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Mauritius

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1972)	OP-CRC-AC (2009)	ICCPR-OP 2
	ICESCR (1973)	OP-CRC-SC (2011)	ICRMW
	ICCPR (1973)	CRPD (2010)	CPED
	CEDAW (1984)		
	CAT (1992)		
	OP-CAT (2005)		
	CRC (1990)		
Reservations, declarations and/or understandings	CEDAW (reservation, art. 29, para. 1, 1984)	OP-CRC-AC (declaration, art. 3(2), 2009)	
	CRC (withdrawal of reservation, art. 22, 2008)	CRPD (reservations, arts. 9, para. 2 (d) and (e); 11; and 24.2(b))	
Complaint procedures, inquiry and urgent action[3]	ICCPR-OP 1 (1973)	OP-CRC-IC (signature only, 2012)	ICERD, art. 14
	OP-CEDAW art. 8 (2008)		OP-ICESCR
	CAT, art. 20 (1992)		ICCPR, art. 41
			CAT, arts. 21 and 22
			ICRMW
			OP-CRPD (signature only, 2007)
			CPED

1. The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) urged Mauritius to consider ratifying CPED, OP-CRPD and ICCPR-OP 2.[4] Several treaty bodies urged Mauritius to consider ratifying ICRMW.[5] CAT and the Committee on Economic, Social and Cultural Rights (CESCR) recommended the ratification of OP-ICESCR.[6]

2. CESCR and the United Nations High Commissioner of Refugees (UNHCR) recommended that Mauritius consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[7] UNHCR recommended accession to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[8]

3. CESCR urged Mauritius to ratify ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.[9]

4. CAT invited Mauritius to consider making the declaration required under article 22 of the Convention relating to individual complaints.[10] The Committee on the Elimination of Racial Discrimination (CERD) recommended that Mauritius ratify the amendments to article 8, paragraph 6, and urged Mauritius to make the declaration under article 14 of ICERD.[11] CESCR recommended that Mauritius consider withdrawing its interpretative declaration concerning article 24, paragraph 2(b), of CRPD in relation to the policy of inclusive education and withdraw its reservation concerning article 11 of CRPD.[12]

Other main relevant international instruments[13]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Rome Statute of the International Criminal Court Palermo Protocol[14] Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto[15] ILO fundamental conventions[16] UNESCO Convention against Discrimination in Education	ILO Convention No. 189[17]	Convention on the Prevention and Punishment of the Crime of Genocide Conventions on refugees and stateless persons[18] ILO Convention No. 169[19] Additional Protocol III to the 1949 Geneva Conventions[20]

B. Constitutional and legislative framework

5. CEDAW urged Mauritius to: hasten the review of the Constitution; repeal section 16(4)(c) of the Constitution, which discriminates against women; and bring the Constitution into compliance with articles 2 and 16 of the Convention.[21]

6. Noting with concern that economic, social and cultural rights were not enshrined in the Constitution, CESCR encouraged Mauritius to complete the planned amendments of the Constitution with a view to enshrining economic, social and cultural rights on an equal footing with other constitutional rights.[22]

7. Furthermore, CESCR was concerned that ICESCR had not been incorporated into domestic law and could not be directly invoked by individuals before national courts.[23] CEDAW and CAT made similar observations regarding CAT and CEDAW respectively.[24]

8. CAT urged Mauritius to adopt the Criminal Court Bill aiming at incorporating the provisions of the Rome Statute on the International Criminal Court into domestic law.[25]

C. Institutional and human rights infrastructure and policy measures

9. In 2013, CERD welcomed the strengthening of the human rights infrastructure, including: (a) the broadening of the mandate of the Human Rights Commission and the enhancement of its operational capacity and (b) the adoption of the 2012-2020 National Human Rights Action Plan and the establishment of a multi-stakeholders Committee to monitor its implementation.[26] In 2010, CESCR was concerned that the Human Rights

Commission had no specific mandate to deal with economic, social and cultural rights as such.[27]

10. CERD also welcomed the creation and the work of the Equal Opportunities Commission.[28]

Status of national human rights institutions[29]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[30]
Commission Nationale des Droits de l'Homme	A (2008)	A (2008) Deferral of the review to 2014

II. Cooperation with human rights mechanisms

11. Mauritius prepared and submitted its mid-term report regarding the follow-up to the universal periodic review (UPR) recommendations put forward during its review in 2011.[31]

A. Cooperation with treaty bodies[32]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	May 2001	2012	March 2013	Twentieth to twenty-second reports due in 2015
CESCR	October 1996	2008	May 2010	Fifth report due in 2015
HR Committee	April 2005	–	–	Fifth report overdue since 2010
CEDAW	August 2006	2010	October 2011	Eighth report due in 2015
CAT	May 1999	2010	May 2011	Fourth report due in 2015
CRC	March 2006	2011	–	Third to fifth reports pending consideration/Initial report to OP-CRC-AC overdue since 2009/Initial report to OP-CRC-SC due in 2013.
CRPD	–	–	–	Initial report overdue since 2012

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2014	Grounds of discrimination; incitement to hatred and violence[33]	
CEDAW	2013	Definition of discrimination against women; Violence against women[34]	
CAT	2012	Complaint mechanisms; Conditions of detention; National Preventive Mechanism; National Plan of Action for Human Rights[35]	Dialogue ongoing[36]

12. In 2011, CAT recommended making the report of the Sub-Committee public following its visit in 2007.[37]

B. Cooperation with special procedures[38]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	None	Sale of children (2-10 May 2011)[39]
Visits agreed to in principle	Freedom of religion	Freedom of religion
Visits requested		
Responses to letters of allegations and urgent appeals	During the period under review one communication was sent. The Government replied to this communication.	

13. CESCR encouraged Mauritius to consider extending an invitation to the special procedures of the Human Rights Council to visit the country with a view to enhancing the dialogue, especially with special rapporteurs in the area of economic, social and cultural rights.[40]

C. Cooperation with the Office of the High Commissioner for Human Rights

14. In 2010 and 2011 Mauritius contributed financially to OHCHR.[41]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. CEDAW was concerned about discriminatory cultural norms and practices as well as patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in family and society.[42] CESCR recommended that the Government address gender-based prejudices and promote the equal sharing of responsibilities in the family, the community and in public life.[43]

16. CEDAW reiterated its concern that the exemption to the prohibition of discrimination had been maintained in section 16 (4) (c) of the Constitution with regard to personal status law, including adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of CEDAW. It was further concerned that the legal review of the Constitution aimed at bringing it into compliance with the Convention had not been advancing at the desired pace.[44] CESCR and CERD made similar observations.[45] CEDAW called upon the Government to repeal section 16 (4)(c) of the Constitution, which discriminates against women, and to adopt all necessary measures to bring the Constitution into compliance with the Convention.[46] Similarly, CESCR urged Mauritius to ensure that the ongoing constitutional reform and all personal laws are governed by the principle of non-discrimination, and to eliminate all legislation that may result in discrimination against women.[47]

17. Furthermore, CEDAW recommended that Mauritius introduce temporary special measures in areas where women are underrepresented or disadvantaged and raise awareness among parliamentarians and Government officials about the necessity of such measures.[48]

18. CERD was concerned at the existence of hierarchy along skin colour, ancestry, caste and racial lines in the society, whereby groups are perceived as, or feel, superior or inferior to others. It urged Mauritius to condemn and take action to eliminate ideas of racial or ethnic superiority and to prioritize the implementation of the recommendations of the Truth and Justice Commission, especially those relating to creating a "less racist and elitist society".[49] CERD also recommended that Mauritius consider racial motivation as an aggravating circumstance in the sentencing of crimes and ensure that acts of racial discrimination are punishable in legislation and that they be dealt with and made to carry sanctions proportional to their gravity.[50]

19. CESCR was concerned that, according to section 16, paragraph 4(b), of the Constitution, the non-discrimination clause in section 16(1) of the Constitution did not apply to laws that made provisions with respect to non-nationals.[51] The ILO Committee of Experts on the Application of Conventions and Recommendations made a similar observation.[52]

20. CERD urged Mauritius to give proper status to the languages spoken by the various groups of the population, to eliminate language barriers to equality and to the enjoyment of civil and political rights, and economic, social and cultural rights.[53] CERD encouraged Mauritius to add "language" as a protected ground under the Equal Opportunities Act.[54]

21. CESCR was concerned that children with disabilities, children affected and/or infected by HIV/AIDS, and children from disadvantaged families suffered under de facto discrimination.[55]

B. Right to life, liberty and security of the person

22. In 2011, CAT was concerned that a number of draft bills aimed at preventing torture had been under preparation or consideration before Parliament for long periods of time, in some cases for many years.[56]

23. CAT was concerned about the absence in the legislation of a provision to guarantee that no exceptional circumstances whatsoever may be invoked as a justification for torture.[57] While noting the penalties for the offence of torture, CAT remained concerned that some aggravating circumstances were not taken into account. It stated that Mauritius should revise its Criminal Code to make acts of torture offences punishable by appropriate penalties and incorporate in its legislation a provision on the absolute prohibition of torture and to the effect that no justification may be invoked in any circumstances.[58]

24. CAT stated that Mauritius should reduce overcrowding and improve conditions in all prisons. It also urged the Government to make use of alternative and non-custodial measures and reduce pretrial detention periods.[59]

25. CAT was concerned that domestic violence, in particular violence against women and children, including sexual violence, persisted.[60] CESCR and CEDAW expressed concern that domestic violence, including marital rape, was not specifically categorized as a criminal offence.[61] CEDAW remained concerned about the low number of cases of domestic violence reported to the police, that the Protection from Domestic Violence Act and its amendments might not be providing adequate protection for women, and that many women who had obtained protection orders were subjected to attacks by their spouses.[62]

26. CEDAW urged Mauritius to: categorize domestic violence as a crime, criminalize marital rape and include it in the Sexual Offences bill. It also urged the Government to ensure that investigation and ex-officio prosecution of cases of domestic violence proceed.[63] CAT and CESCR made similar recommendations.[64]

27. CEDAW was concerned about the low number of shelters and urged Mauritius to: establish additional shelters; provide women victims of domestic violence with alternative safe living settings; support local NGOs which offer legal aid and shelter to women and girls who are victims of domestic violence; and adopt monitoring and evaluation mechanisms to ensure the effectiveness of measures taken under the Action Plan to Combat Domestic Violence.[65]

28. The Special Rapporteur on the sale of children, child prostitution and child pornography noted that the most common form of violence against children was intrafamilial abuse.[66] CAT stated that the Government should strengthen its efforts to combat child abuse, including by investigating, prosecuting and punishing those responsible and adopt legislation to prohibit corporal punishment, in particular in social institutions and in alternative care settings.[67]

29. CESCR was concerned at cases of sexual exploitation of children and that some schoolgirls voluntarily work with prostitution rings, while others were forced into prostitution.[68] The Special Rapporteur on the sale of children was concerned that children involved in prostitution could be considered as children “beyond control” of their parents and, as such, they could be placed in probation centres upon court order, further to reports prepared by the Probation and After-care Service.[69] She stated that existing centres or points of contact lacked the specialized services necessary to receive, treat, accompany and adequately address child victims of prostitution.[70]

30. The Special Rapporteur on the sale of children noted significant difficulties in the detection of child victims of sale, prostitution and pornography, and how victims were treated in the system. She expressed concern about overlapping duties between relevant

actors and unclear definition of roles and responsibilities.[71] She also observed the absence of a mechanism with adequately resourced and trained staff to work with child victims of sexual exploitation.[72]

31. The Special Rapporteur on the sale of children recognized that the Government has established a set of laws, policies and institutions, and mobilized considerable financial resources, to enhance the protection of children from sale, prostitution and pornography. However, the Government had been struggling to have an efficient sustained impact on the lives of vulnerable children, namely due to poor inter-institutional coordination, weak policy coherence and ineffective multi-sectorial approaches.[73] She recommended that the Government finalize the process of reviewing the legal framework prohibiting, preventing and responding to all forms of sale and sexual exploitation of children, and ensure the effective implementation of the framework through, inter alia, the harmonization of national legal and regulatory frameworks with ratified international instruments, accompanied by binding measures and mechanisms.[74]

32. CEDAW was concerned at the fact that Mauritius remained a country of source, destination and transit for human trafficking, and at the proliferation of sex tourism, essentially generating sexual exploitation of women and girls. It was also concerned that women migrant workers were induced into forced prostitution by their employers.[75] CEDAW recommended that Mauritius: ensure the effective implementation of the newly adopted law and timely prosecution and punishment of traffickers; continue raising awareness about human trafficking and address the root causes of trafficking and exploitation of women by increasing its efforts to improve the economic situation of women and girls.[76] UNHCR made similar recommendations.[77]

33. CESCR was concerned at the high and increasing rate of drug trafficking and related corruption. It urged Mauritius to address this issue with measures that comply with the international human rights standards.[78]

C. Administration of justice, including impunity, and the rule of law

34. CAT stated that Mauritius should ensure that persons arrested and detained in police stations have access at the outset of their detention to a doctor and that they can inform their family or a person of their choice about their detention. Mauritius should set clear and appropriate rules and procedures on the registration of persons from the outset of their detention and on ensuring that they are brought before a judge within a short period of time.[79]

35. In 2011, CAT recommended that Mauritius establish the national preventive mechanism and that this be provided with the necessary human and financial resources.[80]

36. CAT was concerned that few complaints of torture, excessive use of force or ill-treatment by law enforcement or prison officers, or cases of death in police custody were investigated and prosecuted. It stated that Mauritius should systematically conduct impartial, thorough and effective inquiries into all allegations of violence committed by the police or prison officers, prosecute and punish the perpetrators in proportion to the seriousness of their acts, and ensure that victims or their families obtain redress and fair and adequate compensation.[81] CAT also stated that the Government should reinforce its training programmes for law enforcement and medical personnel and for those involved in documenting and investigating acts of torture on the provisions of the Convention.[82]

37. CAT was concerned about the independence of the Complaints Investigation Bureau, as it remained under the administrative control of the Commissioner of Police. It stated that the Government should ensure that complaints lodged against the police are addressed promptly, thoroughly and impartially by independent complaint mechanisms and

that those responsible can be prosecuted, convicted and punished. CAT urged Mauritius to: adopt the draft Police Complaints Bill and establish the Independent Police Complaints Bureau; adopt a new police act and a police procedures and criminal evidence act, as well as codes of practice to regulate the conduct of persons entrusted with investigating offences.[83]

38. The Special Rapporteur on the sale of children recommended that the Government strengthen child-sensitive complaints, reporting and counselling mechanisms by ensuring inter alia that they are accessible to all children without discrimination of any kind; maintain strict confidentiality during proceedings and related processes and respect the right of the child to privacy, and guarantee the safety of children, through measures to prevent, inter alia, any risk of harm, intimidation, reprisals or re-victimization.[84]

39. The Special Rapporteur on the sale of children recommended that Mauritius strengthen child-friendly justice to provide special and prompt protection and assistance to child victims and witnesses of sale and sexual exploitation to prevent further hardship and trauma.[85]

D. Right to privacy, marriage and family life

40. The Special Rapporteur on the sale of children was concerned at the number of children placed in institutional care where adequate norms and standards for care and assistance were lacking.[86] She stated that the Government should favour family- or community-based environments, including foster families and other caregivers and incorporating family support and counselling, over institutional or residential care, strengthen the provision of appropriate psychosocial support and mental health services for children and ensure safe and child-friendly alternative or residential care to accommodate the basic needs of child victims, by establishing minimum standards for alternative and residential care.[87]

41. UNHCR recommended that the Government issue birth certificates to all children born on Mauritian territory, regardless of the status of their parents.[88]

E. Freedom of religion or belief, expression, and right to participate in public and political life

42. CERD urged Mauritius to guarantee the right of everyone to freedom of religion without distinction as to race, colour, descent, or national or ethnic origin.[89]

43. Noting that defamation remained criminalized, the United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Mauritius to decriminalize defamation in accordance with international standards.[90]

44. UNESCO encouraged the Government to introduce a law on freedom of information. It also recommended developing the media self-regulatory mechanism.[91]

45. CEDAW noted with concern that systematic barriers continue to impede women's equal participation in political life such as, inter alia, negative cultural attitudes, doubts about women's leadership capabilities, lack of temporary special measures in the form of quotas for women and lack of capacity-building of potential candidates. It recommended that Mauritius pursue sustained policies to promote equal participation of women in decision-making in all areas of public, political and professional life, and enact the Local Government Bill to secure women's participation in the electoral process, and provide women in parliament and in the public service with the necessary assistance, such as childcare facilities, to enable their full and effective participation in public life.[92]

46. CERD recommended that the new electoral system address obstacles to the participation in political life by, and adequate representation of, ethnic groups.[93]

F. Right to work and to just and favourable conditions of work

47. CESCR encouraged Mauritius to establish a cross-cutting national minimum wage and to establish a system of indexation and regular adjustment of the minimum wage to, inter alia, the cost of living.[94]

48. CESCR was concerned about the concentration of women in the low-wage and unskilled labour sectors, the unemployment gap between women and men, the persisting wage differentials between women and men, and the absence of a law requiring equal pay for work of equal value.[95] CEDAW made similar observations.[96] The ILO Committee of Experts encouraged the Government to address the occupational gender segregation and to reduce the remuneration disparities between men and women. It also asked the Government to consider amending the legislation to give full legislative effect to the principle of equal remuneration for men and women for work of equal value.[97]

49. CESCR recommended that Mauritius revise the Employment Rights Act, ensuring that all working mothers be accorded paid maternity leave, and that all fathers exercising parental responsibilities are entitled to paid paternity leave, regardless of their marital status.[98]

50. CESCR was concerned at the persistence of sexual harassment in the workplace. It was also concerned that many cases of sexual harassment in the workplace go unreported.[99] The ILO Committee of Experts asked the Government to continue to take steps to prevent and address sexual harassment at the workplace, including through awareness-raising activities for workers with respect to their rights.[100]

G. Right to social security and to an adequate standard of living

51. CESCR urged the Government to take immediate and effective measures to combat poverty and ensure that the population has affordable access to water supply and hygienic living conditions, particularly on Rodrigues Island.[101] CESCR also encouraged Mauritius to consider including in its welfare system a guaranteed minimum income that promotes a human rights-based approach and brings together existing benefits to combat poverty among disadvantaged and marginalized individuals and groups, such as the social assistance scheme and income support scheme.[102]

52. CESCR was concerned that, according to the Social Aid Regulations, non-nationals were not entitled to social aid that was paid to poor households which did not have sufficient resources to meet their basic needs.[103]

53. The ILO Committee of Experts had drawn the Government's attention to the need to amend section 3 of the National Pensions Order under which foreign nationals might not be affiliated to the insurance scheme unless they had resided in Mauritius for a continuous period of not less than two years. Foreign workers who did not meet this residence condition were covered by the 1931 Workmen Compensation Act, which did not ensure a level of protection equivalent to that guaranteed under the national pension scheme in the event of employment injury. In 2012 and 2010, the ILO Committee of Experts had reminded the Government that under the terms of article 1(2) of Convention No. 19, the nationals of other member States that have ratified the Convention as well as their dependents should be guaranteed equality of treatment in respect of industrial accidents without any condition as to residence.[104]

H. Right to health

54. CEDAW reiterated its concern about the prevalence of teenage pregnancies, which led to unsafe abortions among girls and women, and of clandestine abortions. It called on Mauritius to accelerate its efforts in raising awareness among pregnant teenagers and their families about the serious health risks of clandestine abortions and ensure the provision of skilled medical aid and access to health facilities for women and girls suffering from health complications due to unsafe abortions.[105]

55. CESCR recommended that Mauritius make sexual and reproductive health services widely available, and mainstream sexual and reproductive health education in schools. CEDAW made a similar recommendation.[106]

56. CESCR was concerned at the alarmingly high number of injecting drug users, and that the National Drug Control Master Plan 2008-2012 was never officially endorsed and was not being used by the various stakeholders concerned. It recommended that Mauritius undertake a comprehensive approach to combating drug problems, and implement the recommendations made by the World Health Organization in 2009 designed to improve the availability, accessibility and quality of harm reduction services, in particular needle and syringe exchange and opioid substitution therapy with methadone. As a matter of urgency, Mauritius should scale up needle and syringe programmes to all geographical areas, implement pilot prison needle and syringe exchanges and opioid substitution therapy programmes based on international best practice standards, remove age barriers to accessing opioid substitution therapy and develop youth-friendly harm reduction services tailored to the specific needs of young people who use drugs.[107]

57. CESCR was concerned about the sharp increase in cases of HIV/AIDS, particularly concerning intravenous drug users, sex workers and prison inmates.[108] CEDAW raised similar concerns and urged Mauritius to implement the national plan to combat HIV/AIDS.[109]

I. Right to education

58. CESCR was concerned about the slow progress in education, in particular among children in some disadvantaged areas. It expressed the view that the use of English as the language of instruction contributed to this situation, in the light of the fact that Creole was spoken by a large majority of the population.[110] The Special Rapporteur on the sale of children referred to a high reported school drop-out rate.[111] CESCR was concerned about the negative impact of private tuition on the universal access of children to secondary schools. It recommended that Mauritius: ensure that children in disadvantaged areas are able to complete school, including by maintaining and extending the system of *Zones d'Éducation Prioritaires*; continue its experiments with the use of Creole as a medium of instruction in schools; produce educational materials in Creole; and admit children to secondary schools near to their place of residence.[112]

59. CEDAW was concerned about the level of illiteracy among women and the disparities between women in urban and rural areas in this regard, and about dropout of pregnant teenage girls. It was also concerned about continuing segregation with regard to choice of subjects in schools, where girls still take up traditional subjects, and the low number of women and girls enrolled in vocational and industrial training courses. It invited Mauritius to: sustain all measures to raise awareness on the importance of women's and girls' education; address regional disparities and ensure equal access to education; encourage pregnant teenage girls to continue school after giving birth; and adopt policies to encourage women and girls to choose non-traditional fields of education, including

technical and vocational training, by taking affirmative action such as introducing quotas for female students in technical and vocational areas of study.[113]

J. Cultural rights

60. In 2013, CERD welcomed the measures taken to promote cultural rights, including the establishment of language unions, cultural trust funds and centres; and the inclusion of Kreol Morisien and Bhojpuri as heritage languages/mother tongues in the primary school curricula.[114]

K. Persons with disabilities

61. CESCR recommended that Mauritius eliminate situations that may be discriminatory against children with disabilities; ensure that they can study in mainstream schools; and ensure that teachers are trained to educate them within regular schools.[115]

L. Minorities and indigenous peoples

62. CERD was concerned that the current political classification of the population combined in the same community of "general population" groups such as the Creoles and the Franco-Mauritians which did not share the same identity. It was further concerned that the constitutional classification, established in 1968, might no longer reflect the identities of the various groups. It urged Mauritius to lead a consultative reflection on the classification of the various groups.[116]

63. CERD was concerned that domestic legislation did not provide for special measures to remedy disadvantaged situations experienced by certain ethnic groups. It called on Mauritius to consider adopting special measures with a view to accelerating the achievement of equal enjoyment of human rights by disadvantaged groups. It recommended that special measures address underrepresentation of any ethnic group in the field of private and public employment and education.[117]

64. CERD noted with concern that the Creoles remained disadvantaged in the enjoyment of economic, social and cultural rights. It recommended that Mauritius continue to address the disadvantages experienced by the Creoles in the enjoyment of economic, social and cultural rights by implementing measures commensurate with the problem.[118] CESCR urged Mauritius to develop a strategy targeting poverty among Creoles, with due respect for their cultural rights.[119]

65. Welcoming the measures taken by Mauritius to alleviate the sufferings of the displaced Chagossians, CERD remained concerned that they had not been able to exercise their right to return to their land. CERD urged Mauritius to continue to seek ways for remedying the injustice done to them.[120]

M. Migrants, refugees and asylum seekers

66. CERD remained concerned at reports of poor working and living conditions of migrant workers.[121] UNHCR stated that migrants were at risk of being exploited and submitted to poor work and housing conditions and that access to health and education for their families had been problematic.[122] CESCR was concerned at the vulnerability of migrant workers to violations of trade unions rights, and that migrant workers who exercised their right to strike might be deported from Mauritius on the grounds of "breach of contract". It recommended that Mauritius adopt a comprehensive legal framework for the protection of the rights of migrant workers.[123] CEDAW urged Mauritius to ensure the equal application of labour laws to migrant and local workers so as to prevent incidents of work exploitation by local employers.[124] CERD called on Mauritius to investigate and prosecute employers responsible for violations of the rights of migrant workers.[125]

67. CESCR was concerned that Mauritius had not adopted any policies or laws to protect refugees and asylum-seekers.[126] UNHCR recommended that the Government consider the passage of domestic refugee legislation and/or administrative policies to ensure that the country is in full compliance with international standards of treatment related to refugees.[127] UNHCR also recommended that the Government ensure that refugees and asylum-seekers are not penalized for illegal entry and stay in the country.[128]

68. Furthermore, UNHCR recommended that the Government ensure that the detention of asylum seekers is only used as a last resort, and where necessary, for as short a period as possible and that judicial safeguards are in place to prevent arbitrary and/or indefinite detention; and that it consider alternatives to detention.[129]

69. CAT was concerned that the legislation did not clearly and fully guarantee the principle of non-refoulement.[130] In the meantime, UNHCR noted that, despite the absence of a refugee protection system, the Government had not returned any persons in need of international protection to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion and that Mauritius was upholding the principle of non-refoulement.[131] UNHCR recommended that the Government facilitate full and open access to asylum procedures for persons who have expressed a credible fear of returning to their country of origin and ensure non-refoulement of all persons in need of international protection.[132] CAT stated that Mauritius should revise its legislation guaranteeing the principle of non-refoulement, and review the Extradition Act to bring it into full compliance with article 3 of the Convention.[133]

N. Internally displaced persons

70. UNHCR stated that Mauritius had faced frequent natural disasters associated with flooding and landslides, which often caused displacement, and that Mauritius had developed a national disaster response mechanism, an early warning system and preparedness. It emphasized that existing policy and institutional mechanisms would be further enhanced by the ratification of the Kampala Convention and by creating an adequate national legal and policy framework to effectively deal with internal displacement.[134]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the

United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Mauritius from the previous cycle (A/HRC/WG.6/4/MUS/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] CAT/C/MUS/CO/3, para. 22; CEDAW/C/MUS/CO-6-7, para. 39.

[5] CAT/C/MUS/CO/3, para. 22; CEDAW/C/MUS/CO-6-7, para. 39; E/C.12/MUS/CO/4, para. 19, CERD/C/MUS/CO/15-19, para. 25.

[6] CAT/C/MUS/CO/3, para. 22 and E/C.12/MUS/CO/4, para. 32.

[7] E/C.12/MUS/CO/4, para. 10, and UNHCR submission to UPR, p. 2.

[8] UNHCR submission to UPR, p. 5.

[9] E/C.12/MUS/CO/4, para. 19.

[10] CAT/C/MUS/CO/3, para. 24.

[11] CERD/C/MUS/CO/15-19, paras. 27-28.

[12] E/C.12/MUS/CO/4, para. 36.

[13] Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Mauritius before the Human Rights Council, as contained in the note verbale dated 21 April, 2006 sent by the Permanent Mission of Mauritius to the United Nations addressed to the President of the General Assembly, available at: http://www.un.org/ga/60/elect/hrc/mauritius.pdf.

[14] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[15] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol

Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[16] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[17] International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.

[18] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[19] International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries.

[20] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[21] CEDAW/C/MUS/CO-6-7, para. 15.

[22] E/C.12/MUS/CO/4, para. 7.

[23] Ibid., para. 7.

[24] CEDAW/C/MUS/CO-6-7, para. 12, and CAT/C/MUS/CO/3, para. 7.

[25] CAT/C/MUS/CO/3, para. 23.

[26] CERD/C/MUS/CO/15-19, para. 4.

[27] E/C.12/MUS/CO/4, para. 9.

[28] CERD/C/MUS/CO/15-19, para. 6.

[29] According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

[30] For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[31] See at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/MU/Mauritius_implementation.pdf.

[32] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women

CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
SPT	Subcommittee on Prevention of Torture.

[33] CERD/C/MUS/CO/15-19, para. 31.
[34] CEDAW/C/MUS/CO-6-7, para. 40.
[35] CAT/C/MUS/CO/3, para. 27.
[36] Letter dated 1 June 2012 from CAT to the Permanent Mission of Mauritius, available at http://www2.ohchr.org/english/bodies/cat/docs/followup/Mauritius46_010612.pdf.
[37] CAT/C/MUS/CO/3, para. 19.
[38] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[39] See A/HRC/19/63/Add.1 and A/HRC/19/G/6.
[40] E/C.12/MUS/CO/4, para. 35.
[41] OHCHR Report 2010, pp. 79 and 83, and OHCHR report 2011, pp. 125 and 129.
[42] CEDAW/C/MUS/CO-6-7, para. 18.
[43] E/C.12/MUS/CO/4, para. 15.
[44] CEDAW/C/MUS/CO-6-7, para. 14.
[45] E/C.12/MUS/CO/4, para. 14 and CERD/C/MUS/CO/15-19, para. 23.
[46] CEDAW/C/MUS/CO-6-7, para. 14.
[47] E/C.12/MUS/CO/4, para. 14.
[48] CEDAW/C/MUS/CO-6-7, para. 17. See also E/C.12/MUS/CO/4, para. 15.
[49] CERD/C/MUS/CO/15-19, para. 16.
[50] Ibid., paras. 11-12.
[51] E/C.12/MUS/CO/4, para. 13.
[52] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Mauritius, adopted 2011, published 101st ILC session (2012). Available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699461
[53] CERD/C/MUS/CO/15-19, 27 February 2013, para. 20.
[54] Ibid.
[55] E/C.12/MUS/CO/4, para. 12.
[56] CAT/C/MUS/CO/3, para. 18.
[57] Ibid., para. 9.
[58] Ibid., paras. 8-9.
[59] Ibid., para. 14.
[60] Ibid., para. 16, see also E/C.12/MUS/CO/4, para. 22.
[61] E/C.12/MUS/CO/4, para. 22; CEDAW/C/MUS/CO-6-7, para. 22.
[62] CEDAW/C/MUS/CO-6-7, para. 22.
[63] Ibid., para. 23 (f) and (c).
[64] CAT/C/MUS/CO/3, para. 16; E/C.12/MUS/CO/4, para. 22 (c) and (f).
[65] CEDAW/C/MUS/CO/6-7, paras. 20-21.
[66] A/HRC/19/63/Add.1, para. 20.
[67] CAT/C/MUS/CO/3, para. 17. See also E/C.12/MUS/CO/4, para. 23.
[68] E/C.12/MUS/CO/4, para. 24.
[69] A/HRC/19/63/Add.1, para. 71.
[70] Ibid., para. 82.
[71] Ibid., para. 74.
[72] Ibid., para. 67.
[73] Ibid., para. 103.
[74] Ibid., para. 110.
[75] CEDAW/C/MUS/CO-6-7, paras. 24-34.
[76] Ibid., paras. 24-25.
[77] UNHCR submission to UPR, p. 4.
[78] E/C.12/MUS/CO/4, para. 28.
[79] CAT/C/MUS/CO/3, para. 10.

[80] Ibid., para. 19.
[81] Ibid., para. 15.
[82] Ibid., para. 13.
[83] Ibid., para. 11.
[84] A/HRC/19/63/Add.1, para. 114(d).
[85] Ibid., para. 115(b).
[86] Ibid., para. 82.
[87] Ibid., para. 115 (c) and (f).
[88] UNHCR submission to UPR, p. 4.
[89] CERD/C/MUS/CO/15-19, para. 10.
[90] UNESCO submission to UPR, paras. 77 and 96.
[91] Ibid., paras. 94-96.
[92] CEDAW/C/MUS/CO-6-7, paras. 26 and 27.
[93] CERD/C/MUS/CO/15-19, para. 18.
[94] E/C.12/MUS/CO/4, para. 16.
[95] Ibid., para. 17.
[96] CEDAW/C/MUS/CO-6-7, para. 30.
[97] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning Equal Remuneration Convention, 1951 (No. 100) – Mauritius, adopted 2011, published 101st ILC session (2012). Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699139
[98] E/C.12/MUS/CO/4, para. 21.
[99] Ibid., para. 18.
[100] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Mauritius, adopted 2011, published 101st ILC session (2012). Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699461
[101] E/C.12/MUS/CO/4, para. 26.
[102] Ibid., para. 20.
[103] Ibid.
[104] ILO Committee of Experts on the Application of Conventions and Recommendations, Observations concerning Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – Mauritius, adopted 2012 and 2010, published 102nd ILC session (2013) and published 100th ILC session (2011). Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3076180
[105] CEDAW/C/MUS/CO-6-7, paras. 32-33 (b) and (c). See also A/HRC/19/63/Add.1, para. 20.
[106] E/C.12/MUS/CO/4, para. 25; CEDAW/C/MUS/CO-6-7, para. 33.
[107] E/C.12/MUS/CO/4, para. 27.
[108] Ibid., para. 27.
[109] CEDAW/C/MUS/CO-6-7, paras. 32-33.
[110] E/C.12/MUS/CO/4, para. 30.
[111] A/HRC/19/63/Add.1, para. 20.
[112] E/C.12/MUS/CO/4, para. 30.
[113] CEDAW/C/MUS/CO-6-7, paras. 28-29.
[114] CERD/C/MUS/CO/15-19, para. 7.
[115] E/C.12/MUS/CO/4, para. 30.
[116] CERD/C/MUS/CO/15-19, para. 15.
[117] Ibid., para. 14.
[118] Ibid., para. 19.
[119] E/C.12/MUS/CO/4, para. 11.
[120] CERD/C/MUS/CO/15-19, para. 21.
[121] Ibid., para. 22.
[122] UNHCR submission to UPR, p. 3.
[123] E/C.12/MUS/CO/4, para. 19.
[124] CEDAW/C/MUS/CO-6-7, para. 35.
[125] CERD/C/MUS/CO/15-19, para. 22.

[126] E/C.12/MUS/CO/4, para. 10.
[127] UNHCR submission to UPR, p. 2.
[128] Ibid., p. 3.
[129] Ibid.
[130] CAT/C/MUS/CO/3, para. 12.
[131] UNHCR submission to UPR, p. 1.
[132] Ibid., p. 3. See also E/C.12/MUS/CO/4, para. 10.
[133] CAT/C/MUS/CO/3, para. 12.
[134] UNHCR submission to UPR, p. 5.