



General Assembly

Distr.
GENERAL

A/HRC/11/28/Add.1
5 June 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Eleventh session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Mauritius

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

The Government of the Republic of Mauritius hereunder presents the responses to the outcome of the Universal Periodic Review on Mauritius conducted on 10 February 2009.

1. Ratify/consider ratifying the Convention on the Rights of Persons with Disabilities (France, Mexico) and its Optional Protocol (Mexico)

Mauritius signed the United Nations Convention on the Rights of Persons with Disabilities in September 2007 and is committed to upholding and applying its provisions. Government has issued a Policy Paper and Plan of Action on Disability which contains a series of measures relating to health, education, training, employment, human rights, sports, leisure, transport, communication and accessibility. In this context, an Implementation and Monitoring Committee has been set up to work on the implementation of the recommendations of the Plan of Action and early ratification of the Convention.

2. Sign and ratify/consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (France, Mexico)

In view of the fact that the issue of “enforced disappearances” is of no direct relevance to the domestic situation in Mauritius, consideration for the ratification of the Convention for the Protection of All Persons from Enforced Disappearances would be given in due course in the light of all relevant factors.

3. Consider becoming party to/ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Azerbaijan, Mexico)

The issue of ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is still under consideration.

4. Speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia)

Mauritius ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 12 February 2009.

5. Speed up the process of ratifying/ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Mexico, Slovenia)

The Abolition of Death Penalty Act was passed, and all death sentences were commuted, in 1995. Mauritius has since then consistently taken an abolitionist stand in international fora. The question of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty is not on the short-term agenda of Government.

6. Accede to the 1951 Refugee Convention and its 1967 Protocol (Czech Republic)

Mauritius acceded to the Convention relating to the Status of Refugees of 28 July 1951, but is not a Party to the Additional Protocol relating to the Status of Refugees of 31 January 1967. Given its limited resources as a small island developing State, it

would be very challenging for Mauritius to adopt an open policy of granting refugee status to foreigners. However, every application for refugee status is treated on a humanitarian basis and Mauritius cooperates with international organisations and other States with a view to facilitating settlement of refugees in States willing to receive them. In practice, the principle of non-refoulement is observed with regard to persons claiming to be persecuted in their country of origin.

7. Accomplish the human rights goals set by resolution 9/12 of the Human Rights Council and, within its context, consider the ratification of CED and CPD (Brazil)

In view of the fact that the issue of “enforced disappearances” is of no direct relevance to the domestic situation in Mauritius, consideration for the ratification of the Convention for the Protection of All Persons from Enforced Disappearances would be given in due course in the light of all relevant factors.

Mauritius signed the United Nations Convention on the Rights of Persons with Disabilities in September 2007 and is committed to upholding and applying its provisions. Government has come up with a Policy Paper and Plan of Action on Disability which contains a series of measures relating to health, education, training, employment, human rights, sports, leisure, transport, communication and accessibility. In this context, an Implementation and Monitoring Committee has been set up to work on the implementation of the recommendations of the Action Plan and early ratification of the Convention.

8. Amend constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death (Italy)

The Constitution provides for the application, in some cases, of **personal laws** with respect to adoption, marriage, divorce, burial, devolution of property on death and other like matters. Such laws are not to be deemed to be discriminatory even if they result in different treatment being afforded to different persons on the ground of creed or sex. The inclusion of this provision in the Constitution was considered necessary in view of the fact that Mauritius is a multi-religious country and Mauritians of different religions have to be given the freedom to practise their respective religion. The amendment of that provision of the Constitution is not being envisaged in the short term.

9. Consider extending (Latvia, Brazil)/Extend (France, Slovenia)/ extend and implement (Czech Republic) a standing invitation to all special procedures of the Human Rights Council

Government is in the process of considering the issue of a standing invitation to all special procedures of the Human Rights Council. In the mean time, Mauritius has in April 2009 announced that it has no objection to the proposed visit of the Special Rapporteur on the sale of children, child prostitution and child pornography from the Office of the High Commissioner for Human Rights and has recommended that the said visit be effected by end 2009.

10. Prohibit in the Constitution all forms of discrimination without exception (Mexico)

The amendment of section 16 of the Constitution to include new forms of discrimination will be considered in the context of a general review of the Constitution. Mauritius points out that the Equal Opportunities Act which was voted last year prohibits discrimination on grounds not covered in the Constitution, such as sexual orientation and HIV status.

11. Include marital rape as an offence under the proposed Sexual Offences Bill (New Zealand)

There is no specific offence of marital rape but section 249 of the Criminal Code criminalises the offence of rape. It is arguable that it is possible to prosecute for the offence of marital rape under the Criminal Code as it stands. However, in order to avoid any ambiguity, it is proposed to make express reference to this offence in the Sexual Offences Bill which is presently being considered by a Select Committee of the National Assembly.

12. Take further measures to prevent discrimination based on sexual orientation, and that the Equal Opportunities Act allow legal acknowledgement of homosexual couples and their human rights (United Kingdom)

The Equal Opportunities Act prohibits discrimination on grounds of sexual orientation. It is not proposed at this stage to amend that Act to provide therein for legal acknowledgement of homosexual couples.

13. Develop a policy for the use of Creole at all levels of primary education, and to incorporate human rights in the education curricula (Mexico)

Although the medium of instruction in Mauritius is English, the use of the language of the environment, that is, Creole, as a facilitator and support language is encouraged in schools. In fact, Creole is already being used by teachers in many lower classes in primary schools.

The Ministry of Education has issued a policy document, 'Towards a Quality Curriculum – A Strategy for Reform' which spells out, inter alia, the need for the teaching of Human Rights in our schools. Based on the policy document, a National Curriculum Framework for Primary schools has been prepared giving the orientation for the development of teaching and learning resource materials where basic concepts of Human Rights are being incorporated in different learning areas in a transdisciplinary perspective. The Ministry is working on the National Curriculum Framework for secondary schools which is in draft form at present and includes Human Rights. The development of Human Rights Education curriculum will necessitate the training of curriculum writers who are responsible for the writing of teaching and learning resource materials.