part of the government of Mauritius to submit their human rights report to the African Commission. Also welcomed was Mauritius' ratification of the Protocol establishing an African Court on Human and Peoples' Rights. However, the Secretary was requested to impress upon his government to make the declaration under Article 34(6) of the Protocol which permits individuals and NGOs to access the Court directly. In response, the Secretary for Foreign Affairs assured the delegation of the African Commission that the matter of making the declaration under Article 34(6) would be looked into. However, he registered his government's disappointment about the fact that Mauritius was denied the opportunity to host the African Court and went on to recount the process that led to Tanzania being given the seat of the African Court.
79. In conclusion, Commissioner Monageng appealed to the government of Mauritius through the Secretary for Foreign Affairs to render its support at the level of the Ambassadors in Addis Abba, Ethiopia, whenever the budget of the African Commission is discussed. The Secretary for Foreign Affairs assured the African Commission of Mauritius' support in this respect.

***Minister of Foreign Affairs, International Trade and Cooperation***

80. In the meeting with the Minister of Foreign Affairs, Honourable Madan Murlidhar Dulloo, Commissioner Monageng informed the Minister about the African Commission, its Special Mechanisms and their activities. She talked about the purpose of the promotional mission and stated that unlike fact-finding or investigative missions which would normally be undertaken as a response to allegations of serious and massive human rights violations, promotional missions provide the African Commission with the opportunity to promote the African Charter and also publicise the African Commission and its work. She also underscored the fact that the African Commission finds promotional missions a very useful means by which it can discuss with Member States the state of human rights in their jurisdictions without being confrontational.
81. The Minister of Foreign Affairs informed the delegation of the African Commission that with the envisaged establishment of the Human Rights Centre, Mauritius will endeavour to popularise the African Charter and the African Commission among its population as one of the activities of the Human Rights Centre. He indicated that Mauritians are well informed about issues relating to human rights and also about the African Charter and it is because of this awareness that Mauritius expressed its willingness to host the African Court. The Minister noted that although Mauritius was disappointed at the process used to reach the decision that Tanzania should host the African Court, Mauritius had nevertheless decided to support Tanzania. He noted that Mauritius will, in keeping with the principles of the rule of law,

democracy, good governance and human rights render support to the work of the African Court and will not do anything to undermine this very useful institution.

82. At the conclusion of the meeting, Commissioner Monageng informed the Minister of Foreign Affairs that the African Commission was experiencing a situation where it appears its decisions were being undermined as a result of decisions reached by the Executive Council and the AHSG of the AU and cited examples where this had happened. She also informed the Minister about the challenges that the African Commission was faced with, especially in terms of both material and financial resources and noted that all these problems taken together hinder the African Commission from effectively carrying out its work of promoting and protecting human rights on the continent. Commissioner Monageng reiterated her appeal to Mauritius to render its support to the African Commission especially at the level of Executive Council and the AHSG of the AU when matters affecting the African Commission are being discussed. In response, the Minister of Foreign Affairs indicated that these problems had been brought to his attention through various fora and he was glad that the delegation of the African Commission had also raised them. The Minister assured the delegation that his government would endeavour to share the African Commission's concerns with other Ministers so that they can find ways of assisting the African Commission.

### **Office of the Ombudsman**

83. The delegation of the African Commission held a meeting with the Ombudsman of Mauritius, Soleman M. Hatteea and his Secretary M. A. Zeadally. The Ombudsman informed the delegation that the constitution of Mauritius provides for the Office of the Ombudsman and that the Office had been in existence since 1968 when Mauritius got its independence. He reported that his Office is empowered to investigate among others, any government department, the police force or any of its members, the prison service or any of its members. Following advocacy on the part of the Office of the Ombudsman, in 2006, the Office was granted the power to investigate local authorities as well.
84. The Office of the Ombudsman is empowered to undertake investigations in respect of the aforementioned officers or authorities where a claim is made by any member of the public that they suffered injustice as a result of maladministration on the part of such officers or authorities. The Ombudsman visits Rodrigues Island twice a year to receive any complaints if there are any. The Ombudsman indicated that given that Mauritius is a small country of about 1.2 million people, his office does not receive that many cases. So far, he noted that they had opened about 350 to 450 cases. Other activities that the Office of Ombudsman carries out include, undertaking surprise prison inspections and disseminating information about the activities of the Office of the Ombudsman throughout the country.
85. The Ombudsman reports to the President and parliament is provided with copies of the report. The Office of Ombudsman makes recommendations and these are usually implemented.

86. As to whether the Office of the Ombudsman enjoys independence, the delegation of the African Commission was informed that in practice the Office of the Ombudsman has enjoyed full independence. This is further illustrated by the fact that even though there have been several different political regimes, the office of the Ombudsman has survived them all without interference from any arm of the government. The Ombudsman also reported that in terms of resources, his office is well resourced if one were to take into consideration the number of cases that the office handles. In terms of staff members, the Ombudsman indicated that he has a total of about 40 members of staff but that he was the sole investigator and was sometimes assisted in this duty by his Secretary.
87. At the end of the meeting, Commissioner Monageng informed the Ombudsman that Mauritius was in the process of preparing its human rights report for submission to the African Commission in accordance with its obligations under Article 62 of the African Charter. She therefore urged the Ombudsman to make an input to the report particularly in respect of the work carried out by his Office.

### **National Human Rights Commission**

88. At the National Human Rights Commission (NHRC), the delegation of the African Commission met with the Vice Chairperson of the Sex Discrimination Unit, R.N. Narayen and the Secretary to the NHRC, K. Conhye. Commissioner Monageng explained the purpose of the promotional mission and noted that the delegation of the African Commission was aware that the NHRC had affiliate status with the African Commission. In this regard, she encouraged the NHRC to popularise the African Charter and the African Commission and furthermore to actively take part in activities of the African Commission.
89. The Vice Chairperson informed the African Commission delegation that Mauritius had its own share of human rights problems. She noted that for instance, there were quite a few cases of domestic violence and women and men, as well as children were victims. Additionally, there was a huge problem of sexual abuse of children and such abuse was usually carried out at home by fathers, step fathers or male relatives. There was also a problem of children prostitution although this was not acute. On the other hand, child trafficking is uncommon as legislation relating to adoption of children in Mauritius was very strict. The root causes of most of these problems, she stated, were generally social, economic and cultural. The Vice Chairperson however noted that the Child Protection Unit within the Ministry of Women and the Ombudsperson for Children were concerned about these problems and were addressing them.
90. While it may be alleged that women are well represented within the structures of government, the fact was that women do not hold key positions and neither are they appointed to decision making positions within structures of government. There had been no positive action from the Mauritian government to encourage women to take up decision-making positions in the structures of government; rather, the women were in any such positions because they have fought hard to get there. The Vice

- Chairperson stated this same position holds true in respect of the private sector – women were not well represented and were therefore lacking in positions of authority in the private sector. However, she reported that there is a proposal to enact an Equal Opportunity Act, and hopefully this would assist in addressing the imbalance that exists in the country in respect of women.
91. As to whether women were active in politics, the Vice Chairperson stated that women were absent in this area and this was mainly because women had been socialised to believe that politics was a dirty game and therefore a preserve for men. She suggested that there is need for all the political parties in the country to make room for women in their membership. Political parties should be encouraged to adopt a policy which requires a 30 percent representation of women in their national executive committee structures.
  92. About HIV/AIDS and whether this was a problem in Mauritius, the delegation of the African Commission was informed that as a result of the huge problem with drug use, HIV/AIDS was a threat. However, the Mauritian government was doing a lot to address the problem by providing free antiretroviral (ARVs) and free clean syringes for drug users. NGOs were also working alongside the government to deal with the problem.
  93. The Vice Chairperson of the Sex Discrimination Unit explained the activities that her Unit carries out, stating that they also educate the population about issues relating to sex discrimination and sexual harassment.

#### **Courtesy Call on the Speaker of the National Assembly**

94. The delegation of the African Commission paid a courtesy call on the Speaker of the National Assembly of Mauritius, Honourable Gosk Purryag Rajkeswur and the Clerk, Honourable Ranjit R. Dowlutta was also in attendance. Commissioner Monageng stated that the delegation of the African Commission had so far been informed about the general human rights situation in the country. She noted that the delegation of the African Commission was encouraged by the fact that the government of Mauritius was establishing various structures and mechanisms to promote and protect human rights in the country. She indicated that there were some challenges and human rights issues that the government was confronted with for instance, the drug problem, the sensitive question of the abolition of the death penalty and same sex relationships. Commissioner Monageng informed the Honourable Speaker that more States parties to the African Commission were attending the ordinary sessions of the African Commission and participating in their activities.
95. The Honourable Speaker sought to know whether the African Commission had a relationship with the Office of the High Commissioner for Human Rights (OHCHR). Commissioner Monageng informed the Honourable Speaker that indeed the African Commission and some of its Special Mechanisms worked closely with the OHCHR and the UN Special Rapporteurs. The OHCHR had also on several occasions provided the African Commission with material and financial support.

96. The delegation of the African Commission enquired as to the number of female representatives within parliament. The Speaker reported that there were about 12 female parliamentarians out of a total of 70. He indicated female representatives in parliament were few due to the fact that women in Mauritius do not want to engage in politics. The Honourable Speaker stated that unlike parliaments in some other countries, there is no provision for the existence of special interest groups in the Mauritian parliament. However, he indicated that there are proposals to try and address the issue of women representation especially within the political parties.

## **Judiciary**

97. During the meeting with the Senior Puisne Judge, Justice Yeung Sik Yuen, Commissioner Monageng introduced the African Commission and its activities. She pointed out that of particular interest to the Judge would be the protection mandate of the African Commission and specifically the quasi-judicial function of examining communications brought against States parties. The delegation of the African Commission also talked about the African Court on Human and Peoples' Rights and its proposed mandate and how it may relate with the African Commission. The Judge was also informed about the relationship between the African Commission and NGOs and National Human Rights Institutions (NHRI) and noted that these institutions provide the African Commission with reports on human rights situations in various States parties. In this respect, Commissioner Monageng stated that Mauritius was in the process of preparing its periodic human rights report to the African Commission in accordance with its obligations under Article 62 of the African Charter.
98. Justice Yeung Sik Yuen informed the delegation of the African Commission that the judiciary in Mauritius was independent and that they prided themselves of this. For instance, unlike in some other countries where the budget for the judiciary is under that of the Ministry of Justice, in Mauritius, the judiciary has its own independent budget. The budget is drawn from the revenue of the judiciary which is high and therefore enough to run the judiciary.
99. With respect to whether women were well represented in the judiciary's composition, Justice Yeung Sik Yuen stated that women were well represented among the judiciary. Out of 13 Supreme Court judges, 5 were females including the Deputy Master, at the magisterial level, more than 50 percent of the magistrates were females and out of 12 judges at the Intermediate Courts, 6 were female.
100. Regarding the issue of case backlogs, Justice Yeung Sik Yuen conceded that this was a major problem for the judiciary and noted that the cooperation of all relevant partners is necessary in order to address this problem. He concluded by stating that it is important for all who are in the criminal justice system to adopt the right attitude when dealing with issues of criminal justice.

## **Non-Governmental Organisations (NGOs)**

101. Arrangements were made for the delegation of the African Commission to meet with several NGOs at the Mauritius Council of Social Service (MACOSS). However, besides MACOSS, only one other NGO, Association KINOUETE was represented at the meeting.
102. Commissioner Monageng gave a brief presentation about the African Commission, its special mechanisms and its activities. She encouraged the NGOs present to apply for observer status with the African Commission as this would enable them to play a greater role in the activities of the African Commission. She noted that so far there were 3 organisations that had observer status with the African Commission, namely, Government Servants Association, SOS Femmes and Institut de l'Océan Indien Pour les Droits de l'Homme et la Democratie but regretted that these NGOs were inactive in as far as the African Commission activities were concerned.
103. The representative of Association KINOUETE informed the delegation of the African Commission that the organisation is a national organisation and has 3 counsellors who are volunteers, 1 psychologist and 1 social worker. She stated that the NGO works with detainees and ex-detainees and their families and provides them with sewing and hairdressing skills as well as counselling and therapy in the form of art therapy and group therapy. She reported that therapy is provided for families of the detainees and also for the detainees while they are in prison. Upon release from prison, the NGO provides therapy for the families and the ex-detainees together. She informed the delegation of the African Commission that most therapy sessions last 16 to 18 months.
104. The representative of MACOSS informed the delegation of the African Commission that MACOSS is a 250 member organisation but that it does not have a legal identity. MACOSS has just initiated a 3 year programme to do an analysis of the strengths, weaknesses, opportunities and threats of NGOs so that it could come up with a legal and regulatory framework for NGOs. This would enable MACOSS to develop a coherent national policy in respect of NGOs in Mauritius.
105. The delegation of the African Commission learnt that most of the civil society organisations in Mauritius depend on government funding and therefore on the good will of the government. This therefore created uncertainty on the part of the NGOs. An example was given of SOS Femmes - the only NGO in the country which deals with cases of abused women; it had virtually closed down due to lack of funds but was revived when the present government provided it with funds. It was pointed out that whereas the present government supported the promotion of human rights, future governments may not adopt the same approach towards human rights, which meant that any gains made in the area of human rights would be lost. This situation was further exacerbated by the fact that Mauritius had been elevated to a middle income country and as such NGOs have found it difficult to obtain funds from donor countries and donor organisations. As a result there were very few NGOs in the country that were properly structured as most are run by volunteers. This inevitably affects the quality of work produced by the NGOs and there is also lack of continuity when it comes to work.

106. As to whether there was a problem of HIV/AIDS in the country, the delegation of the African Commission was informed that this was a problem particularly because of the big problem of drug use in the country. Mauritius is used as a conduit for drug traffickers and inevitably drugs come into the country and are available to the population. It was reported that about 100,000 to 200,000 Mauritians are drug users. Additionally, drugs are available in correctional centres. This situation is further exacerbated by the existence of huge pockets of poverty in the country especially among the Creoles and the Muslims. In prisons, about 80 percent to 90 percent of the prison population are in prison for drug related offences and about 95 percent of this population has HIV/AIDS. About 60 percent to 70 percent of the prisoners in detention it was said, are Creole and about 30 percent are Muslims. As a result the population most hit by the HIV/AIDS scourge are the Creoles and Muslims. However, despite the fact that a huge percentage of the population is infected with HIV/AIDS, no condoms or syringes are distributed within the prisons and yet this would stem the rate of infection within prisons. There is also no detoxification programme for drug users in the entire country.
107. Regarding the manner in which prisoners with HIV/AIDS are treated, it was reported that prior to admitting any detainee into prison, they are subjected to a compulsory HIV/AIDS tests. These prisoners are not provided with pre or post counselling services and if found to be HIV positive, they are segregated and immediately placed into what was known as the New Wing. As such, the sero status of all those prisoners in the New Wing is known to everyone and they are stigmatised as a result. The prison authorities also treat HIV/AIDS prisoners in a discriminatory manner and are not even allowed to participate in certain chores particularly in the kitchen. Additionally, unlike other prisoners whose HIV sero status is negative, prisoners with HIV/AIDS are not allowed to participate as residents in the residential rehabilitation programmes for prisoners. In terms of diet, the diet for prisoners with HIV/AIDS is not appropriate and furthermore, not all of them are provided with ARVs. Only those prisoners whose CD count 250 or below are eligible for free ARV treatment.
108. The representative for Association KINOUETE informed the African Commission delegation that her organisation provides information to all detainees about HIV/AIDS.
109. The delegation of the African Commission was informed that although there was legislation providing for alternative forms of punishment, the courts rarely utilised this law and the result was that there was a high rate of detentions, which also led to the problem of congestion within prisons. Additionally, the Supreme Court, which is the only court with jurisdiction over drug related offences sits only twice a year. This too increased the number of suspects held in detention prior to trial. It was also pointed out that ex-detainees are faced with the problem of getting employment because most employers require prospective employees to acquire a certificate of morality and in the case of detainees this minimises their chances of getting employment.



110. Regarding the issue of whether prisons are accessible to visitors and to whoever would like to provide services to the detainees, it was reported that generally prisons are accessible. For instance, Prévention Information et Lutte contre le Sida (PILS) which is an organisation that works in the area of HIV/AIDS carries out various programmes within prisons. In terms of visits for prisoners, generally these are allowed although no contact visits are permitted except for children below the age of 5 years. However, upon application, an exception had been made for Association KINOUETE which facilitates contact visits for children until they attain the age of 18 years. This is however done in accordance with certain conditions which have been laid down by the prisons authorities.
111. As to how children in conflict with the law are treated, the delegation of the African Commission learnt that there was a correctional centre for girls and one for the boys. There was also a Youth Rehabilitation Centre which deals with cases of children found to be unruly or indisciplined. Such children are normally taken there by their parents for rehabilitation.
112. On a general note, the meeting pointed out some of the problems that face the society in Mauritius. It was stated that the society in Mauritius is very religious and cultural and as a result, any decisions that are made at any strata of society has at its basis religious, ethnic or cultural considerations. Additionally, the society is male dominated. There was also a lack of human rights knowledge at all levels in Mauritius. The population in Mauritius were not aware of the existing structures that promote and protect human rights in the country. Compounding this problem was the existence of a multiplicity of structures which in many instances creates confusion among the population as to which institution would best address their complaints. The Office of the Ombudsman for instance was not known to most members of the public and yet there are many complaints that could be lodged with that office for action to be taken. Consequently, due to the existence of freedom of expression in the country, most people have resorted to venting their frustrations and problems within the media.
113. Commissioner Monageng informed the representative of MACOSS and Association KINOUETE that Mauritius was in the process of preparing its human rights report to the African Commission in accordance with its obligations under Article 62 of the African Charter. She therefore urged them as well as other NGOs to participate effectively in this process or to ensure that they submit shadow reports informing the African Commission about the state of human rights promotion and protection in Mauritius.

### **Ministry of Health and Quality of Life**

114. A meeting was organised for the delegation to meet with officials from the HIV/AIDS Unit in the Ministry of Health and NGOs working in the area of HIV/AIDS.
115. The meeting informed the delegation of the African Commission that Mauritius had recognised that the problem of HIV/AIDS was a human rights issue

and as such was addressing the problem bearing in mind the human rights issues that are raised by the problem. For instance, they reported that where before prisoners were required to undertake compulsory HIV test, this was not the case anymore. The allegations made to the effect that prisoners found to be HIV/AIDS are treated in a discriminatory manner were said not to be true. It was explained that prisoners with HIV/AIDS were isolated in a bid to ensure that they are provided with better facilities and a better diet.

116. The representative of Mauritius Family Planning and Welfare Association (MFPWA) reported that her organisation provides sexual and reproductive health services. Emphasis in this regard is placed on adolescents, prevention of HIV/AIDS, provision of access to various health services, advocacy and abortion services. The organisation also has a programme of information, education and communication and undertakes research on various sexual and reproductive health issues. MFPWA collaborates with various stakeholders in the community when carrying out their activities. She stated that the organisation also has a drop-in centre for sexually abused children under the age of 18 years. She informed the delegation of the African Commission about the various human rights issues surrounding the question as to whether or not a child should be informed about their sero status when found to be HIV positive.

117. The representative of Action Familiale stated that her organisation offers the community information about family planning and promotes stable marriages by encouraging faithfulness in marriages as this has the effect of building strong families. The organisation also offers HIV/AIDS prevention programmes and training in life skills. She reported that her organisation's programmes had reached about 12,000 students and 1,000 out of school youth. Action Familiale had also initiated a special programme for children living on the streets, aimed at providing them with support and assistance. The representative of Action Familiale stated that about 75 percent of the people with HIV/AIDS were also drug users. Consequently, the organisation emphasises rejection of drug use as part of its HIV/AIDS prevention strategy. As a welfare state, she reported that Mauritius was doing its utmost to provide health services to people with HIV/AIDS. She stated that most organisations were involved in providing support to people living with HIV/AIDS and so far, not much attention had been paid to the care givers. She reported that her organisation had elaborated an action plan that would address the issue of providing support to care givers to people living with HIV/AIDS. In conclusion, the representative of Action Familiale enquired as to what was being done to protect those detained in prisons, as they were at great risk of contracting HIV/AIDS while in prison as a result of sodomy.

118. The representative of Conseil des Religions stated that with the support of UNDP and UNAIDS the organisation had programmes that target religious leaders and religious people.

119. The delegation of the African Commission was informed that the NGO NAMESA was established in 1990 and it mobilises the community to offer psychosocial support to drug users. The representative of NAMESA stated that the

organisation also runs rehabilitation and HIV/AIDS prevention programmes and offers counselling to persons with HIV/AIDS. He confirmed that HIV/AIDS was prevalent among drug users. He was of the view that there is need to disseminate proper information about HIV/AIDS, as there was a lot of misunderstanding within the population about the disease. He stated that under no circumstances should there be mandatory testing for HIV/AIDS for any person. The representative of NAMESA also raised the issue of the protection of prisoners whose sero status is HIV negative from contracting the disease while in prison.

120. The representative of the HIV/AIDS Unit in Ministry of Health informed the delegation of the African Commission that the Unit's major programmes centred around prevention and treatment of HIV/AIDS and this was in line with the National HIV/AIDS Prevention Strategic Plan for 2001-2005. In carrying out its programmes, the Unit targets students, out of school youths, work places, Export Processing Zones, hotels etc. In line with the Action Plan for injecting drug users, the Unit also carries out outreach activities for injecting drug users. There is also a special programme offered by the Unit for detainees. The representative of the HIV/AIDS Unit reported that as at June 2006 there were 2,317 detainees infected with HIV/AIDS and 73 percent of these were injecting drug users. The Unit works closely with the World Health Organisation (WHO) and all its services are extended to regional hospitals.

### **Press Conference**

121. The press conference took place at the conference room of the Attorney General and Minister of Justice and Human Rights. The Attorney General and Minister of Justice and Human Rights, Honourable Rama Valadayan and the Acting Assistant Solicitor General, O. B. Madhub were also present at the press conference. In attendance at the press conference were members from both the print and electronic media. The press conference took place early in the day before the conclusion of all the meetings of the delegation of the African Commission.
122. The Minister of Justice and Human Rights gave a brief statement about the African Commission delegation's promotional mission and invited Commissioner Monageng to address the press.
123. Commissioner Monageng informed the members of the press that the African Commission was grateful to the government of Mauritius for authorising the promotional mission and in a timely manner, which she noted was a rare occurrence when dealing with States parties. This, she stated was an indication of the seriousness with which the government of Mauritius regarded issues relating to human rights. In addition, she indicated that the delegation of the African Commission had, during its visit, noticed some positive developments in the area of human rights, for instance, the establishment of various structures geared towards promoting and protecting human rights like, the NHRC, the Human Rights Centre, Ombudsperson for Children. Furthermore, there were efforts on the part of the government to enact legislation to protect human rights like the proposed Equal Opportunities bill and

the HIV and AIDS Preventive Measures bill. The delegation of the African Commission had also learnt that members of the society were always invited to participate and give their views on human rights issues. Commissioner Monageng, informed the press that the delegation of the African Commission had also learnt during the mission that the government of Mauritius was in the process of preparing its periodic human rights State report to the African Commission, which it would submit soon in accordance with its obligations under Article 62 of the African Charter. She informed the press and civil society to ensure that they are involved in the process of compiling the report, and where necessary submit any relevant information on the state of human rights in the country to the African Commission. Such information she noted would be taken into consideration when the African Commission examines the report of Mauritius and she went on to explain the process of state reporting before the African Commission.

124. In response to a question about the problem of brutality by members of the police force in Mauritius, Commissioner Monageng informed the press that the delegation of the African Commission was aware that this was a problem in the country and had raised it with the various government authorities that had so far been met. She informed the press that the authorities had conceded that there was a problem of police brutality but that every effort was being undertaken to address it and curb it. Mechanisms and structures had been put in place in this respect.

125. A question was also raised about one the leaders of opposition who had left Mauritius, following his detention and sought political asylum in Saudi Arabia. Commissioner Monageng indicated this was a national issue that she could not comment on. The Minister of Justice and Human Rights however commented on the issue and assured all present that whatever happened, he would be given the protection he needed and a fair trial if he returned to the country.

### **Working session on the first periodic report of Mauritius**

126. The Ministry of Justice and Human Rights was in the process of preparing the first periodic report of Mauritius to the African Commission. The Assistant Parliamentary Counsel, Aruna Devi Narain, who was in charge of drafting the report, took the opportunity of the presence of the delegation of the African Commission to request for a working session on how the report should be prepared. All the officers involved in the drafting of the report were also present at the working session. During the working session, the delegation of the African Commission explained to the officers of the Ministry of Justice, what the report should contain. The process that the African Commission adopts when examining reports was also explained. It was also pointed out that the report should address issues that are covered by the special mechanisms of the African Commission. It was also stressed that this being a periodic report, an effort should be made to indicate any concrete measures taken to realise the rights and duties enshrined in the African Charter and the progress made since the initial report was submitted. The difficulties encountered by Mauritius in their efforts to ensure that the freedoms and rights guaranteed under the African Charter are given effect in the country should also be mentioned. The country should also report on the new measures such as new legislation, new structures and

policies, new administrative decisions or judicial judgements that have been adopted and which aim to uphold the rights enshrined in the African Charter.

### **Commissioner of Prisons**

127. The delegation of the African Commission held a meeting with the Commissioner of Prisons, L. Vijayanarayanan. Two Deputy Commissioners of Prisons, namely, J. Sibidayal and J. Henri also attended the meeting. The African Commission delegation informed the Commissioner of Prisons about the African Commission and its special mechanisms, in particular about the activities of the Special Rapporteur on Prisons and Conditions of Detention in Africa. Commissioner Monageng registered her disappointment at the fact that the delegation of the African Commission was not able to visit any prison in the country. She informed the Commissioner of Police about the concerns raised in respect of the discriminatory treatment of prisoners especially those with HIV/AIDS and also enquired whether there was a torture in prisons. She also drew the delegation's attention to the Robben Island Guidelines on Prohibition and Prevention of Torture.
128. The Commissioner of Prisons stated that the National Aids Committee falls under the jurisdiction of the Prime Minister. He reported that a few years ago Mauritius realised that they were faced with the problem of HIV/AIDS and decided to institute measures to address the problem. The issue of segregating prisoners in the New Wing was intended to be able to identify those prisoners with HIV/AIDS so they could be provided with better facilities and health services and given a different diet from the general prison population. However, these prisoners have, since concerns were raised about the segregation, been integrated into the general prison population.
129. The delegation was informed that there was no torture in prisons. Prison officers are trained in human rights and as such are aware that torture was prohibited.
130. In terms of prisoners' rights and their welfare, the Commissioner of Prisons indicated that prisoners were allowed to communicate with their families and that they were also allowed visits. The prisons also run various projects in which the prisoners participate so that they can acquire life skills. These include projects in dairy production, agriculture and poultry. The prisons also offer rehabilitation programmes for prisoners but in order for such programmes to yield results, Mauritius has realised that they should address criminal behaviour as well as drug use. Rehabilitated prisoners are offered education. The Commissioner of Prisons admitted that drug use and trafficking is a major problem in the country and stated that about 60 percent of the detainees were in prison for drug related offences.
131. In conclusion, the Commissioner of Prisons reported that they were trying to educate the community through social functions that involve detainees and ex-detainees about the importance of supporting prisoners and not necessarily regard them as dangerous people in the community. He also reported that there were several NGOs that work with prisoners.

## **Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection**

132. The Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection, Honourable P. Aubeelack was also met by the delegation of the African Commission. The Ombudsperson for Children, Shirin Aumeeruddy-Cziffra was also present at this meeting as the delegation of the African Commission was unable to meet her in person. Several key members of staff from the Ministry of Women's Rights also attended the meeting.
133. Commissioner Monageng talked about the African Commission, its mandate and activities and particularly informed the Meeting about the mandate and activities of the Special Rapporteur on the Rights of Women in Africa. She stated that whereas the African Commission can still deal with issues that relate to the rights of children, the African Committee of Experts on the Rights and Welfare of the Child which was established by the African Charter on the Rights and Welfare of the Child has the main responsibility over child rights issues. The Commissioner also informed the persons present that the delegation of the African Commission had learnt during the mission that Mauritius was in the process of drafting its periodic report to the African Commission and therefore urged the Ministry of Women's Rights to participate in this drafting process, as this would enable Mauritius to give a complete picture of the human rights situation in the country.
134. The Minister informed the delegation that the problems that Mauritian women and children face are very similar to what women and children elsewhere in the world suffer. There are cases of discrimination, domestic violence, sexual abuse etc. However, the government has endeavoured to put in place measures to address some of these problems. The Minister stated that for instance, in the case of sexual abuse, when a case is reported, the victim is provided with all the required counselling and health facilities under one roof so as to protect the victim from further trauma.
135. The Acting Head of the Family Welfare Unit at the Ministry of Women's Affairs informed the delegation of the African Commission that Mauritius has a national policy paper on families. He stated that the Ministry of Women's Affairs has 6 Family Support Units which offer legal services and counselling to persons who are victims of domestic violence among other things. There is also a shelter for women who have been victims of domestic violence. The Officer in Charge indicated that the Family Units carry out a host of other activities and programmes within the communities to prevent domestic violence. They also have programmes which allow for the participation in discussions on the problem of domestic violence. He stated that the Ministry operates a 24 hour hotline for victims of domestic violence but it is also available for providing advice on family problems and advice as to which structures and institutions to approach for assistance.

136. Commissioner Monageng enquired as to what the underlying causes of domestic violence in Mauritius were. She was informed that the main causes were several, including the erosion of family values, alcoholism, drugs, extra-marital affairs etc. In addition, the patriarchal nature of the Mauritian society contributed to the problem and therefore there was a need to change people's attitudes in this respect.
137. The Ombudsperson for Children informed the delegation of the African Commission that her position was created by the Ombudsperson for Children Act of 2003. She stated that she was the first Ombudsperson for Children to be nominated to the office in 2003 and the office is the first of its kind in Africa. The role, powers and functions of the Ombudsperson are set out in the Ombudsperson for Children Act. The Ombudsperson is empowered to promote the rights and best interests of children in Mauritius and ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals. The Ombudsperson can only make recommendations following any investigations that the office may have undertaken.
138. With regard to domestic violence, the Ombudsperson stated that this has always been a problem in the Mauritian community, however, due to awareness about human rights there had been more reports about the problem. A programme to change the attitude of men as regards domestic violence has also been started. There is also legislation to protect victims of domestic violence – the Protection from Domestic Violence Act. Victims of domestic violence can seek protection orders under this law. The government of Mauritius has also established 2 temporary shelters for victims of domestic violence and there are also shelters that have been established by NGOs.
139. The Ombudsperson for Children also informed the delegation of the African Commission that Mauritius has a Youth Rehabilitation Centre which hosts children found to be uncontrollable by their parents. However, sometimes the authorities hold children in conflict with the law in these establishments which is not proper.
140. With respect to the problem of child prostitution, the delegation of the African Commission learnt that the problem is also linked to the problem of child abandonment, drug use and trafficking. In 2003 a plan of action to combat child prostitution was drafted. It lists the various actions and measures that can be taken to combat this problem. So far a Drop in Centre to provide support to children found in prostitution has been established and will soon be made a residential centre. It was stated that there were problems related to obtaining evidence from victims of child prostitution for purposes of prosecution. Additionally, the law as it operates makes it difficult for the police to access private premises where most of the child prostitution takes place. It was therefore proposed that the legal procedures need to be reviewed in order to allow the police accessibility to premises where such activities are suspected to be taking place. The government of Mauritius is also in the process of amending the Child Protection Act to provide for child trafficking.
141. In conclusion, the Minister of Women's Affairs assured the delegation of the African Commission that her Ministry would be in touch with the Ministry of Justice and Human Rights to ensure that the input of her Ministry is included in the

forthcoming Human Rights Report to the Commission. She indicated that this would not be a problem especially since Mauritius had very recently presented its report to the Committee on the Elimination of all forms of Discrimination Against Women.

## **Conclusion**

142. During the week that the delegation of the African Commission was in Mauritius, a cross section of relevant government officials were met with the assistance of the Ministry of Foreign Affairs and Ministry of Justice. The discussions that the delegation had with the various officials were quite candid and provided the delegation with some measure of the situation of human rights in Mauritius. Of particular mention was the seriousness with which the government of Mauritius was taking the drafting of the periodic report to the African Commission to the extent that they decided to take advantage of the delegation's presence in the country to guide them as to what is expected of the country in terms of presenting the report. The delegation was however, disappointed not to have been able to visit at least one of the prisons in Mauritius in order to appreciate the conditions of detention. Additionally, due to unforeseen circumstances the delegation of the African Commission did not have the opportunity to meet with the various human rights organisations that operate in the country.

## **III. OBSERVATIONS**

143. On a general note, the delegation of the African Commission observed that the government of Mauritius was endeavouring to establish institutions, policies as well as enacting legislation geared towards promoting and protecting human rights. The delegation of the African Commission would like to point out some of the positive efforts the government of Mauritius has taken in this regard, including -:

- The establishment of human rights institutions, for instance, the National Human Rights Commission, the Office of the Ombudsperson for Children and the Human Rights Centre;
- The distribution of copies of the Mauritian constitution, introduction of human rights into the curricula of schools;
- Efforts undertaken by the police force and the Ministry of Justice to reduce their case backlogs and ensure that there are no case backlogs by September 2006;
- Protection of the rights of women and children in the country, through the enactment of legislation like the Protection from Domestic Violence Act, the adoption of a plan of Action to combat child prostitution and establishment of a Drop in Centre to provide support to children found in prostitution, the establishment of an Office of the Ombudsperson for Children, the establishment of 2 temporary shelters for victims of domestic violence, the provision of adequate counselling and health facilities to victims of sexual abuse;
- The establishment of institutions like the Independent Commission Against Corruption and the Financial Intelligence Unit aimed at stamping out corruption in the country; and



- Efforts undertaken to address the problem of drug use and trafficking through the establishment of an Anti-Drug Smuggling Unit within the police force, the establishment of drug rehabilitation programmes and drug substitute therapy for drug users; and
- The concrete measures undertaken to address the issue of corruption in the country at all levels. This is a major achievement.
- The positive existence of multiculturalism.
- The innovative way of interrogating suspects on video tape.

144. The delegation of the African Commission also realised that Mauritius was faced with a big problem of drug abuse and trafficking which impacts heavily on the problem of HIV/AIDS.

#### **IV. RECOMMENDATIONS**

*The African Commission recommends to the Government of Mauritius to -:*

145. Consider undertaking affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom so as to redress the imbalances that may exist against them.
146. Encourage equal gender representation in politics.
147. Accelerate the process of establishing an Independent Investigations Police Complaints Commission.
148. Consider abolishing the death penalty as a legal punishment under the constitution since Mauritius has a domestic legislation which abolishes the application of the death penalty. This would be in line with the African Commission's Resolution Urging States to envisage a Moratorium on the Death Penalty.
149. Develop programmes aimed at educating the Mauritian population about abolition of the death penalty.
150. Consider repealing the legislation that provides for issuance of certificates of morality prior to obtaining employment or at least restrict its application to certain specific groups of people where such a requirement is necessary, for instance, for security purposes.
151. Consider providing the Office of the Ombudsman with more investigators to enable the office to discharge its mandate fully and effectively.

152. Accelerate and submit its overdue Periodic Reports in accordance with Article 62 of the African Charter on Human and Peoples' Rights.
153. Popularise the African Commission, the African Charter and all the relevant regional human rights instruments within the country.
154. Give a full report on the present situation of the Chagossians to the African Commission on Human and Peoples' Rights.
155. Make the declaration under Article 34(6) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights which permits NGOs and individuals to have direct access to the African Court. This would be in line with the African Commission's Resolution on the Establishment of an Effective African Court on Human and Peoples' Rights.
156. Continue to undertake aggressive HIV/AIDS public awareness and information campaigns aimed at the whole population, and especially injecting drug users in order to prevent the use of drugs and at the same time combat the spread of HIV/AIDS in the country.
157. Provide adequate provision of public health care and appropriate medical interventions for persons living with HIV/AIDS and drug users.
158. Ensure that any HIV/AIDS support programmes are not only targeted at people living with HIV/AIDS but also target the care givers who also need support and assistance.
159. Take into account the Resolution on HIV/AIDS Pandemic - Threat against Human Rights and Humanity adopted by the African Commission on Human and Peoples' Rights and the International Guidelines on HIV/AIDS and Human Rights especially in relation to ensuring the protection of those living with HIV/AIDS against discrimination.
160. Ensure that prisoners and other people living with HIV/AIDS, held in prisons and other places of detention are not discriminated against on account of their status.
161. Address the potential problem of child prostitution, drug addiction and trafficking. In this respect, the government of Mauritius should endeavour to accelerate the process of amending the Child Protection Act to include provisions that address the problem of child trafficking.
162. Ensure that the legal procedures that relate to obtaining evidence from victims of child prostitution should be amended so as to facilitate prosecution of such cases.

163. Ensure that the legal procedures relating to accessing premises for purposes of carrying out searches should be reviewed with a view to facilitating police accessibility to premises where child prostitution activities may be suspected to be taking place.
164. Expedite the process of hearing cases before them and dispose of them in order to clear the case backlog which is high at the level of the judiciary.
165. Implement the law which provides for alternative forms of punishment as this would contribute towards reducing congestion within prisons.
166. Ensure that the National Human Rights Commission submits its reports to the African Commission.

*The African Commission recommends to the Political Parties in Mauritius to -:*

167. Adopt a policy that ensures equal representation of men and women in their executive committee structures and all other structures.
168. Consider revising the law on the Certificate of Morality to get employment, to the extent that these certificates be required for some specific positions only, in order to alleviate the present situation, which has led to high unemployment for people with previous convictions.

*The African Commission recommends to Donor agencies and institutions to -:*

169. Provide material and financial resources to NGOs in Mauritius to facilitate them carry out activities aimed at promoting and protecting human rights.

*The African Commission recommends to NGOs and academic institutions in Mauritius to -:*

170. Consider applying for observer status with the African Commission, as this would facilitate a good working relationship between them and the African Commission.

## **Officials Met by the delegation**

### **President**

- His Excellency the Rt. Honourable Sir Anerood Jugnauth, G.C.S.K, K.C.M.G Q.C

### **Ministry of Foreign Affairs, International Trade and Cooperation**

- Minister of Foreign Affairs, International Trade and Cooperation, Honourable Madam Murlidhar Dulloo,
- Secretary for Foreign Affairs, International Trade and Cooperation Ambassador Anund P. Neewoor.
- Second Secretary, Niraj Kumarsingh Ramdin

### **Ministry of Justice and Human Rights**

- Attorney General and Minister of Justice and Human Rights, Honourable Rama Valadayen.
- Acting Assistant Solicitor General, O. B. Madhub
- Assistant Parliamentary Counsel, Aruna Devi Narain
- Director of Public Prosecutions (DPP), A. Hamuth

### **Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection**

- Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection, Honourable P. Aubeelack
- Ombudsperson for Children, Shirin Aumeeruddy-Cziffra
- Acting Head, Family Welfare Unit, A Appadoo
- Acting Head, Women's Unit, M.Bali
- Acting Head, Child Development Unit, W. Rose-Gujadhur
- Project Manager, A. Daby
- Coordinator, Family Welfare Unit, J. Bhunjun
- Coordinator, PRU, R. Azmatally
- Coordinator, Child Development Unit, R. Nundah
- Senior Child Welfare Officer, V. Chingadu
- Acting Senior child Welfare Officer, N. Taukoordass
- Executive Officer (Secretary), C. Pothunnah
- Secretary, national Children Council, F. Botte-Noyan
- Principal Assistant Secretary, A. Capery
- Acting Principal Assistant Secretary, S. Lotun
- Assistant Secretary, S. Samynaden
- Assistant Secretary, A. Poreema
- Assistant Secretary, D. Rawojee
- Assistant Secretary, B. Payneeandy

## **Ministry of Health and Quality of Life**

### *HIV/AIDS Unit*

- HIV/AIDS Education Nurse, O. Saint Paul
- Nursing Officer, S. Soobhany
- Nursing Officer, K. Buldawao
- Programme Coordinator, I. Mahad
- Government Medical Practitioner, G. Casse

### *Non-Governmental Organisations*

- Mauritius Family Planning and Welfare Association
- NAMESA
- Action Familiale
- Conseil des Religions

## **National Assembly**

- Speaker of the National Assembly, Honourable Gosk Purryag Rajkeswur
- Clerk of the National Assembly, Honourable Ranjit R. Dowlutta

## **Judiciary**

- Senior Puisne Judge, Justice Yeung Sik Yuen

## **Prisons**

- Commissioner of Prisons, L Vijayanarayanan
- Deputy Commissioners of Prisons, J. Sibidayal
- Deputy Commissioners of Prisons J. Henri

## **Police**

- Commissioner of Police, R.Gopalsingh
- Deputy Commissioner of Police, Seerungen
- Deputy Commissioner, Administration, D. Resaul
- Deputy Commissioner of Police, Anti-drug, R. Sooroojebally
- Deputy Commissioner of Police, D.J. Rampensad
- Assistant Commissioner Beekun,
- Superintendent of Police, Complaints Investigations Bureau (CIB), C. Herechennder
- Chief Inspector, B. Hangsraj
- Inspector, Sham Loll
- Inspector Purmessur
- Corporal Manuel
- Constable Silvio

## **National Human Rights Commission**

- Vice Chairperson of the Sex Discrimination Unit, R.N. Narayen
- Secretary to the National Human Rights Commission, K. Conhye

**Independent Commission Against Corruption**

- Chief Legal Adviser, Maneesh Gobin
- Director General and Chairperson of the Board, Anil Kumar Ujoodha
- Member of the Board, Hamid Imrit
- Member of the Board, Indira Manrakhan

**Office of the Ombudsman**

- Ombudsman, Soleman M. Hattea
- Secretary to the Office of the Ombudsman, M. A. Zeadally

**Non Governmental Organisations**

- Mauritius Council of Social Service
- Association KINOUETE.