



Human Rights Council
Working Group on the Universal Periodic Review
Forty-fifth session
22 January–2 February 2024

Mauritius

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes visited Mauritius from 25 to 29 October 2021.² The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, undertook an official visit to Mauritius from 21 to 30 June 2022.³

3. The United Nations country team and the Committee on the Elimination of Racial Discrimination recommended that Mauritius consider ratifying the international human rights treaties, including optional protocols, that it had not yet ratified.⁴

4. The Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights recommended that Mauritius ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.⁵ The Committee on the Rights of the Child recommended ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁶

5. The Committee on the Rights of the Child recommended ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁷ The Committee on the Elimination of Racial Discrimination encouraged Mauritius to recognize the Committee's competence to receive and consider individual communications under the International Convention on the Elimination of All Forms of Racial Discrimination.⁸



6. The United Nations country team recommended that Mauritius withdraw its reservations to articles 9 (2) (d), 11 and 24 (2) (b) of the Convention on the Rights of Persons with Disabilities and align national legislation with that Convention.⁹

7. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the Committee on the Rights of the Child recommended that Mauritius accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.¹⁰ The United Nations country team, UNHCR and the Committee on the Rights of the Child recommended that Mauritius accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.¹¹

8. The United Nations country team recommended extending a standing invitation to the special procedure mandate holders.¹²

9. The United Nations country team recommended implementing the provisions of the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization and integrating them in national legislation.¹³

10. Mauritius provided financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2019, 2022 and 2023.

III. National human rights framework

Institutional infrastructure and policy measures

11. The Committee on Economic, Social and Cultural Rights recommended providing the National Human Rights Commission with an explicit mandate to protect and promote economic, social and cultural rights and further strengthening its independence and effective functioning, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁴ The United Nations country team made similar recommendations.¹⁵ The Committee on the Elimination of Racial Discrimination recommended ensuring that the process related to the selection, appointment and removal of the commissioners was independent.¹⁶ The Human Rights Committee noted with concern the lack of information on measures taken to prevent conflicts of interest in relation to members' duties and by the absence of information on measures taken to clarify the missions of each division of the Commission.¹⁷

12. The United Nations country team, noting that an inter-ministerial committee served as a national mechanism for reporting and follow-up, recommended strengthening the committee's capacity to coordinate the implementation of recommendations from all human rights mechanisms.¹⁸

13. The Committee against Torture inquired about the functional independence of the national preventive mechanism. In reply, Mauritius provided details of the mechanism's visits and the implementation of its recommendations.¹⁹

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

14. The Committee on the Elimination of Racial Discrimination expressed concern about the persistent constitutional classification of the population of Mauritius. It reiterated its recommendation to hold countrywide consultations to bring about a change on the existing classification of groups, giving due account to the principle of self-identification. It also expressed concern that hierarchical structures along ethnic and cast lines lingered in Mauritius. It recommended fostering an inclusive society that cherished diversity and equality and putting an end to any manifestations that pertained to racial or caste-based superiority.²⁰

15. The same Committee expressed concern about the limited number of court cases dealing with racial discrimination, despite information that such incidents persisted in Mauritius. It recommended undertaking awareness-raising campaigns on non-judicial avenues for submitting complaints, increasing public trust in State authorities and institutions and facilitating access to justice by all groups.²¹

16. The Committee on Economic, Social and Cultural Rights stressed that the list of prohibited grounds of discrimination in the Equal Opportunities Act did not include gender identity, social origin or property. It recommended revising that Act to ensure that it prohibited all direct, indirect and intersectional forms of discrimination, on any ground.²² The Committee on the Elimination of Racial Discrimination recommended including language among the prohibited grounds of discrimination in the Equal Opportunities Act and ensuring that the process for the appointment, security of tenure and removal of commissioners of the Equal Opportunities Commission was timely, impartial and independent from the executive.²³

17. The United Nations country team underlined that national legislation did not include a comprehensive definition of discrimination against women and that discriminatory provisions in the Constitution had not been repealed.²⁴ The Committee on the Elimination of Discrimination against Women recommended amending article 16 of the Constitution to explicitly prohibit discrimination on the basis of sex in the private sector.²⁵

18. The Committee on the Elimination of Racial Discrimination expressed concern that the Creoles faced de facto discrimination in all walks of life and remained disadvantaged in the enjoyment of human rights. It recommended adopting and implementing a well-resourced strategy to address the deep-rooted discrimination faced by the Creoles and to design and implement other measures to ensure that they had effective access to employment, adequate housing, health-care services and quality inclusive education.²⁶ The Committee on Economic, Social and Cultural Rights expressed similar concerns.²⁷ The Committee on the Elimination of Racial Discrimination recommended combating ethnic or racial stereotypes and stigma, combating racist media coverage and incidents of hate speech committed by politicians and ensuring that such cases were thoroughly investigated and, where appropriate, sanctions imposed.²⁸

2. Right to life, liberty and security of person, and freedom from torture

19. The Committee against Torture highlighted the need to fully incorporate the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into domestic legislation. Mauritius acknowledged that it had not been incorporated into a single piece of legislation, but into different laws, and that existing laws had yet to be amended to provide for an absolute prohibition of torture.²⁹

20. The United Nations country team noted the shortcomings in the anti-torture legislation (section 245 of the Criminal Code) regarding homicide, wounds and blows “ordered by law and commanded by lawful authority”. It recommended introducing the Police and Criminal Justice Bill, introducing a statutory provision on the absolute prohibition of torture and ensuring that perpetrators of torture were prosecuted and that the victims received adequate redress.³⁰ The Committee against Torture requested information on the adoption of the Police and Criminal Evidence Bill. Mauritius replied that the Bill had yet to be introduced in the National Assembly.³¹

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

21. The Committee on the Rights of the Child urged Mauritius to bring its child justice system fully into line with the Convention on the Rights of the Child and other relevant standards. It particularly urged it to limit the duration of pretrial detention by law; amend the Children’s Act 2020, which allowed a district magistrate to deprive children of liberty for behavioural reasons; facilitate applications for legal assistance to children within the criminal justice system; and ensure that the detention of children was used as a measure of last resort.³²

4. Fundamental freedoms and the right to participate in public and political life

22. The Committee on the Elimination of Racial Discrimination expressed concern that political participation was not reflective of the various components of the population of Mauritius and that political participation and representation in the various State bodies were highly influenced by a person's ethnicity. It encouraged Mauritius to continue its efforts for the active participation of all segments of society at all levels of public life.³³

23. The Committee on the Elimination of Discrimination against Women expressed concern about the low levels of participation of women in political and other areas of public life. It recommended adopting temporary special measures in order to accelerate the achievement of substantive equality between women and men in all areas of political and public life and addressing all structural, social and cultural barriers to women entering political life or holding public office.³⁴

24. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that, while the Constitution of Mauritius guaranteed freedom of expression, no freedom of information law had been adopted. Defamation was criminalized under the Criminal Code Act. UNESCO recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards.³⁵

25. The United Nations country team indicated that, in the past 10 years, there had been several public demonstrations denouncing corruption and the dwindling freedom of speech. It recommended implementing anti-corruption laws and strengthening oversight institutions.³⁶

26. The United Nations country team reported that, in December 2022, the Independent Broadcasting Authority (Amendment) Bill regulating the media had been adopted.³⁷ UNESCO recommended assessing the system of appointment to the Independent Broadcasting Authority to ensure its independence and to specify what fell under the definition of "harmful and illegal content" in the Information and Communication Technologies Act, in order to prevent any limitations to the right to freedom of expression.³⁸

27. The United Nations country team reported an increase in public protests, often related to socioeconomic conditions. It recommended upholding the right of citizens to protest peacefully and avoiding arbitrary arrests by the police under the Public Gathering Act.³⁹

5. Right to privacy

28. In 2021, the Human Rights Committee found that the Mauritius National Identity Card Act violated citizens' privacy rights. It called on Mauritius to review the grounds for storing and retaining fingerprint data on identity cards based on the existing data security concern.⁴⁰

29. The Committee on the Rights of the Child recommended that Mauritius strengthen implementation of the legislative provisions in place to protect the privacy of children, ensure that media and other relevant professionals were appropriately trained on such regulations and policies and apply deterrent sanctions for violations of children's right to privacy.⁴¹ The Special Rapporteur on the sale of children made similar recommendations.⁴²

30. The same Special Rapporteur reported that the mandatory and confidential reporting in the new Children's Act was not anonymous and the names of victims were often leaked to the media. She recommended ensuring easy access to child-sensitive reporting and referral mechanisms, paying due consideration to strict confidentiality, and respect for dignity and privacy, allowing victims to report abuse without fear of intimidation, stigma or revictimization.⁴³

6. Right to marriage and family life

31. The Committee on the Elimination of Discrimination against Women expressed concern that the Constitution and the Civil Code left women who were in unregistered Muslim marriages unprotected. It recommended that Mauritius review national legislation to make mandatory the registration of all marriages and to criminalize non-compliance. It also recommended that Mauritius consider, as an interim measure, the reinstatement of chapter 9 of the Civil Code, with a view to applying it to all Muslim religious marriages, regardless of

when they had been celebrated, so as to grant marriage recognition, to adequately protect the rights of all women upon the dissolution of religious marriages and to ensure that their rights were protected under the Civil Code and the Civil Status Act.⁴⁴ The Committee on Economic, Social and Cultural Rights made similar remarks.⁴⁵

32. The Special Rapporteur on the sale of children indicated that the Children's Act 2020 criminalized child marriage.⁴⁶ The Committee on the Rights of the Child recommended ensuring the implementation and monitoring of the prohibition against child marriage, including by sanctioning those officiating child marriages.⁴⁷

7. Prohibition of all forms of slavery, including trafficking in persons

33. The United Nations country team highlighted the prevalence of trafficking in persons in Mauritius and the low rates of reporting, prosecution and conviction in cases of trafficking. It noted the absence of a policy framework to tackle the commercialization of sexual exploitation and to protect women working in prostitution. It recommended: strengthening the mechanisms and policies in place to combat trafficking with adequate technical, financial and human resources; accelerating the adoption of a national action plan on combating trafficking in persons and establishing a permanent body to coordinate and monitor its implementation; and providing effective redress mechanisms, raising awareness of those mechanisms, investigating, prosecuting and adequately punishing traffickers and ensuring that women and girls who were victims of trafficking were exempted from any criminal liability.⁴⁸ The Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child made similar remarks.⁴⁹

34. The United Nations country team reported that the sale and trafficking of children remained a challenge in Mauritius and that national legislation did not include the specific offences of the "sale" and "trafficking" of minors.⁵⁰ The Committee on the Rights of the Child recommended ensuring that the National Action Plan to Combat Trafficking in Persons 2022–2026 considered the specific needs of child victims, and strengthening the capacity of the relevant authorities to identify and refer child victims of trafficking to assistance and protections services, investigate and prosecute all cases of trafficking of children and bring perpetrators to justice.⁵¹

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

35. The Committee on Economic, Social and Cultural Rights recommended that Mauritius identify and effectively address the root causes of the disproportionately low level of female participation in the labour market and the high rate of unemployment among women.⁵²

36. The same Committee expressed concern about the large number of complaints filed by domestic workers regarding their working conditions and about the inability of the labour inspectorate to effectively monitor the situation. It recommended that Mauritius ensure that all complaints were duly investigated and penalties were applied, and that it take the measures necessary to enable the labour inspectorate to effectively monitor the working conditions of domestic workers.⁵³

9. Right to an adequate standard of living

37. The same Committee expressed concern that the provision of social housing was inadequate and that the living conditions in many social housing units remained poor. It recommended that Mauritius intensify its efforts to expand the provision of social housing units and improve the conditions of the existing units.⁵⁴

38. The Committee on the Rights of the Child recommended addressing the disparities in access to all social services for children in marginalized and disadvantaged situations, and strengthening the capacities of professionals in the social assistance sector to effectively implement, monitor and evaluate the measures taken to support children living in poverty.⁵⁵

10. Right to health

39. The United Nations country team noted the high incidence of non-communicable diseases in Mauritius and that drug users suffered from acute health conditions and had limited access to quality health-care services owing to social stigma and the unaffordability of medicines. It recommended reducing the risk factors linked to non-communicable diseases and reviewing national legislation and policies relating to drug use.⁵⁶ The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child made similar recommendations.⁵⁷

40. The United Nations country team highlighted the high incidences of adolescent pregnancy and unsafe abortion, attributable to the limited availability of education on sexual and reproductive health and rights, and the prevalence of HIV/AIDS.⁵⁸ The Committee on the Elimination of Discrimination against Women recommended including in school curricula mandatory, age-appropriate, evidence-based and scientifically accurate education for girls and boys on sexual and reproductive health and rights, encouraging pregnant girls to continue their education and facilitating the reintegration into education of adolescent mothers. It also recommended ensuring that modern contraceptives were available, accessible and affordable for women and girls and fully applying section 235A of the Criminal Code, which decriminalized abortion in specified circumstances.⁵⁹ The Committee on the Rights of the Child and the Special Rapporteur on the sale of children made similar remarks.⁶⁰

41. The Committee on the Rights of the Child recommended that Mauritius further reduce neonatal, infant and under-5 and maternal mortality rates, including by adequately resourcing the National Framework to improve Maternal Newborn Health (2019), ensuring that it prioritized the availability of quality prenatal and postnatal services and facilities.⁶¹

11. Right to education

42. UNESCO noted that the right to education was not enshrined in either the Constitution or the Education Act of Mauritius. It recommended enshrining the right to education in the Constitution and other national legislation.⁶²

43. UNESCO, noting that pre-primary education was not compulsory, recommended introducing legislation to make pre-primary education free and compulsory for at least one year.⁶³

44. The United Nations country team and the Committee on Economic, Social and Cultural Rights highlighted the high rates of absenteeism in both primary and secondary education, in particular among girls. They recommended addressing the root causes of the high rate of absenteeism, improving access to educational materials in the Creole language and addressing the growing inequality in educational outcomes.⁶⁴ The Committee on the Rights of the Child recommended strengthening the enrolment and retention of all children for the duration of compulsory education and ensuring that adolescent girls who were pregnant or had given birth were supported and assisted in continuing their education in mainstream schools.⁶⁵

45. The Committee on the Elimination of Discrimination against Women expressed concern about the high rate of absenteeism among girls in primary and secondary school, attributable partly to menstruation remaining a social taboo, the lack of adequate sanitation facilities for girls in schools and the societal norm for girls to assist in housework and caregiving. It recommended strengthening efforts to retain girls in school and raising awareness, in particular among parents, of the importance of education for women.⁶⁶

12. Cultural rights

46. UNESCO encouraged Mauritius to promote access to and participation in cultural heritage and creative expressions and thus to implement the right to take part in cultural life. It encouraged Mauritius, in so doing, to give due consideration to the participation of communities, practitioners, cultural actors and civil society associations and vulnerable groups.⁶⁷

13. Development, the environment, and business and human rights

47. The United Nations country team stressed that, as a small island developing State, Mauritius continued to be affected by climate change. It recommended that Mauritius continue mainstreaming climate change and disaster risk reduction into strategies, policies and regulatory frameworks, promote nature-based solutions as climate adaptation measures and support vulnerable groups.⁶⁸ The Committee on Economic, Social and Cultural Rights recommended that Mauritius strengthen its preparation for and response to disasters and its disaster risk reduction measures, adopting a human rights-based approach based on a clear identification of rights and responsibilities.⁶⁹

48. The Committee on the Rights of the Child expressed concern that Mauritius had not yet adopted effective measures to protect children from violations of their rights arising from tourism activities.⁷⁰ The same Committee and the Special Rapporteur on the sale of children underlined the lack of a specific legal provision in the Children's Act criminalizing the sexual exploitation of children in the context of travel and tourism. They also highlighted the challenges faced by the police in detecting, identifying, referring and investigating potential cases of child sex tourism and the lack of incentives among the population to disclose those cases.⁷¹ The same Committee recommended that Mauritius examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from its territory; establish monitoring mechanisms for the investigation and redress of children's rights violations; strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism; and ensure that all perpetrators of offences related to the sale of children, child prostitution and child pornography were prosecuted and duly sanctioned.⁷²

49. The Special Rapporteur on hazardous substances and wastes highlighted the impact of the MV *Wakashio* disaster on women, unregistered fishers and small-scale fisheries and the difficulties encountered in accessing remedies.⁷³ Mauritius indicated that packages had been provided to registered fishers, applicant fishers and fishmongers.⁷⁴ The Special Rapporteur hoped that Mauritius would ensure appropriate access to remedy for all affected parties.⁷⁵ Mauritius indicated that it would examine the financial and legal implications of the Special Rapporteur's recommendations.⁷⁶

B. Rights of specific persons or groups

1. Women

50. The Committee on the Elimination of Discrimination against Women expressed concern that the prohibition of discrimination contained in the Constitution and in the Equal Opportunities Act 2008 did not include a comprehensive definition of discrimination against women. It recommended adopting, without delay, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination in the public and private spheres.⁷⁷

51. The Committee on Economic, Social and Cultural Rights expressed concern that deep-rooted gender role stereotypes, patriarchal attitudes and persistent discriminatory cultural norms and practices against women contributed to the low representation of women in decision-making positions in the public sector. It was also concerned about the low participation of women in the labour market, the significant gender pay gap, the uneven implementation of the principle of equal pay for work of equal value and the persistence of occupational gender segregation. It recommended reviewing and amending all existing laws, regulations, norms and practices that were discriminatory against women, and developing policies and programmes to achieve substantive gender equality in all areas of economic, social and cultural rights; adopting effective measures to end occupational gender segregation and close the gender pay gap; effectively implementing the principle of equal pay for work of equal value; and taking comprehensive measures to eliminate strong gender role stereotypes.⁷⁸

52. The Committee on the Elimination of Discrimination against Women expressed concern about reports of discrimination against disadvantaged or marginalized groups of

women facing intersecting forms of discrimination, such as rural women, Creole women, migrant women and women with disabilities.⁷⁹

53. The United Nations country team noted that, despite the establishment of the High Level Committee on the Elimination of Gender-based Violence in 2020 and the adoption of the National Strategy and Action Plan on the Elimination of Gender-based Violence (2020–2024), gender-based violence against women and girls remained prevalent. Key amendments to the Protection from Domestic Violence Act had yet to be enacted.⁸⁰ The Committee on the Rights of the Child expressed concern about the reportedly ineffective response to cases of domestic violence.⁸¹ The United Nations country team recommended ensuring the full implementation of the National Strategy and Action Plan on the Elimination of Gender-based Violence and using gender-neutral language in the Protection from Domestic Violence Act to ensure that the definition of spouse included same-sex couples. It also recommended ensuring that women and girls who were victims of gender-based violence were effectively protected under protection orders and had adequate access to government-funded shelters and support services.⁸² The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child made similar recommendations.⁸³ Responding to a question from the Committee against Torture, Mauritius described the amendments made to the Protection from Domestic Violence Act.⁸⁴

2. Children

54. The United Nations country team and the Special Rapporteur on the sale of children recommended ensuring the effective implementation of the Children’s Act, the Children’s Court Act and the Child Sex Offender Register Act.⁸⁵ The Committee on the Rights of the Child recommended renewing the National Child Protection Strategy and Action Plan (2014–2022). It also recommended reinforcing the Child Service Coordination Panel by ensuring that it had sufficient authority, adequate resources and a clear mandate to coordinate all activities relating to the implementation of the Convention on the Rights of the Children, and minimizing overlap with the activities of other entities.⁸⁶

55. The Special Rapporteur on the sale of children indicated that the lack of coordination and communication among institutions within the Government and with non-governmental organizations was a shortcoming and an impediment to ensuring multisectoral and holistic support for child victims of sexual abuse. She stressed the need for more cooperation between the Ministry of Education, the Ministry of Gender Equality, Child Development and Family Welfare and the Ministry of Social Integration, Social Security and National Solidarity. She recommended introducing legally binding provisions to ensure better coordination among the various child protection actors.⁸⁷

56. The Committee on the Rights of the Child recommended establishing a mechanism to systematically involve civil society organizations working in the field of children’s rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.⁸⁸ The Special Rapporteur on the sale of children recommended that the Government work closely with the Office of the Ombudsperson for Children, read its reports and act on its recommendations.⁸⁹

57. The same Special Rapporteur recommended establishing children’s courts across the country.⁹⁰ The Committee on the Rights of the Child recommended strengthening the response to reports of violence, abuse and neglect of children.⁹¹ The Special Rapporteur on the sale of children also recommended strengthening the investigation and prosecution of cases of sexual abuse and exploitation of children under the fast-track procedure and ensuring that perpetrators were punished with sanctions commensurate with the gravity of the crimes.⁹²

58. The same Special Rapporteur noted the growing problem of child prostitution in Mauritius and on the island of Rodrigues. She recommended ensuring the availability of safe, dedicated and decentralized shelters for child victims of sexual exploitation, and including all forms of the sale and sexual exploitation of children as separate crimes in the Criminal Code, distinct from child trafficking.⁹³ She also recommended ensuring that the Child Development Unit had a comprehensive plan of action to effectively prevent and combat the sale and sexual exploitation of children, and strengthening the specialized unit within the police dealing with child sexual abuse cases.⁹⁴

59. The Committee on the Elimination of Discrimination against Women recommended amending or adopting legislation to explicitly prohibit corporal punishment of children in all settings.⁹⁵ The Committee on the Rights of the Child recommended strengthening legislative implementation of the Children's Act and establishing protocols and procedures for action when corporal punishment took place, ensuring safe and confidential reporting and the due sanctioning of perpetrators.⁹⁶

60. The Special Rapporteur on the sale of children recommended expanding bilateral, regional and international agreements and partnerships with other countries of origin, transit and destination in order to prevent and combat the sale and sexual exploitation of children.⁹⁷

61. She noted that the lack of birth registration further exposed children, in particular those of Creole cultural background, to a multitude of violations, including denial of health care and of access to schooling, making them vulnerable to child labour, child marriage and trafficking.⁹⁸ The Committee on the Rights of the Child recommended strengthening birth registration processes by facilitating sharing of hospital records with the civil status offices and adequately resourcing the Child Development Unit of the Ministry of Gender Equality and Family Welfare.⁹⁹

62. The Special Rapporteur on the sale of children recommended finalizing and enacting the Adoption Act and establishing an independent body to monitor adoption processes.¹⁰⁰ The Committee on the Rights of the Child made a similar recommendation.¹⁰¹

3. Older persons

63. The Committee on Economic, Social and Cultural Rights recommended that Mauritius combat abuse against older persons and ensure that all care homes were registered and brought under effective regulation and monitoring by the relevant public authorities, and that a sufficient number of qualified caretakers was secured.¹⁰²

4. Persons with disabilities

64. The United Nations country team noted that the definitions of disability contained in the Equal Opportunities Act and the Training and Employment of Disabled Persons Act still reflected the medical approach to disability, in contravention of the Convention on the Rights of Persons with Disabilities. It also noted that Mauritius had yet to include disability as a prohibited ground of discrimination and to prohibit multiple and intersectional discrimination by association in its national legislation.¹⁰³ The Committee on the Rights of Persons with Disabilities raised a similar point.¹⁰⁴

65. The Committee on the Rights of the Child expressed concern regarding the lack of a legal framework based on the human rights model of disability, the negative attitudes and discrimination against children with disabilities, the lack of social and community-based services and family support, and the insufficient number of inclusive schools. It urged Mauritius to: urgently finalize the protection and welfare of persons with disabilities bill; strengthen the implementation of the Special Education Needs Authority Act 2018 to ensure that all children with disabilities had access to inclusive education in mainstream schools; and strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in their family environment.¹⁰⁵

5. Lesbian, gay, bisexual, transgender and intersex persons

66. The Committee on the Elimination of Discrimination against Women recommended adopting the legislative and policy measures necessary to combat discrimination and violence against lesbian, bisexual and transgender women and intersex persons, promoting their protection, ensuring that law enforcement mechanisms efficiently protected their rights and providing them with access to shelters and assistance.¹⁰⁶

67. The Committee on Economic, Social and Cultural Rights expressed concern that same-sex relations were still criminalized under the Criminal Code and about the absence of any legal recognition of same-sex couples. It recommended repealing section 250 of the Criminal Code, fully protecting lesbian, gay, bisexual, transgender and intersex persons from discrimination and providing for legal recognition of same-sex unions or partnerships.¹⁰⁷ The

United Nations Development Programme and other United Nations agencies welcomed the Supreme Court ruling of 4 October 2023 that section 250 of the Criminal Code was unconstitutional.¹⁰⁸

6. Migrants, refugees and asylum-seekers

68. UNHCR reported that Mauritius did not have a national legislative asylum framework or laws and procedures that promoted or safeguarded the rights of refugees and asylum-seekers.¹⁰⁹ That translated in practice into a lack of access for those persons to the formal labour market and the rights to obtain social grants and enrol their children in public schools. While health care was relatively accessible in Mauritius, refugees and asylum-seekers had to resort to prohibitively expensive private health care. Nothing prevented Mauritius from passing national asylum legislation or developing an efficient and fair asylum procedure.¹¹⁰ The United Nations country team and UNHCR recommended that it introduce and implement legislative and other measures to put into effect the rights and protections afforded to refugees and asylum-seekers under international law.¹¹¹ UNHCR also recommended enacting national asylum legislation and establishing a functioning national asylum framework in line with international standards.¹¹²

69. UNHCR recommended identifying a government agency responsible for receiving and screening asylum-seekers, victims of trafficking and other individuals who might be in need of international protection to ensure that they were referred to the correct procedures and received the protection and assistance necessary.¹¹³

70. UNHCR reported that Mauritius adhered to the principle of non-refoulement and treated all requests for asylum on a case-by-case basis.¹¹⁴ The Committee on the Rights of the Child recommended applying the principle of non-refoulement to children in need of international protection.¹¹⁵

71. The Committee on Economic, Social and Cultural Rights and the United Nations country team expressed concern about reports that migrant workers continued to be subjected to forced labour, underpayment of wages, substandard living conditions, denial of allowances, deportation and termination in the event of a pregnancy.¹¹⁶ The Committee on Economic, Social and Cultural Rights recommended that Mauritius continue to raise awareness among migrant workers about their rights; improve the complaint mechanisms and provide complainants with the necessary assistance; apply deterrent penalties for contravening employers; establish a regulatory framework for recruitment agencies and monitor their activities; and strengthen cooperation with workers' countries of origin to protect and promote the rights of those workers.¹¹⁷

72. The Committee on the Elimination of Racial Discrimination recommended that Mauritius take effective measures to improve the working and living conditions of migrant workers and increase labour inspection activities at workplaces. It also recommended that Mauritius step up its efforts to investigate allegations of abuse and exploitation of migrant workers.¹¹⁸ The Committee on Economic, Social and Cultural Rights recommended ensuring that section 46 (5) of the Public Procurement Act 2006 covered all workers engaged in the execution of a contract.¹¹⁹ The Committee on the Elimination of Discrimination against Women recommended enforcing sections 38 (1) (a) and 46 (5B) of the Employment Rights Act 2008, which protected employees against the termination of their contracts on various discriminatory grounds.¹²⁰

7. Stateless persons

73. UNHCR indicated that Mauritius did not have national laws establishing procedures for the determination of statelessness or providing a framework for the protection of stateless persons in the country.¹²¹ The Committee on the Rights of the Child recommended establishing a national mechanism for the determination of statelessness.¹²²

74. The United Nations country team reported that an amendment to the Immigration Bill enacted in 2022 had given the Prime Minister discretionary power to remove Mauritian nationality acquired by a foreigner on national security grounds, without the possibility of recourse to a court or other authority.¹²³

Notes

- 1 [A/HRC/40/9](#), [A/HRC/40/9/Add.1](#) and [A/HRC/40/2](#).
- 2 [A/HRC/51/35/Add.1](#), para. 1.
- 3 [A/HRC/52/31/Add.1](#), para. 1.
- 4 United Nations country team submission for the universal periodic review of Mauritius, p. 2, and [CERD/C/MUS/CO/20-23](#), para. 36. See also [E/C.12/MUS/CO/5](#), para. 63.
- 5 [CERD/C/MUS/CO/20-23](#) para. 36, [CEDAW/C/MUS/CO/8](#), para. 43, [CRC/C/MUS/CO/6-7](#), para. 46, and [E/C.12/MUS/CO/5](#), para. 64.
- 6 [CRC/C/MUS/CO/6-7](#), para. 46.
- 7 *Ibid.*, para. 45.
- 8 [CERD/C/MUS/CO/20-23](#), para. 40.
- 9 United Nations country team submission, p. 6.
- 10 UNHCR submission for the universal periodic review of Mauritius, p. 4, and [CRC/C/MUS/CO/6-7](#), para. 19. See also [CAT/C/MUS/QPR/5](#), para. 16 (b), and [CAT/C/MUS/5](#), para. 195.
- 11 United Nations country team submission, p. 6, UNHCR submission p. 2, and [CRC/C/MUS/CO/6-7](#), para. 39. See also [CAT/C/MUS/5](#), para. 199.
- 12 United Nations country team submission, p. 2.
- 13 *Ibid.*, p. 4.
- 14 [E/C.12/MUS/CO/5](#), paras. 7 and 8.
- 15 United Nations country team submission, p. 3. See also [CAT/C/MUS/QPR/5](#), paras. 14 and 15, and [CAT/C/MUS/5](#), paras. 174–176.
- 16 [CERD/C/MUS/CO/20-23](#), paras. 8 and 9.
- 17 [CCPR/C/133/3/Add.4](#), pp. 1 and 2.
- 18 United Nations country team submission, p. 2. See also [CERD/C/MUS/CO/20-23](#), paras. 16 and 17.
- 19 [CAT/C/MUS/QPR/5](#), para. 15, and [CAT/C/MUS/5](#), paras. 177–184.
- 20 [CERD/C/MUS/CO/20-23](#), paras. 12–15.
- 21 *Ibid.*, paras. 18 and 19.
- 22 [E/C.12/MUS/CO/5](#), paras. 15–18.
- 23 [CERD/C/MUS/CO/20-23](#), paras. 10 and 11.
- 24 United Nations country team submission, p. 3.
- 25 [CEDAW/C/MUS/CO/8](#), paras. 11 and 12.
- 26 [CERD/C/MUS/CO/20-23](#), paras. 26 and 27.
- 27 [E/C.12/MUS/CO/5](#), paras. 21 and 22.
- 28 [CERD/C/MUS/CO/20-23](#), paras. 20 and 21.
- 29 [CAT/C/MUS/5](#), paras. 67–69 and 263–273. See also [CAT/C/MUS/QPR/5](#), paras. 3 and 22.
- 30 United Nations country team submission, pp. 7 and 8. See also [CAT/C/MUS/QPR/5](#), para. 2.
- 31 [CAT/C/MUS/QPR/5](#), para. 9, and [CAT/C/MUS/5](#), para. 94.
- 32 [CRC/C/MUS/CO/6-7](#), para. 44.
- 33 [CERD/C/MUS/CO/20-23](#), paras. 24 and 25.
- 34 [CEDAW/C/MUS/CO/8](#), paras. 21 and 22.
- 35 UNESCO submission for the universal periodic review of Mauritius, paras. 7–9 and 15.
- 36 United Nations country team submission, pp. 2 and 3.
- 37 *Ibid.*, p. 3.
- 38 UNESCO submission, para. 18.
- 39 United Nations country team submission, p. 8.
- 40 [CCPR/C/131/D/3163/2018](#), paras. 7.6–9.
- 41 [CRC/C/MUS/CO/6-7](#), para. 20.
- 42 [A/HRC/52/31/Add.1](#), para. 119 (s).
- 43 *Ibid.*, paras. 26, 27, 68 and 119 (x).
- 44 [CEDAW/C/MUS/CO/8](#), paras. 37 and 38.
- 45 [E/C.12/MUS/CO/5](#), paras. 15 and 16. See also [CRC/C/MUS/CO/6-7](#), para. 26.
- 46 [A/HRC/52/31/Add.1](#), paras. 22, 65 and 66.
- 47 [CRC/C/MUS/CO/6-7](#), paras. 15 and 23. See also [CEDAW/C/MUS/CO/8](#), paras. 37 and 38, [E/C.12/MUS/CO/5](#), paras. 45 and 46, and UNESCO submission, paras. 4 and 14.
- 48 United Nations country team submission, p. 7. See also [CEDAW/C/MUS/CO/8](#), para. 19, and [A/HRC/52/31/Add.1](#), para. 74.
- 49 [CEDAW/C/MUS/CO/8](#), paras. 19 and 20, [CERD/C/MUS/CO/20-23](#), paras. 34 and 35, and [CRC/C/MUS/CO/6-7](#), para. 40.
- 50 United Nations country team submission, p. 7. See also [A/HRC/52/31/Add.1](#), para. 74.
- 51 [CRC/C/MUS/CO/6-7](#), para. 42.
- 52 [E/C.12/MUS/CO/5](#), paras. 26 and 27.
- 53 *Ibid.*, paras. 30 and 31.

- ⁵⁴ Ibid., paras. 47 and 48.
- ⁵⁵ [CRC/C/MUS/CO/6-7](#), paras. 16 and 37.
- ⁵⁶ United Nations country team submission, pp. 8 and 9.
- ⁵⁷ [E/C.12/MUS/CO/5](#), paras. 51–54, and [CRC/C/MUS/CO/6-7](#), para. 35.
- ⁵⁸ United Nations country team submission, p. 8. See also [CEDAW/C/MUS/CO/8](#), para. 27.
- ⁵⁹ [CEDAW/C/MUS/CO/8](#), paras. 23, 24 and 28. See also [E/C.12/MUS/CO/5](#), paras. 51 and 52.
- ⁶⁰ [CRC/C/MUS/CO/6-7](#), paras. 34 and 35, and [A/HRC/52/31/Add.1](#), paras. 42, 45 and 119 (r).
- ⁶¹ [CRC/C/MUS/CO/6-7](#), paras. 32 and 33.
- ⁶² UNESCO submission, paras. 2 and 14.
- ⁶³ Ibid., paras. 3 and 14.
- ⁶⁴ United Nations country team submission, p. 9, and [E/C.12/MUS/CO/5](#), paras. 57–58. See also [A/HRC/52/31/Add.1](#), paras. 40 and 118.
- ⁶⁵ [CRC/C/MUS/CO/6-7](#), para. 38.
- ⁶⁶ [CEDAW/C/MUS/CO/8](#), paras. 23 and 24. See also United Nations country team submission, p. 9.
- ⁶⁷ UNESCO submission, para. 20. See also [E/C.12/MUS/CO/5](#), paras. 59 and 60.
- ⁶⁸ United Nations country team submission, pp. 6 and 7. See also [CRPD/C/MUS/QPR/2-3](#), para. 9, and UNHCR submission, p. 3.
- ⁶⁹ [E/C.12/MUS/CO/5](#), para. 10.
- ⁷⁰ [CRC/C/MUS/CO/6-7](#), para. 14.
- ⁷¹ Ibid., para. 24, and [A/HRC/52/31/Add.1](#), paras. 24, 69 and 119 (v).
- ⁷² [CRC/C/MUS/CO/6-7](#), paras. 14, 25 and 40. See also [A/HRC/52/31/Add.1](#), para. 119 (i).
- ⁷³ [A/HRC/51/35/Add.1](#), paras. 32, 33 and 43–46.
- ⁷⁴ [A/HRC/51/35/Add.3](#), p. 2.
- ⁷⁵ [A/HRC/51/35/Add.1](#), para. 95.
- ⁷⁶ [A/HRC/51/35/Add.3](#), p. 3.
- ⁷⁷ [CEDAW/C/MUS/CO/8](#), paras. 9 and 10.
- ⁷⁸ [E/C.12/MUS/CO/5](#), paras. 23 and 24. See also United Nations country team submission, p. 4.
- ⁷⁹ [CEDAW/C/MUS/CO/8](#), para. 31.
- ⁸⁰ United Nations country team submission, p. 4. See also [CRPD/C/MUS/QPR/2-3](#), para. 16, and [E/C.12/MUS/CO/5](#), paras. 41 and 42.
- ⁸¹ [CRC/C/MUS/CO/6-7](#), para. 22.
- ⁸² United Nations country team submission, p. 4. See also [CRPD/C/MUS/QPR/2-3](#), para. 16, and [E/C.12/MUS/CO/5](#), paras. 41 and 42.
- ⁸³ [CEDAW/C/MUS/CO/8](#), paras. 17 and 18, and [CRC/C/MUS/CO/6-7](#), para. 23.
- ⁸⁴ [CAT/C/MUS/QPR/5](#), para. 13, and [CAT/C/MUS/5](#), paras. 150–173.
- ⁸⁵ United Nations country team submission, pp. 4 and 5, and [A/HRC/52/31/Add.1](#), para. 119 (a), (b) and (o). See also UNESCO submission, para. 5, [CAT/C/MUS/QPR/5](#), para. 25, [CAT/C/MUS/5](#), paras. 132–140 and 300–303, and [CRC/C/MUS/CO/6-7](#), paras. 6 and 23.
- ⁸⁶ [CRC/C/MUS/CO/6-7](#), paras. 6–8 and 25.
- ⁸⁷ [A/HRC/52/31/Add.1](#), paras. 56, 84, 110 and 117–119 (e).
- ⁸⁸ [CRC/C/MUS/CO/6-7](#), paras. 13 and 24.
- ⁸⁹ [A/HRC/52/31/Add.1](#), para. 119 (ee) and (ii). See also [CERD/C/MUS/CO/20-23](#), para. 39.
- ⁹⁰ [A/HRC/52/31/Add.1](#), para. 119 (h).
- ⁹¹ [CRC/C/MUS/CO/6-7](#), para. 23.
- ⁹² [A/HRC/52/31/Add.1](#), paras. 95 and 119 (f).
- ⁹³ Ibid., paras. 16, 35 and 119 (c) and (bb). See also [CRC/C/MUS/CO/6-7](#), para. 24.
- ⁹⁴ [A/HRC/52/31/Add.1](#), paras. 93 and 119 (k) and (p).
- ⁹⁵ [CEDAW/C/MUS/CO/8](#), para. 18 (b). See also United Nations country team submission p. 5, and [CRC/C/MUS/CO/6-7](#), para. 21.
- ⁹⁶ [CRC/C/MUS/CO/6-7](#), para. 21.
- ⁹⁷ [A/HRC/52/31/Add.1](#), para. 119 (gg). See also [CRC/C/MUS/CO/6-7](#), para. 14.
- ⁹⁸ [A/HRC/52/31/Add.1](#), paras. 39 and 48.
- ⁹⁹ [CRC/C/MUS/CO/6-7](#), para. 19.
- ¹⁰⁰ [A/HRC/52/31/Add.1](#), para. 119 (d).
- ¹⁰¹ [CRC/C/MUS/CO/6-7](#), para. 29.
- ¹⁰² [E/C.12/MUS/CO/5](#), paras. 39 and 40.
- ¹⁰³ United Nations country team submission, p. 6.
- ¹⁰⁴ [CRPD/C/MUS/QPR/2-3](#), para. 4.
- ¹⁰⁵ [CRC/C/MUS/CO/6-7](#), paras. 31 and 32.
- ¹⁰⁶ [CEDAW/C/MUS/CO/8](#), paras. 33 and 34.
- ¹⁰⁷ [E/C.12/MUS/CO/5](#), paras. 17 and 18.

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- ¹⁰⁸ See [https://www.undp.org/press-releases/supreme-court-mauritius-decriminalizes-same-sex-relations#:~:text=October%20%2C%202023&text=%E2%80%9CThe%20UN%20in%20Mauritius%20and,intersex%20\(LGBTI%2B\)%20people%E2%80%9D](https://www.undp.org/press-releases/supreme-court-mauritius-decriminalizes-same-sex-relations#:~:text=October%20%2C%202023&text=%E2%80%9CThe%20UN%20in%20Mauritius%20and,intersex%20(LGBTI%2B)%20people%E2%80%9D).
- ¹⁰⁹ UNHCR submission, p. 1. See also United Nations country team submission, p. 5, UNHCR submission, pp. 2 and 4, [A/HRC/52/31/Add.1](#), para. 52, [CAT/C/MUS/QPR/5](#), para. 16, [CAT/C/MUS/5](#), paras. 192–194, and [CCPR/C/133/3/Add.4](#), p. 3.
- ¹¹⁰ UNHCR submission, p. 2.
- ¹¹¹ United Nations country team submission, p. 6, and UNHCR submission, pp. 2–4.
- ¹¹² UNHCR submission, pp. 4 and 5. See also [CRC/C/MUS/CO/6-7](#), para. 39.
- ¹¹³ UNHCR submission, p. 5.
- ¹¹⁴ *Ibid.*, p. 2. See also [CAT/C/MUS/5](#), para. 193.
- ¹¹⁵ [CRC/C/MUS/CO/6-7](#), para. 39.
- ¹¹⁶ [E/C.12/MUS/CO/5](#), paras. 32 and 33, and United Nations country team submission, p. 8. See also [CEDAW/C/MUS/CO/8](#), paras. 25 and 26.
- ¹¹⁷ [E/C.12/MUS/CO/5](#), paras. 32 and 33.
- ¹¹⁸ [CERD/C/MUS/CO/20-23](#), paras. 32 and 33.
- ¹¹⁹ [E/C.12/MUS/CO/5](#), para. 12.
- ¹²⁰ [CEDAW/C/MUS/CO/8](#), paras. 25 and 26.
- ¹²¹ UNHCR submission, p. 1.
- ¹²² [CRC/C/MUS/CO/6-7](#), para. 19.
- ¹²³ United Nations country team submission, p. 5.
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