



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

Summary of stakeholders' submissions on Mauritius*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report is prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 12 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Commission (NHRC) indicated that the Children's Court was fully operational since January 2022. It was expected to resolve the issues of delays in enquiries, especially in cases pertaining to sexual assault against a minor. The NHRC highlighted the increasing need for the recruitment of psychologists in schools, prisons and the new Children's Court.³

3. The NHRC underscored the problem of delays in police enquiries, in particular from detainees awaiting trial, and indicated the police enquiring officers should work in groups or in organized panels to increase efficiency.⁴

4. The NHRC highlighted that the conditions of detention of those imprisoned for drug cases were a violation of the Nelson Mandela Rules.⁵ It recommended to update the Prisons Regulations and to domesticate the Nelson Mandela Rules.⁶

5. The NHRC indicated that, as per its mandate under the National Preventive Mechanism Act, the National Preventive Mechanism Division conducted visits to women in prison on complaints about their conditions of detention (food, material conditions, personal hygiene, medical assistance, visits and phones calls and rehabilitation). It recommended relevant parts of the Bangkok Rules be integrated into the Prisons Regulations which need to be updated.⁷

* The present document is being issued without formal editing.



6. The NHRC indicated that sentences were very heavy for drug offences yet had not proven to be a fully effective deterrent to discourage drug traffickers. In addition, the majority of the prison population consisted of drug offenders. It recommended that the Supreme Court consider issuing guidelines on sentencing.⁸ The NHRC highlighted the amendment to the Dangerous Drugs Act that allowed persons suspected of having committed a drug offence for his/her personal use to undergo a rehabilitation programme instead of being prosecuted for that offence.⁹

7. The NHRC reported that gender-based violence continued to be a major human rights issue and domestic violence was one of the preeminent forms of violence. It described some challenges and some measures adopted by the authorities to address the issue, including the mobile application “Lespwar” (hope). It recommended that pre-marital counselling and/or couple therapy for intimate partner violence should be introduced on a large scale with the assistance of non-governmental organizations.¹⁰

8. The NHRC stressed that the Equal Opportunities Act, although prohibiting discrimination on grounds such as sex or sexual orientation, gave legal recognition to LGBTI people.¹¹

9. The NHRC indicated that there was a need to raise awareness on the right to a safe and clean environment, the impact climate change had on human rights and the importance of protecting and maintaining a healthy environment for a sustainable future. It considered that a Central Authority to address environmental issues should be established as there were too many bodies sharing this jurisdiction.¹²

10. The NHRC stressed the need to publish important pieces of legislation in Kreol and recommended the Constitution of Mauritius be translated into Kreol.¹³

III. Information provided by other stakeholders

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

11. The African Union informed that Mauritius had signed the Protocol to the African Charter on Human and Peoples’ Rights, related to the Elderly in 2021.¹⁴

12. The International Campaign to Abolish Nuclear Weapons (ICAN) urged Mauritius to sign and ratify the Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.¹⁵

B. National human rights framework

1. Constitutional and legislative framework

13. JS1 reported that the definition of human rights and fundamental freedoms in the Constitution of Mauritius only mentioned civil and political rights. JS1 recommended to amend the constitution to include economic, social and cultural rights as guaranteed under the Universal Declaration of Human Rights.¹⁶

14. JS4 considered that the definition of “racial hatred” in section 282 of the criminal code was restrictive as there was no mention of “sex”, “sexual orientation” or “sexual identity”.¹⁷ JS2 and JS4 recommended amending article 282 of the criminal code and the deletion of the term “racial” to encompass all incitement to hatred in general, including based on sexual orientation and gender identity.¹⁸

15. JS1 indicated that article 250 of the criminal code criminalised consensual same sex relationships and “sodomy” with a sentence of five years. This was often used to discriminate against the LGBTIQ community.¹⁹ JS1, JS2 and JS4 recommended section 250 of the criminal code be repealed.²⁰

16. The African Union welcomed the adoption of the law establishing the Children's Court Act as well as measures taken regarding juvenile justice, including training of police officers to handle juvenile justice cases.²¹

2. Institutional infrastructure and policy measures

17. JS1 pointed out that the mandate of the NHRC did not address economic, social, cultural, environmental or sexual orientation and gender identity rights.²² JS1 also recommended to ensure that the mandate of the NHRC reflects all human rights and not only civil and political rights in order to ensure the protection of all victims of rights violations, including LGBTIQ defenders.²³

18. JS2 recommended civil society be systematically involved in meetings of the National Mechanism for Reporting and Follow-up and that the latter adheres to a regular calendar of meetings.²⁴

C. Promotion and protection of human rights

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

Equality and non-discrimination

19. JS2 recommended anti-discrimination legislation, such as the Equal Opportunities Act, be amended to specifically protect gender identity, and to include "gender", "gender non-conforming" and "transgender persons" as grounds for discrimination.²⁵ JS4 deplored that neither gender identity and expression nor sex characteristics were covered under the Equal Opportunities Act, the Employment Relations Act, the Protection from Domestic Violence Act or the Workers' Rights Act.²⁶ JS4 recommended recognition of trans people be provided for by ensuring their registration under the Civil Status Act and providing for their protection against discrimination in the Employment Relations Act, the Equal Opportunities Act and the Workers' Rights Act.²⁷ JS4 also recommended policies and programmes to be implemented for the socio-economic inclusion of LGBTIQI people in the Mauritian society.²⁸

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

20. Commonwealth Human Rights Initiative (CHRI) highlighted the culture of police brutality in Mauritius. It pointed at some unsuccessful legal initiatives to combat the issue and to align itself with international best practices with respect to policing. CHRI also highlighted the operationalization of the Independent Police Complaints Commission (IPCC) in 2018 to address complaints against the police although CHRI considered it ineffective due to the poor record in adjudicating and dispensing cases, and that no police personnel accused of abuse or brutality had been successfully convicted.²⁹ CHRI stressed that the IPCC was not independent from the Mauritius Police Force (MPF) because investigations into cases of police brutality conducted by the IPCC were carried out by police officers. According to CHRI, this raised issues of impartiality and integrity, defeating the purpose of the IPCC. CHRI also indicated that enforcement of prosecution and punishment was not always consistent and was sometimes influenced by politicians resulting in impunity. This would explain why disciplinary actions against offending officers may take place, but dismissal or prosecutions were rare.³⁰

21. CHRI recommended to ensure that the independence of the IPCC be ensured and protected, and that cases are determined by non-police officers, to train non-police persons and provide them with sufficient authority to investigate the police. It also recommended that cases before the IPCC should be determined timeously and ensure that police officers found guilty of police brutality are held accountable and punished. The CHRI added that IPCC should be presided over by a seasoned magistrate or judge.³¹

22. JS1 stated that human rights defenders working with detainees could not submit complaints on their behalf to the NHRC and were refused access to prisons, therefore

preventing them from informing the detainees of their rights and legal remedies when their rights were violated.³²

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

23. JS3 underlined that the rapid dissemination of information, coupled with the anonymity and reach of the internet, had led to the spread of hate speech, misinformation, and other harmful content. This raised concerns about the need for effective content regulation measures that strike a balance between protecting individuals from harm and preserving freedom of expression.³³ JS3 underlined that Mauritius should continue its efforts to strengthen the legal framework, promote transparency and accountability, and foster digital literacy among its population.³⁴

24. JS3 considered that any restrictions imposed on online content should be based on clear and specific legal provisions that aligned with international human rights standards. Criteria for content regulation should be narrowly defined and transparent procedures with opportunities for redress should be put in place. JS3 considered it crucial to incorporate robust safeguards against arbitrary or disproportionate censorship.³⁵

25. JS3 underlined that it was imperative for Mauritius to continue to uphold and protect freedom of expression online, ensuring that individuals can exercise their rights, contribute to public discourse, and participate meaningfully in shaping their society.³⁶

26. JS1 denounced that journalists in Mauritius were still being silenced by the government using both legal and financial means and were discredited online for their work.³⁷ JS3 made a similar remark.³⁸ JS1 denounced that since the review of the ICT Act, journalists could face prison sentences up to ten years for content that was “offensive” and “is likely to cause harm”. JS1 considered this provision as extremely vague and could be abused.³⁹ These overly broad offences did not meet the requisite normative standards for the protection of freedom of expression and would likely lead to illegitimate persecution and prosecution.⁴⁰ JS3 indicated that Mauritius should focus on creating a legal framework and policies that facilitate the free flow of information online.⁴¹

27. CHRI underscored that the National Assembly of Mauritius amended the Information and Communication Technologies Act (ICT Act) in 2018. The amendment criminalized posting of false, damaging or unlawful information online with a sentence of up to ten years in jail. CHRI indicated that the provision has been used to target and arrest journalists, media outlets, and individuals. It recommended to incorporate the recommendations from the stakeholders’ consultations on the proposed amendments to the ICT Act.⁴² JS3 made similar remarks and added that these overly broad offences did not meet the requisite normative standards for the protection of freedom of expression and would likely lead to illegitimate persecution and prosecution.⁴³ JS2 recommended that section 46 of the ICT Act be more specific to include “sexual orientation and gender identity”.⁴⁴ JS3 recommended to review and amend existing legislation, including the ICT Act and the Data Protection Act, to ensure they align with international human rights standards.⁴⁵

28. CHRI indicated that the National Assembly passed amendments to the Independent Broadcasting Authority (IBA) Act in 2021. The amendments tripled private radio license fees, quintupled broadcasting violation fees, created a government-appointed oversight panel and allowed the IBA Director to request a judge order to a person to turn over their records including journalistic sources. CHRI recommended the IBA Act be reviewed to conform to international standards and best practices on freedom of expression and digital rights.⁴⁶ JS3 recommended all unwarranted intimidation, harassment and arrests of journalists be ended including the censoring of social media accounts.⁴⁷

29. JS1 underlined that the IBA sat within the government, under the authority of the Prime Minister, which seriously impeded its independence.⁴⁸ JS1 recommended the IBA be amended to guarantee independence in the nomination of the Chairperson of the Board as well as the independence of the institution.⁴⁹ JS3 underlined that the independence of this body should be protected against political interference.⁵⁰ JS3 considered that transparent and accountable processes, independent oversight, and adherence to international human rights principles were necessary to prevent arbitrary or excessive censorship.⁵¹ JS1 recommended a

Freedom of Information Act be adopted in line with article 19 of the Universal Declaration of Human Rights.⁵²

30. JS1 stressed that, while violations against defenders were not systemic in Mauritius, civil society felt increasingly threatened and that numerous regulations were in place to restrict their work. Defenders denounced reprisals, threats to lose their employment and difficulties in looking for employment. Human rights defenders faced alleged arbitrary arrests, arbitrary or unlawful interference with privacy, censorship, lack of investigation of and accountability for violence. JS1 underlined that assemblies and protest were more heavily monitored by law enforcement. Since 2021, in some instances, militarised police were deployed during peaceful protests in Port Louis.⁵³ JS1 recommended to refrain from criminalising the legitimate activities of human rights defenders and repeal all aspects of laws and policies that restricted their rights, activities and access to funding.⁵⁴ JS1 also recommended to demonstrate strong, high-level political support for human rights defenders through public statements by State officials to raise awareness, recognise and support the work of human rights defenders.⁵⁵ JS1 recommended that prompt, thorough, independent, impartial investigations be conducted into all threats and attacks against human rights defenders, especially those attacks involving law enforcement officials.⁵⁶

31. JS1 indicated that, in the last three years, lawyers have felt increasingly less safe when taking on human rights cases. They felt unsafe in carrying out their profession fearlessly and independently because of the persecution undertaken by the Special Striking Team, a section of the Mauritian police force.⁵⁷

32. JS1 recommended to ensure that the Public Gathering Act is implemented reflecting its content and purpose to guarantee the rights to freedom association and peaceful assembly.⁵⁸

Right to privacy

33. JS3 stated that the ICT Act contained numerous provisions that did not conform with international standards on freedom of expression and privacy.⁵⁹ JS3 recommended to ensure that Mauritius's legal framework provides adequate protections against unwarranted surveillance and the misuse of personal data, by establishing robust oversight mechanisms and safeguards against surveillance, including independent judicial oversight.⁶⁰

Right to marriage and family life

34. JS4 considered that the definition of spouse *de facto* prevented the legal acknowledgement and/or recognition of homosexual couples and their human rights.⁶¹ JS4 highlighted that further advocacy was needed to repeal the definition of "spouse" in the Protection from Domestic Violence Act (PDVA) to align it with the Civil Status Act. It also underscored the need to expand the scope of the PDVA to include LGBTQI people living in cohabitation or under the same roof to protect them from domestic violence.⁶² JS2 made a similar remark.⁶³ JS4 recommended to abide by the provisions of the Equal Opportunities Act and to amend the PDVA accordingly to recognise marriage and/or civil partnership for same-sex couples in the definition of "spouse".⁶⁴

35. JS2 recommended to enforce the minimum age of marriage, established at 18 years for both boys and girls, and to end the practice of child marriage.⁶⁵

Prohibition of all forms of slavery, including trafficking in persons

36. European Centre for Law and Justice (ECLJ) reported that Mauritius served as a transit route for victims of human trafficking who came from East Africa and Madagascar. ECLJ reported that the government partnered with MIEUX+ (Migration EU Expertise) to combat trafficking in human beings in 2021. This partnership was designed to provide public officials with the capacity to identify trafficking victims and to effectively investigate and prosecute human trafficking cases. This initiative further allowed experts to meet with stakeholders in order to fully understand the scope of human trafficking in Mauritius. The Mauritius Police Force was also able to highlight the difficulties they had in combatting trafficking in persons, in particular in gathering evidence to prosecute traffickers beyond a reasonable doubt. Children and girls in particular were at risk of child prostitution and sexual

exploitation. ECLJ recommended to create an agency dedicated to combatting this problem and provide the necessary resources and training to effectively combat sex trafficking and prosecute the perpetrators.⁶⁶ JS2 recommended that financial support be provided to poor families to help counter commercial and sexual exploitation of children.⁶⁷

37. JS2 stated that sexual exploitation and trafficking were prevalent in Mauritius and women and children of African descent (creoles) were vulnerable to sex trafficking. While JS2 stressed that a National Action Plan to combat Trafficking in Persons in Mauritius 2022–2026 was developed to help guide the response to trafficking in person in the country. However, it emphasized that anti-trafficking law enforcement efforts decreased over the last reporting period.⁶⁸ JS2 recommended to adopt a victim-centred approach and to apply and respect laws and protocols.⁶⁹ JS2 also recommended that representatives of civil society also be part of the steering committee on the implementation of the National Action Plan to Combat Trafficking in Persons.⁷⁰

38. In order to prevent trafficking in persons including children, JS2 recommended to enact the Adoption Bill.⁷¹

Right to health

39. JS2 recommended that sexual education in schools be correctly conducted by trained persons. It also recommended that all contraceptive methods to prevent sexually transmitted infections and HIV be made available to children including those below the age of 16, to make mandatory comprehensive information sessions be conducted by professionals and that National HIV Action Plan for the period 2023–2027 be harmonized with policies promoting the sexual and reproductive health of adolescents.⁷²

40. JS2 recommended that abortion be decriminalised in all circumstances and that section 235 of the Criminal code be repealed. It also recommended that safe abortions for every girl and woman in Mauritius be preceded by a certified medical and psychological assessment, that their views are heard and given due consideration as part of the decision-making process, and that access to post-abortion care services for adolescent girls be facilitated.⁷³

Right to education

41. Broken Chalk underlined that, while Mauritius had made significant progress in achieving a near-universal primary education enrolment, children in remote areas, particularly those from disadvantaged communities, faced challenges in accessing quality education due to limited infrastructure, transportation and financial constraints.⁷⁴ It recommended to focus the efforts on providing educational opportunities to marginalized groups. Infrastructure development and targeted initiatives are necessary to address disparities in access to education.⁷⁵

42. Broken Chalk highlighted that the difficulties to expand the provision of early childhood education facilities, especially in areas where accessibility, was challenging. The cost of early childhood education could be a barrier for many families in Mauritius due to high fees and limited financial support options. It recommended expanding access to quality pre-primary education, ensuring the availability of trained educators, and promoting holistic child development approaches.⁷⁶

43. Broken Chalk indicated that ensuring a high-quality education system was a persistent challenge in Mauritius. Inadequate classrooms, lack of modern facilities, limited textbooks, teaching materials and laboratory equipment impeded the delivery of quality education.⁷⁷ It recommended teaching methodologies be refined, relevant and updated curricula be developed, and innovative approaches be promoted to ensure students receive a comprehensive high-quality education.⁷⁸

44. Broken Chalk recognized the efforts made by Mauritius to expand technical and vocational education although it indicated that only a limited range of programmes was still available.⁷⁹ Broken Chalk recommended to enhance the availability, accessibility and relevance of vocational programmes, ensuring they align with industry requirements, and equip students with the necessary skills for employment and entrepreneurship.⁸⁰

45. Broken Chalk considered infrastructure, connectivity and access to digital resources as challenges to integrate information and communication technologies (ICT) into education. Not all students and schools had equal access to computers, reliable internet connectivity and the necessary digital devices. Broken Chalk underlined it was crucial to promote digital literacy among students and teachers, expand access to digital resources and infrastructure and facilitate the integration of ICT tools into the curriculum.⁸¹ JS3 indicated that educational programmes and campaigns should be implemented to educate the public about their digital rights, including freedom of expression, privacy, and data protection. Special attention should be given to vulnerable groups, including children and marginalised communities, to ensure their active participation and protection in the digital realm.⁸²

46. Broken Chalk highlighted the need for more qualified teachers in Mauritius in certain specialised subjects.⁸³ Attracting and retaining skilled educators was a persistent issue. Salary discrepancies, limited career progression opportunities and challenging working conditions contributed to difficulties in recruiting and retaining highly qualified teachers. It recommended that efforts be focused on attracting, retaining, and continuously developing skilled educators.⁸⁴

Development, the environment, and business and human rights

47. Amnesty International (AI) underlined that, despite having supported recommendations related to improving good governance, transparency and accountability in its financial sector in the previous cycle, Mauritius continued to use strategies to attract capital, including through double taxation avoidance agreements and low taxes, that deprived Mauritius and other countries from resources necessary for the progressive realization of human rights.⁸⁵ AI recommended to conduct a human rights impact assessment of fiscal policies to ensure they do not contribute to tax abuse or have a negative impact on the availability of resources and the realization of human rights. It also recommended to amend those taxations measures which undermined the realization of human rights both within Mauritius and in other countries to ensure that they cease to have this effect.⁸⁶

48. AI recommended that steps be taken to ensure that Mauritius financial and corporate secrecy policies and rules on corporate reporting and taxation are consistent with its extraterritorial obligations under the Maastricht Principles and do not facilitate illicit financial flows. It also recommended to enact a right to information law to enhance corporate and financial transparency.⁸⁷ AI recommended that transparency and public participation be prioritized throughout the taxation process including engaging with civil society organizations and citizens in the formulation and implementation of tax policies, to take concrete measures to combat tax avoidance and abusive tax practices by transnational corporations, and to ensure that corporate actors operating in Mauritius respect their human rights responsibilities concerning all business practices.⁸⁸

2. Rights of specific persons or groups

Women

49. JS1 stressed that violence against women was still prominent in Mauritian society.⁸⁹ JS2 applauded the launching of the National Gender Policy 2022–2030 (NGP) to eliminate gender-based discrimination, and the drafting of the Gender Equality Bill to fulfil the gender equality obligations emanating from international and regional treaties and conventions.⁹⁰ JS2 recommended that an all genders and a non-binary approach be included, and that the Gender Equality Bill be enacted without delay.⁹¹ JS2 recommended improving communication and transparency on the implementation of the NGP in a timely manner and to improve follow up of policy implementation in partnership with stakeholders. It also recommended that policy documents such as the NGP include definitions of key terms and concepts which are aligned with international norms and standards and that appropriate definitions of key terms and concepts such as sex, gender, gender identity be in line with United Nations norms and standards.⁹²

50. CHRI considered that gender-based violence was regarded as a serious offense in Mauritius. In this context, the High-Level Committee on the Elimination of Gender-Based Violence unveiled its National Strategy and Action Plan for the period of 2020–2024 which

focused on the eradication of gender-based violence through multi-sectorial approach. The document was created collaboratively with stakeholders. Following the launching of this plan, the government of Mauritius prioritized spreading knowledge of gender-based violence issues, particularly with the introduction of the mobile app “Lespwar”, a resource pack for empowering religious leaders, and public awareness campaigns.⁹³

51. CHRI highlighted that Mauritius established an Observatory on Gender-Based Violence in 2021 to harmonise data collection and passed the Protection from Domestic Abuse Act in 1997. The latter made domestic abuse a crime.⁹⁴ JS2 recommended that the Gender Based Violence Observatory be operationalized to provide a baseline data on the status of gender-based violence in Mauritius.⁹⁵

52. CHRI reported that, despite these efforts, official data continued to show an increase in the number of reported cases of domestic abuse in Mauritius and the police was not adept at defending victims of domestic violence that had received court protection orders. Under the criminal code, authorities punished offenses like assault, aggravated assault, threats and blows, but law enforcement documentation did not always make it clear whether they were related to domestic abuse.⁹⁶ CHRI recommended to prioritise support services for survivors while holding perpetrators accountable, to identify and redress discriminatory practices that perpetuate gender-based violence, and to sensitize the police to identify and protect women against gender-based violence.⁹⁷ JS2 indicated that, while laws were in place, enforcement and prosecution remained a challenge in Mauritius. Many victims still hesitated to report domestic violence to the police, or they simply withdrew their complaints due to factors like fear of retaliation from perpetrators, lengthy and costly judicial processes, economic dependence on abusers and cost barriers, societal norms and pressures.⁹⁸ JS2 recommended to centralize all services (legal, medical, psychological, and accommodation) for victims of domestic violence and their children.⁹⁹ JS2 recommended that housing be attributed as a matter of priority to women victims of violence who are living in shelters be fast-tracked on a case-to-case basis.¹⁰⁰

53. JS2 recommended that the PDVA be reviewed to include a clear definition of verbal/psychological/emotional abuse/violence and a definition of “sextortion”.¹⁰¹

Children

54. JS2 commended the enactment of Children’s Act 2020 which included protection of the child from discrimination on the grounds of the child’s or child’s parents’ race, caste, sex and disability. JS2 recommended “gender identity and sexual orientation” be included as a ground for discrimination in this specific legislation.¹⁰²

55. JS2 commended that the prohibition of corporal punishment of children in all settings was included in the Children’s Act 2020, although it was still practiced in institutions.¹⁰³

56. JS2 recommended the enactment of the Adoption Bill and the establishment of a register of potential adoptive parents and a list of children for adoption. It also recommended that training be provided to national authorities to inform, assess and prepare screened adoptive parents. It also recommended that local matching be prioritized before international adoption, clarifying the adoption protection order in the bill, and specifying simple and plenary adoption in the bill.¹⁰⁴

Persons with disabilities

57. JS2 indicated that there were specific clauses for protecting persons with disabilities within Mauritian legislation, notably within the Criminal Code and the recent Children’s Act 2020. JS2 recommended that measures to combat violence and ill-treatment of persons with disabilities be reinforced and to ensure that all those responsible for such acts are held accountable under the law.¹⁰⁵

58. Broken Chalk stressed that, despite progress made by Mauritius to promote inclusive education for students with disabilities, there were still challenges in providing appropriate accommodation, specialized support and resources to ensure equal education opportunities. In addition, training teachers in inclusive teaching methods and fostering a supportive and inclusive environment required continuous attention.¹⁰⁶

59. JS1 stressed that human rights defenders advocating for the rights of persons with disabilities were facing difficulties when looking for employment. This prevented them from continuing their activism as defenders.¹⁰⁷

Indigenous peoples and minorities

60. Human Rights Watch (HRW) stressed that the Chagossians continued to suffer poverty, stigma and discrimination half of a century after their arrival in Mauritius. In 2022, the governments of Mauritius and of the United Kingdom of Great Britain and Northern Ireland began to secure an agreement based on international law to resolve all outstanding issues. To date, the Chagossian people had not been meaningfully consulted by the parties to these negotiations. HRW remained very concerned that the Chagossian people had not been provided information about the details of the negotiations to allow them to participate and/or effectively be consulted. Without an effective consultation with the Chagossian people, these negotiations will perpetuate the violations they have suffered. These consultations need to be transparent, proactive, accessible, inclusive, meaningful, and properly managed and resourced. Any agreement should recognize that the Chagossians' rights were grossly violated, provide for their right to return to all the Islands, including Diego Garcia, in dignity, full compensation for the harms they suffered as well as guarantees of non-repetition.¹⁰⁸ HRW recommended to ensure that all groups of Chagossian in different countries are meaningfully and effectively consulted as part of the ongoing negotiations, and ensure they are provided with adequate compensation for the harms they have suffered.¹⁰⁹

61. HRW found that the continuing forced displacement of the Chagossians, the prevention of their permanent return to their homeland, and their persecution on racial and ethnic grounds amounted to crimes against humanity.¹¹⁰ HRW recommended that the Chagossians be recognized as an indigenous peoples; ensure all Chagossians' right to an adequate standard of living; ensure that any agreement over the future of the Chagos Archipelago includes an explicit commitment to allow the Chagossians to return without restriction to all the Islands to live with dignity.¹¹¹

62. HRW also recommended to engage with the African Union and the United Nations to issue statements expressing concern about crimes against humanity against the Chagossians and to push for the establishment of a Commission of Inquiry and a United Nations envoy on the crimes of apartheid and persecution.¹¹²

Lesbian, gay, bisexual, transgender and intersex persons

63. JS4 highlighted the severe human rights violation against LGBTQI persons in Mauritius. JS4 indicated that the continued persecutions and attempts to human dignity and violations of individual rights and freedoms of LGBTQI persons in Mauritius highlighted the severe and serious non-compliance of the State to United Nations Conventions and human rights standards.¹¹³

64. JS4 underlined the violation of the right to privacy, mainly due to the absence of a legal recognition of same-sex couples, the absolute impossibility for sex reassignment, the absence of effective protection against persecutions, and inhuman and degrading treatment due to criminalisation of same-sex conduct or absence of sanctions against homophobic or transphobic discrimination and violence.¹¹⁴

65. JS2 reported that there was no specific legislation against homophobic and/or transphobic violence or hate speech in Mauritius. JS2 recommended that all complaints regarding violence and hate speech against LGBT persons be systematically considered and investigated, and that those responsible be brought to justice.¹¹⁵ JS2 recommended to establish a shelter for gender, sex and sexually diverse persons who are victims of violence in their own family settings.¹¹⁶

66. JS4 indicated that a number of policy actions were being implemented to prevent LGBTQI people from being victims of stigmatisation, discrimination and violence. In the absence of legal protection by Mauritius, these policy actions needed to be further expanded for a greater inclusion of LGBTQI people in the Mauritian society.¹¹⁷

67. JS1 underlined that LGBTIQ defenders continued to fear reprisals for exercising their right to assemble as the government did not intervene and prosecute the religious groups who blocked the June 2018 gay pride parade.¹¹⁸

68. JS4 reported that, although the PDVA provided protection for LGBTIQI persons against another person living under the same roof, in practice, different family protection officers at the Ministry of Gender Equality and Family Welfare held different understanding and application of the law in relation to LGBTIQI persons victims of domestic violence.¹¹⁹

Notes

¹ A/HRC/40/9 and the addendum A/HRC/40/9/Add.1, and A/HRC/40/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
Broken Chalk	The Stitching Broken Chalk, Amsterdam (The Netherlands)
CHRI, Africa Office	Commonwealth Human Rights Initiative, Africa Office, Accra (Ghana)
ECLJ	The European Centre for Law and Justice, Strasburg (France)
HRW	Human Rights Watch, Geneva (Switzerland)
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland)

Joint submissions:

JS1	Joint submission 1 submitted by: International Service for Human Rights (ISHR), Geneva (Switzerland)
JS2	Joint submission 2 submitted by: Kolektif Drwa Imin (KDI), Gender Links Mauritius, Kolektif Drwa Zanfan Morisien* (KDZM), OUT *10 NGOs namely: AIHD, ANFEN, APEIM, Autisme Maurice, Caritas Ile Maurice, Drip, Future Hope, Kinouété, Le Pont du Tamarinier, T1 Diams and 4 individual members: Danny Philippe, Marie-Laure Ziss-Phokeer, Martine Lassémillante and Mélanie Vigier de Latour-Bérenger, Pereybere (Mauritius).
JS3	Joint submission 3 submitted by: Small Media Foundation and Halley Movement, London (United Kingdom of Great Britain and Northern Ireland)
JS4	Joint submission 4 submitted by: The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) and Young Queer Alliance.

National human rights institution:

NHRC	National Human Rights Commission, Port-Louis Mauritius.
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Regional intergovernmental organization:

African Union	Africa Union, Banjul, The Gambia.
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³ NHRC, pp. 2–3.

⁴ NHRC, pp. 2–3 and para 5.

⁵ NHRC, para. 5.

⁶ NHRC, pp. 3–4.

⁷ NHRC, p. 4.

⁸ NHRC, p. 5.

⁹ NHRC, p. 1.

¹⁰ NHRC, pp. 1–2.

¹¹ NHRC, p. 6.

¹² NHRC, p. 6.

¹³ NHRC, p. 7.

¹⁴ African Union, p. 2.

¹⁵ ICAN, p. 1.

¹⁶ JS1, p. 4.

¹⁷ JS4, para. 20.

¹⁸ JS2, para.7 and JS4 para. 55.

- 19 JS1, para. 14. See also JS4, paras. 3–6 and 15.
- 20 JS1, p. 4; JS2, para. 3; and JS4, para. 55.
- 21 African Union, p. 4.
- 22 JS1, para. 18.
- 23 JS1, p. 4.
- 24 JS2, paras. 51–52.
- 25 JS2, para. 35.
- 26 JS4, para. 9.
- 27 JS4, para. 55.
- 28 JS4, para. 55.
- 29 CHRI, paras. 4–8. See also JS1, para. 20.
- 30 CHRI, paras. 4–10.
- 31 CHRI, para. 16.
- 32 JS1, para. 7.
- 33 JS3, paras. 8, 16 and 24.
- 34 JS3, para. 17.
- 35 JS3, para. 31.
- 36 JS3, para. 29.
- 37 JS1, paras. 5–6 and 15.
- 38 JS3, paras. 9 and 34.
- 39 JS1, paras. 11–12.
- 40 JS3, paras. 3, 11–13 and 33.
- 41 JS3, para. 38.
- 42 CHRI, paras. 26 and 32.
- 43 JS3, paras. 3, 11–13 and 33.
- 44 JS2, para. 6.
- 45 JS3, p. 11.
- 46 CHRI, paras. 30 and 32.
- 47 JS3, p. 11.
- 48 JS1, para. 10.
- 49 JS1, p. 4.
- 50 JS3, para. 45.
- 51 JS3, para. 25.
- 52 JS1, p. 4.
- 53 JS1, paras. 1–4.
- 54 JS1, p. 4.
- 55 JS1, p. 4.
- 56 JS1, p. 4. See also JS4, para. 55.
- 57 JS1, para. 17.
- 58 JS1, p. 4.
- 59 JS3, para. 45.
- 60 JS3, p. 11.
- 61 JS4, paras. 13 and 27–29.
- 62 JS4, para. 14.
- 63 JS2, para. 28.
- 64 JS4, para. 55.
- 65 JS2, para. 42.
- 66 ECLJ, paras. 10–16.
- 67 JS2, para. 14.
- 68 JS2, paras. 11–12. See also ECLJ, paras. 10–16.
- 69 JS2, para. 13.
- 70 JS2, para. 14.
- 71 JS2, paras. 9–11.
- 72 JS2, paras. 14–15.
- 73 JS2, para. 15.
- 74 Broken Chalk, para. 4.
- 75 Broken Chalk, para. 27.
- 76 Broken Chalk, paras. 23–25 and 31.
- 77 Broken Chalk, para. 3.
- 78 Broken Chalk, para. 26.
- 79 Broken Chalk, para. 6.
- 80 Broken Chalk, para. 28.

- 81 Broken Chalk, paras. 18–20 and 30.
82 JS3, para. 19.
83 Broken Chalk, para.11
84 Broken Chalk, paras. 11–12 and 29.
85 AI, paras. 1–2, 9 and 18–19.
86 AI, paras. 26–27.
87 AI, para. 29.
88 AI, paras. 30–32.
89 JS1, para. 16.
90 JS2, para. 16.
91 JS2, para. 35.
92 JS2, para. 21.
93 CHRI, paras. 17–24. See also JS2, paras. 24 and 36.
94 CHRI, paras. 17–24. See also JS2, paras. 24 and 36.
95 JS2, para. 36.
96 CHRI, paras. 17–24. See also JS2, paras. 24 and 36.
97 CHRI, para. 26.
98 JS2, para. 27.
99 JS2, para. 29.
100 JS2, para. 36.
101 JS2, para. 28.
102 JS2, paras. 1–2 and 39.
103 JS2, para. 40.
104 JS2, para. 10.
105 JS2, para. 44.
106 Broken Chalk, para. 4.
107 JS1, para. 4.
108 HRW, pp. 2–3.
109 HRW, p. 3.
110 HRW, pp. 2–3.
111 HRW, p. 3.
112 HRW, p. 3.
113 JS4, para. 54.
114 JS4, para. 51.
115 JS2, paras.4–5.
116 JS2, para. 36.
117 JS4, para. 10.
118 JS1, paras. 3 and 14.
119 JS4, para. 21.
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