



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**121st session**

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Item 5 of the provisional agenda

**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

**List of issues in relation to the fifth periodic report of  
Mauritius**

**Addendum**

**Replies of Mauritius to the list of issues\***

[Date received: 3 August 2017]

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\* The present document is being issued without formal editing.



**Question 1**

1. Mauritius has not given the force of law specifically to the International Covenant on Civil and Political Rights in an Act of Parliament as the substance of the Covenant is already contained, either in the Constitution or in a number of enactments dealing with the rights concerned. Relevant case law are as follows —

- In the case of *Matadeen v. Pointu and Ors* 1998 MR 172, the Judicial Committee of the Privy Council observed that since 1973 Mauritius is a signatory to the International Covenant on Civil and Political Rights and that it is a well-recognized canon of construction that domestic legislation, including the Constitution, should be construed so as to give effect to the Covenant.
- In the case of *Fakeemeeah Cehl Mohamad v Commissioner of Police & Ors* 2001 SCJ 252, the Court held that reference may be made to Article 25 of the Covenant which prescribes that the right to vote may be subject to limitations provided they are not unreasonable.
- In the case of *Devendranath Hurnam, a Barrister-at-Law*, 2007 SCJ 289, where disciplinary proceedings had been instituted against the defendant, Mr. D. Hurnam, a barrister-at-law, who had been convicted by the Intermediate Court on an offence of conspiracy, the defendant had moved for a stay of the proceedings on the ground that the absence of any right of appeal from any decision of the Supreme Court following disciplinary proceedings taken against a law practitioner not only breaches his right to the protection of the law and his right to a fair trial under sections 3 and 10 of the Constitution but also falls foul of the requirements of the International Covenant on Civil and Political Rights and the Optional Protocol. The Supreme Court held that as explained in the case of *Union Campement Sites Owners and Lessees and Ors v Government of Mauritius & Ors* 1984 MR 100, it is not the function of the Supreme Court to pronounce on the consistency of our Constitution and our laws with the provisions of the Covenant. The Court went on to state that they agreed with Counsel who appeared on behalf of the Attorney General that there is no right to an appeal under the Covenant in cases other than criminal cases as provided in Article 14(5) of the Covenant and neither can the provisions of the Optional Protocol be of any relevance in as much as they relate to communications from individuals claiming to be victims of the rights expressly set out in the Covenant.

2. New laws have also been enacted since the last review of Mauritius to better guarantee the protection of human rights. These include the following —

- (i) The Combating of Trafficking in Persons Act, which was proclaimed on 30 July 2009, has amongst its main objectives to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, prevent and combat trafficking in persons, and protect and assist victims of trafficking;
- (ii) The International Criminal Court Act, which came into force on 15 January 2012, provides for the effective implementation of the Rome Statute of the International Criminal Court in Mauritius, ensures the fulfilment of the obligations of Mauritius under the Statute and provides for the jurisdiction of the Mauritian Courts to try persons charged with international crime;
- (iii) The Equal Opportunities Act, which was proclaimed on 1 January 2012, ensures better protection against discrimination as it prohibits both direct and indirect discrimination on the grounds of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The Equal Opportunities Act also applies to both the public and private sectors and includes within its ambit sexual harassment. Discrimination by victimisation is also prohibited;
- (iv) The Protection of Human Rights (Amendment) Act which was passed in 2012 has reviewed the functions of the National Human Rights Commission (NHRC) so as to enhance its role as a key institution in the protection and promotion of

human rights at the national level and also provide for the setting up, within the NHRC, of a Human Rights Division, a Police Complaints Division and a National Preventive Mechanism Division;

(v) The Police Complaints Act which was passed in 2012 provides for the setting up, within the NHRC, of a Police Complaints Division which investigates into complaints made against members of the Police Force, other than allegations of corruption and money laundering;

(vi) The National Preventive Mechanism Act which was passed in 2012 aims at giving effect in Mauritius to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It provides for the setting up, within the NHRC, of a National Preventive Mechanism Division and enables the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to discharge its functions under the Optional Protocol in Mauritius;

(vii) The Legal Aid Act was amended in 2012 and is now known as the Legal Aid and Legal Assistance Act. It extends the provision of legal assistance and now provides for legal assistance and legal aid to be available to a wide range of persons in need;

(viii) The Criminal Code was amended in 2012 to provide for the termination of pregnancies in specified circumstances;

(ix) The Criminal Appeal Act was amended in 2013 with a view to enabling the referral of convictions of accused parties, in specific cases, to the Court of Criminal Appeal for a review of the proceedings relating to the conviction. The referral is however subjected to the conditions as laid down under Section 19A of the Act. Where the Court is satisfied that there is (a) fresh and compelling evidence in relation to the offence or a lesser offence; and (b) it is likely that the retrial will be fair, having regard to the circumstances, including the length of time since the offence is alleged to have been committed, the court has the power to (a) grant the application, (b) quash the conviction or acquittal; (c) order that the person be retried for the offence for which he was originally charged or a lesser offence; and/or (d) may make such other order as it considers appropriate, as the case may be;

(x) The Criminal Procedure Act was amended in 2007 to allow persons convicted of mandatory minimum sentences to apply for the review of their sentence before the Supreme Court. Over and above the provisions of this Act, the Supreme Court also hears appeals on review of sentences. One of the authority judgments in this matter is the case of *Dookee Ajay v State of Mauritius* (2011 PRV 26) wherein the Judicial Committee of the Privy Council held that the period spent on remand should be taken into account for the purposes of sentencing. There are several other cases which have now applied this principle. The case of *Sudason v The State of Mauritius* (2014 SCJ 44) is one of them. In this case, the court applied the reasoning adopted in the case of *Dookee Ajay v State of Mauritius* (2011 PRV 26) and granted that 80% of the time spent on remand was to be deducted from the sentence. In the recent case of *Luchun D. v The State of Mauritius and Anor* (2015 SCJ 254), the Court took the view that 100% of the time spent on remand should be reckoned as part of the sentence. However, it may be noted that the issue of whether the period spent in remand should as a rule be reckoned as served sentence or not, is presently before the Judicial Committee in the case of *Liyakkat A. Polin*.

(xi) In Mauritius, the employment of persons with disabilities is specifically regulated by the Training and Employment of Disabled Persons Act (TEDP Act). Section 13 of the Act imposes on every employer, having a workforce of 35 or more workers, a duty to employ such number of persons with disabilities as is specified in Part I of the Schedule to the Act. The Schedule provides that the percentage of persons with disabilities employed out of the total workforce should be at least 3%. The Act was amended in 2012 to —

(a) better provide for the enforcement of the Act with a view to promote the access of persons with disabilities to employment;

(b) provide for the setting up of a Hearing Committee which shall be vested with the responsibility to determine the contribution of employers and the exemptions from the Act; and

(c) increase the fine provided for non-compliance with the Act.

(xii) The Building Control Act which was passed in 2012 provides for enhanced accessibility for all categories of persons with disabilities to public infrastructure. Also, a new Copyright Act came into operation on 31 July 2014, domesticating the provisions of the 2013 Marrakech Treaty by making provisions *inter alia* for blind persons to have access to published works in an accessible format.

(xiii) The Excise Act has been amended by way of the Excise (Amendment of Schedule) (No.3) Regulations 2013 which came into force on 25 October 2013, to provide for duty exemptions for the purchase of a motor car to new categories of persons, i.e. other than deaf or blind persons. Thus, parents of a child with disability under the age of 18 years and with 100% orthopaedic disability, as certified by the Medical Board of the Ministry responsible for the subject of social security are eligible for the purchase. As from 2015, the age limit of 18 years has been removed.

(xiv) Under the amendments of the Excise Act, qualifying parents who reside in Mauritius will be able to purchase a motorcar of a kind specifically designed for the conveyance of a person with disability of an engine capacity not exceeding 1,450 cc. The duty payable on such a car will be 15%. Qualifying parents who reside in the Island of Rodrigues will be able to purchase a motorcar of a kind specifically designed for the conveyance of a person with disability of an engine capacity not exceeding 1,450 cc with 15% duty payable or a double space cabin vehicle with 5% duty payable. This concession is granted once in every 7 years.

(xv) The Institute for Judicial and Legal Studies was set up under the Institute for Judicial and Legal Studies Act on 27 July 2012. The Institute seeks to promote proficiency among law practitioners and legal officers and in the delivery of court services in general and the maintenance of standard in the Judiciary. This is done through the organisation and provision of Continuing Professional Development programmes.

(xvi) Following the enactment of the Local Government Act in 2012 which stipulates that at least 1 out of 3 candidates to be fielded for elections at Village and Municipal level should be of the opposite sex, there has been a significant leap in the number of women participating in Village Council and Municipal elections. In 2015, section 11(6) of the Local Government Act was further amended to provide that —

(a) Every group presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two thirds of the group's candidates for election to that Council are of the same sex;

(b) Where the group forms part of an alliance, it shall be sufficient for the alliance to comply with the requirements of paragraph (a) without each group forming part of that alliance necessarily complying with that paragraph.

(xvii) The Constitution was amended in December 2016 to provide for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.

(xviii) The Employment Rights Act has also been amended in 2013 and 2015 to provide *inter alia* for rights to maternity and paternity leaves. The Protection from Domestic Violence Act was also amended in 2015 for afford better protection for victims of domestic violence. The Children's Bill is currently being reviewed by the Government. The law in relation to adoption is also being reviewed in the same breath.

(c) The Government Programme 2015-2019 proposes reforms to the Judiciary and provides that ‘reforms will be brought to the judiciary to expedite determination of court cases and improve services to the public’. Government will introduce legislation to set up a separate Court of Appeal Section and a separate High Court Section of the Supreme Court. A draft bill has also been prepared in this respect.

(d) Government stands committed to reform the electoral system so as to introduce a dose of proportional representation in the National Assembly and guarantee better women’s representation. The issue of mandatory declaration of community will be addressed in the wider context of the electoral reform. In this context a Ministerial Committee has been set up to examine the various implications of the proposed changes and make recommendations.

## Question 2

3. In 2012, the Protection of Human Rights Act was amended to make provision, among others, that for the appointment of the Chairperson, Deputy Chairpersons and Members, the Prime Minister has henceforth to consult the Leader of Opposition. This consolidates the appointment process.

4. As public funds are involved, a certain consistency in the terms and conditions of service to those of office holders with similar responsibilities has to be adhered to. The Annual Budget is voted by the National Assembly.

5. The National Human Rights Commission is affiliated to several international organizations, namely, *Association Francophone des Commissions Nationales des Droits de L’Homme*, Global Alliance of National Human Rights Institutions, Network of African National Human Rights Institutions. This provides a fairly wide range of interactions with the International Human Rights System.

6. In line with the Paris Principles, this Commission pledged at its last reaccreditation exercise, that it would start recruitment of part of its own staff. Since then, the Commission has been provided with sufficient funds and it has recruited six investigators. For this financial year, the Commission will proceed with the recruitment of two barristers at law.

## Question 3

7. In light of the findings of the UN Human Rights Committee, Government is pursuing discussions and consultations with relevant stakeholders to work towards an electoral reform that will suit the long-term interest of the country and that will have the following criteria — stability, fairness, inclusiveness to ensure representation of all components of the Mauritius rainbow nation, gender representation and transparency and accountability.

8. The Government stands committed to reform the electoral system so as to introduce a dose of proportional representation in the National Assembly and guarantee better women representation. As regards the issue of mandatory declaration of community, this shall be addressed in the wider context of electoral reform. In this context, a Ministerial Committee has been set up and which is chaired by the Mentor Minister, to examine the various implications of the proposed changes and make recommendations. Thereafter, appropriate consultations will be held with all the stakeholders prior to implementation.

## Counter-terrorism measures

### Question 4

9. All Acts of Parliament are drafted bearing in mind the human rights component. It is, therefore, submitted that the Prevention of Terrorism Act is in compliance with the rights guaranteed under the Covenant.

10. Under section 10(4) of the Prevention of Terrorism Act, a group may be declared to be an international terrorist group if the group —

(a) is subject to the control or influence of persons outside Mauritius, and the Minister reasonably suspects that it is concerned in the commission, preparation or instigation of acts of international terrorism; or

(b) is listed as a group or entity involved in terrorist acts in any Resolution of the United Nations Security Council or in any instrument of the Council of the European Union; or

(c) is considered as a group or entity involved in terrorist acts by such competent authority of such State as the Minister may approve.

11. The Prevention of Terrorism (Denial of Bail) Act provides for the denial of bail in very limited cases. Section 3 of the said Act provides that for the purposes of section 5 (3A) (b) of the Constitution, the offences related to terrorism in respect of which an arrested or detained person shall not be admitted to bail under section 5 (3A) (a) of the Constitution shall be the offences under sections 3, 4, 5, 6, 7, 12 and 15 of the Prevention of Terrorism Act.

12. Section 27 of the Prevention of Terrorism Act which deals with incommunicado detention contains inbuilt safeguards designed to ensure that human rights of suspects are respected.

13. Section 27(1) of the Prevention of Terrorism Act provides that where any person is arrested under reasonable suspicion of having committed any offence under section 3, 4, 5, 6, 7, 12 or 15 of the Act, a police officer not below the rank of Superintendent of Police may direct that the person arrested be detained in police custody for a period not exceeding 36 hours from his arrest, without having access to any person other than a police officer not below the rank of Inspector, or a Government Medical Officer and, in any such case, that person shall be detained accordingly. However, no direction under subsection (1) shall be made unless the Police officer has reasonable grounds to believe that giving access to any person other than the Police officer not below the rank of Inspector or the Government Medical Officer specified in that subsection —

(a) will lead to interference with or harm to evidence connected with an offence under section 3, 4, 5, 6, 7, 12 or 15, or to interference with, or physical injury to, other persons; or

(b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or

(c) will hinder the tracking, search and seizure of terrorist property.

14. Section 27(3) of the Prevention of Terrorism Act further provides that as soon as a direction is issued under subsection (1), the person detained shall be informed that he may, if he so wishes, be examined by a Government Medical Officer.

15. Section 28 of the Prevention of Terrorism Act provides for a custody record and a video recording to be kept in relation to any person detained pursuant to the powers conferred by section 27 of the Act. The video recording shall, notwithstanding the common rule against hearsay, be admissible in evidence in the course of any judicial proceedings to the same extent and in the same manner as documentary evidence would be admissible.

16. On the question of suspected international terrorists, section 10 of the Prevention of Terrorism Act dealing with international terrorism provides that the Minister may declare any person to be a suspected international terrorist where —

(a) he reasonably suspects that the person —

(i) is or has been concerned in the commission, preparation or instigation of acts of international terrorism;

(ii) is a member of, or belongs to, an international terrorist group; or

(iii) has links with an international terrorist group, and he reasonably believes that the person is a risk to national security;

(b) the person is listed as a person involved in terrorist acts in any Resolution of the United Nations Security Council or in any instrument of the Council of the European Union; or

(c) the person is considered as a person involved in terrorist acts by such State or other organisation as the Minister may approve.

17. Under the Prevention of Terrorism Act, reference to a proscribed organisation shall be deemed to include reference to an international terrorist group, and, whenever applicable, to a suspected international terrorist.

18. Any person charged under the Prevention of Terrorism Act enjoys all the constitutional guarantees afforded under the Constitution as follows —

- Section 5 of the Constitution states that no person shall be deprived of his personal liberty save as may be authorized by law in a number of circumstances, including where there is the need to ensure his appearance in Court in answer to a Court order, a reasonable suspicion that a person has committed or is about to commit an offence or that he is likely to commit breaches of the peace. A person who is arrested or detained be brought before a Court of law without undue delay and if such a person is not tried within a reasonable time, he should be released, with or without conditions, without prejudice to the appropriate authority's power to bring fresh proceedings subsequently, including his right to be released on bail. The Bail Act sets out the grounds on which bail may be refused by the Court as well as the conditions that may be imposed by the Court for the release of the defendant or detainee.
- Section 10 of the Constitution lays down provisions to secure the protection of the law, amongst which are the presumption of innocence, the right to be informed as soon as reasonably practicable of the nature of the offence and in a language that the accused understands, the right to be given adequate time and facilities for the preparation of one's defence, the right to defend oneself in person or by a legal representative of one's own choice or, where so prescribed, by a legal representative provided at the public expense, the right to the assistance of an interpreter if one cannot understand the language used at the trial.

19. In the case of *Gordon-Gentil and ors v. State of Mauritius and ors* 1995 SCJ 118, the Supreme Court held that it is the constitutional right of every person to be told immediately of the reason for his arrest and to be detained and brought before a Magistrate only on the basis of an offence known to the law, notwithstanding the fact that the information exhibited to the Court is provisional.

20. A suspect can also avail himself of the procedure of Habeas Corpus if he contends that he has been illegally detained. A writ of habeas corpus is in effect a procedure to secure, as a matter of urgency, the release of a person who is illegally detained. Section 188 of the Criminal Procedure Act provides as follows —

21. Where a Judge receives a complaint by or on behalf of a person to the effect that he is illegally committed or restrained of his liberty, he may order all persons whom it may concern to —

- return to him any depositions or commitments;
- take and return any other matter any other evidence or matter necessary for the purpose of ascertaining the cause of such detention and imprisonment;
- issue a writ of habeas corpus directed generally to every gaoler, officer or any other person in whose custody the person committed or restrained may be.

22. Furthermore, it is a well-established practice that a person should be questioned in line with the Judges' Rules which are administrative rules but which have gained the force of law over the years. In the case of *R. v. Boyjoo* 1991 SCJ 401, the Court held that the Judges' Rules 1964 of England which were made applicable to Mauritius by a despatch of the Secretary of State for the Colonies in 1965 have become part of the rights of an accused person which are protected by sections 3 and 5 of our Constitution. The Court went on to

say that it is the duty of the police to inform an accused person of the right to retain counsel and not only to assume that the person is or should be aware of that right and it is up to the police to ensure that the accused has understood that right.

## Equality between men and women

### Question 5

23. Positive and bold measures have been initiated by the Ministry of Labour, Industrial Relations, Employment and Training to request the National Remuneration Board which is responsible for making recommendations on wages and other terms and conditions of employment for workers in the private sector, to ensure, while reviewing Remuneration Regulations, that job appellations and classifications are based on the principle of equal remuneration for work of equal value to be in line with provisions of section 4 — Discrimination in employment and occupation, and section 20 — equal remuneration for work of equal value of the Employment Rights Act.

24. Regulations which previously contained discriminatory provisions by providing distinctive wage structures for male and female workers of the same grade and certain other benefits based on gender criteria, have been revised in line with the spirit of Conventions 100 and 111 of the ILO and sections 4 and 20 of the Employment Rights Act and basically on job content. In that regards, references to female worker in the Remuneration Regulations have been removed and gender neutral terms have been used. Additionally, the criteria used for workers to be entitled to travelling benefits, in these sectors of activity, have been harmonized for both male and female workers.

25. To ensure compliance regarding the issue of equality and parity of treatment between both men and women workers as well as on any other labour issues, regular routine inspections are carried out at workplaces out by officers of the Inspection and Enforcement department.

26. Under the Equal Opportunities Act, sex discrimination is portrayed as less favourable treatment towards an individual on the basis of his sex, i.e. male or female. Moreover, sex is enlarged to include pregnancy, family responsibility or potential pregnancy. The categorisation of complaints genderwise received at the level of the Equal Opportunities Commission, with effect from January 2014 to April 2017 is as follows —

	<i>Number of complaints received</i>	<i>Male</i>	<i>Female</i>	<i>Group</i>	<i>Anonymous</i>
Public Sector	33	8	22	1	2
Private Sector	24	9	15	-	-
<b>Total</b>	<b>57</b>	<b>17</b>	<b>37</b>	<b>1</b>	<b>2</b>

27. The Act provides not only for the Equal Opportunities Commission, but also for an Equal Opportunities Tribunal. The Equal Opportunities Tribunal is mandated to hear and determine complaints referred by the Commission whereby conciliation has not been successful. The Commission has referred 2 cases including 1 male from the private sector and 1 female from the public sector to the Tribunal in accordance with section 33(1) of the Act which is still under consideration.

28. The Parliamentary Gender Caucus (PGC) has been set up in December 2016 through an amendment to the Standing Orders and Rules of the National Assembly. The Caucus was officially launched on 20 March 2017. It consists of the Speaker as Chairperson, the Deputy Speaker as Deputy Chairperson and 15 Members of Parliament. The composition reflects party and such other political representation and is gender balanced.

The mandate of the PGC is to —

- conduct periodically a gender assessment of various policies across Ministries;

- conduct research on salient gender issues and provide the findings to relevant Ministries;
- influence policies to address gender inequalities; and
- request gender focal points of Ministries to report periodically on activities.

29. The overall goal of the PGC is the gender mainstreaming in all policy formulation and legislative process. This will be achieved through —

- (i) increasing the capacity of policy makers and law makers to mainstream gender in all aspects of their work by: —
  - (a) providing gender training for Members of Parliament;
  - (b) providing gender training for Heads of Ministries and Gender Focal Points.
- (ii) conducting oversight of Ministries in gender mainstreaming through the Gender Focal Points on policy and structures, by conducting a gender audit in all Ministries to assess the gender sensitivity of existing policies and structures and providing recommendations to address the challenges;
- (iii) undertaking gender mainstreaming in the legislative process; and
- (iv) creating partnerships with other groups that are champions of gender equality.

30. The PGC will meet on a monthly basis to discuss on the foregoing issues and consider progress reports on the implementation of the activities. The first meeting was held on 21 April 2017.

#### **Question 6**

31. Amendments brought to the Local Government Act in 2012 aimed at ensuring that not more than two thirds of candidates presented by groups or parties are of the same sex which could be either 2/3 male candidates or 2/3 female candidates. Following the amendments, the percentage of female candidates presented in 2015 rose from 12% to 31% for Municipal Council Elections and from 7% to 30% for Village Council Elections for 2012. The percentage of female candidates elected rose from 12% in 2005 to 34% in 2015 in respect of Municipal Council Elections, whereas for the Village Council Elections in 2012, it rose from 6% in 2005 to 25% in 2012.

32. At National level, a Ministerial Committee has been set up to look into electoral reforms and the introduction of a dose of proportional representation in the National Assembly and the guarantee of better women representation are among the terms of reference of the said Committee.

### **Non-discrimination**

#### **Question 7**

33. The Equal Opportunities Act proscribes discrimination on the basis, inter alia, of impairment in a variety of fields, including employment. The objective is to equalise opportunities for persons with disabilities so that they can integrate mainstream society and enjoy their rights as full-fledged citizens.

34. Another important measure taken is the creation of a high level- playing field for them through a number of actions and measures amongst which is the Training and Employment of Disabled Persons Act which provides for all enterprises with a workforce of 35 or more employees to include 3 % of persons with disabilities. The Act was amended in 2012 and a Hearing Committee was set up to monitor the implementation of the law and recommends sanctions against employers in case of non-compliance. Since the setting up of the Committee, employers have been summoned to give reasons for non-compliance and to propose a plan for recruitment of persons with disabilities. This has led to the employment of a greater number of persons with disabilities in different sectors of the economy as a result of fruitful dialogues between members of the Hearing Committee and employers.

Another important amendment to the Act has been the extension of the provisions of the legislation regarding employment of 3% of persons with disabilities to part of the public sector such as parastatal bodies and Government-owned companies. Furthermore, to encourage employers to recruit persons with disabilities, 'Best Employer' and 'Best Employee' Awards have been launched in 2014.

35. In line with the Sustainable Development Goals, a disability-inclusive approach is being adopted with regard to training and employment of persons with disabilities. For example, a disability component is included in programmes relating to training and employment. Thus, the Training and Employment of Disabled Persons Board (TEDPB) networks with the Mauritius Institute of Training and Development (MITD) and Human Resource Development Council (HRDC) to place disabled trainees in mainstream training programmes. The same strategy is adopted with regard to placement programmes initiated by Government to fight the scourge of unemployment. For example, TEDPB liaises with the Ministry of Labour and Employment to include youth with disabilities in the Youth Employment Programme (YEP), which is a placement programme for young unemployed persons below 30 years. Graduates with disabilities are also included in the Service to Mauritius Programme (STM), which is another placement programme targeting young unemployed graduates.

36. In August 2015, Mauritius presented its First State Report before the UN Committee on the Rights of Persons with Disabilities and a number of recommendations was made by the said Committee amongst which was the need to bring necessary amendments to legislations so as to eliminate stereotypes with a view to reflecting the human rights model of disability. In this context, Government set up a Steering Committee to study the recommendations of the UN Committee and to propose ways and means to implement them. A sub-committee comprising representatives of Ministries/DPOs/NGOs has perused a number of legislations presently not in line with CRPD and is working on a series of proposals for the amendments of same.

37. Furthermore, to ensure that persons with disabilities are not subjected to discriminatory practices in any field whatsoever, Government is considering amending sections 3 and 16 of the Constitution to make disability a prohibitive ground of discrimination. Consultations are on-going on the matter between relevant stakeholders.

38. The population is also being sensitized on the human rights approach to the issue of disability which underpins the UN Convention on the Rights of Persons with Disabilities to which Mauritius is a party. In this context, more than 100 sensitisation campaigns have been conducted by the Disability Unit, in collaboration with disability activists, to educate the local communities, youth clubs, women's organisations, opinion leaders and senior citizens associations on the new approach to disability. The Human Rights Unit of the Prime Minister's Office conducted a national campaign on human rights on the national television in 2013. Slots were made available to resource persons from the Disability Unit to elaborate on the rights of persons with disabilities. In 2014, a deaf activist from Leonard Cheshire Disability was invited to sensitise NGOs on the new approach of addressing disability issues in development initiatives with emphasis on participation, equality and non-discrimination as priority themes.

39. In line with the social model of disability, events are organized to celebrate the abilities and achievements of persons with disabilities. For example, children with disabilities who have passed their CPE Examinations (end of primary schooling) and students with disabilities who have excelled in their studies are rewarded each year. So are athletes with disabilities.

40. There is also now a greater visibility of persons with disabilities in the media as media representatives have been sensitized to positively portray persons with disabilities and highlight the human rights approach to the issue of disability.

41. The Constitution of Mauritius protects the rights of all citizens, including those with disabilities, to participate in political life in as much as it guarantees the right to vote and stand as candidate in election. This applies to persons with mental, intellectual or psychosocial disabilities as well. However, section 34(1)(e) of the Constitution stipulates, inter alia, that 'No person shall be qualified to be elected as member of the Assembly who

is a person adjudged to be of unsound mind.’ This section does not necessarily contradict Article 29 of UNCRPD as persons with disabilities have the right to vote and stand as candidates in elections, with the exception of those who have been institutionalized in mental health centres, as a result of which their names do not appear in electoral rolls and therefore cannot at this material time exercise their right to vote.

42. Following consultations with disability activists and other stakeholders, the Electoral Commission has taken a number of administrative measures to make voting procedures disabled-friendly as follows —

- (i) A special voting room known as ‘Special Needs Voting Room’ is reserved for voters with disabilities on the ground floor of each polling station;
- (ii) All the Special Needs Voting Rooms have been retrofitted and are accessible to voters with disabilities;
- (iii) In all the special needs voting rooms, adjustable booths for wheelchair users are available;
- (iv) Deaf voters are not required to voice out their names like the other voters before they are issued with a ballot paper;
- (v) Wheelchairs are available in all polling stations;
- (vi) Voter education is carried out in Mauritian Sign Language as well;
- (vii) Disability activists have been encouraged by the Government to participate in various policy debates and discussions and are represented on the National Implementation and Monitoring Committee on CRPD;
- (viii) Regarding civil rights, a person with disability, unless institutionalized, is not prevented from entering contracts, voting, marrying, taking decisions about health, accessing courts.

43. The institutionalization of persons with disabilities is a marginal phenomenon in Mauritius. In fact, Government promotes a policy of deinstitutionalization. In this context, on top of an invalidity pension which has been increased to Rs 5450 per month, a Carer’s Allowance is given to encourage family members to look after persons with severe disabilities. Furthermore, social workers working in mental health care centers usually place persons with mental and psychosocial disabilities in homes after necessary treatment. In such places, they are not debarred from accomplishing their civic duty once they get registered in electoral rolls.

44. Section 13 of the Constitution bestows the right of assembly and association and this applies to persons with disabilities.

45. The Code Civil Mauricien makes provision for guardianship in cases of persons whose mental or physical condition does not allow them to administer their affairs in their everyday life. This is substituted decision-making. It is to be noted that the same civil code provides for consultations as far as possible with the person placed under guardianship before an important decision concerning his life.

46. Thus, there is now a gradual shift towards supported decision-making in line with the UN Convention on the Rights of Persons with Disabilities.

47. The Equal Opportunities Act has also widened the definition of impairment under our law which encompasses a physical impairment, mental impairment and even the presence in the body of organisms that may cause disease for example, HIV/AIDS. It is formally defined as total or partial loss of a bodily function; the presence in the body of organisms that may cause disease; total or partial loss of a part of the body; malfunction of a part of the body, including a mental or psychological disease or disorder; a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder and malformation or disfigurement of a part of the body. The Commission has made several sensitization campaigns in 174 companies on the Act, including the laws against discrimination against impaired individual and the role of the Commission.

**Question 8**

48. On the question of personal laws, section 16(4)(c) of the Constitution contains certain exceptions to the application of section 16(1) which defines discrimination. Section 16 (4)(c) provides that subsection (1) shall not apply to any law so far as that law makes provision 'for the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or any other like matters that is the personal law applicable to persons of that description. This subsection contains an exception to protection from discrimination that renders possible the existence of "personal laws", and where women married under personal laws are denied rights enjoyed by women under civil law.

49. Section 16 does not also apply, *inter alia*, to laws making provisions with respect to persons who are not citizens of Mauritius. As regards the question as to whether there are plans to add aggravated circumstances for racial discrimination in the Criminal Code, this is not being envisaged as it is considered that the Criminal Code already contains adequate provisions to deal with offences in relation to racial discrimination as follows —

1. Section 51 provides for "Stirring up war against the State".
2. Section 62 provides for "Stirring up civil war".
3. Section 183 provides for "Interference with freedom of conscience".
4. Section 184 provides for "Disturbing religious ceremony".
5. Section 185 provides for "Outrage on religious worship".
6. Section 206 provides for "Outrage against public and religious morality".
7. Section 282 provides for "Stirring up racial hatred".
8. Section 283 provides for "Sedition".
9. Section 284 provides for "Inciting to disobedience or resistance to law".
10. Section 286 provides for "Importing seditious publication".
11. Section 287A provides for "Prohibiting circulation of seditious publication".

**Question 9**

50. Section 250 of the Criminal Code provides for the offence of sodomy and bestiality as follows —

(1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the sodomy is committed on a minor or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph(a).

51. In the Government Programme 2015-2019, it is stated that Government will amend the Criminal Code to provide for a better legal framework for dealing with sexual offences and will enhance the procedural context in which such cases are dealt with.

52. Under the Equal Opportunities Act, an act of discrimination would mean a less favourable treatment suffered by any individual on the basis of his age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex and sexual orientation. As the Equal Opportunities Act binds the State, including cases not only on sexual discrimination, which is directed towards the State would be subject to investigation and conciliation which can take any kind of form including change in policies/regulations or even amendments to existing acts. A breakdown of the complaints

received at the level of the EOC, based on sexual orientation from January 2014 to April 2017 is as follows —

	<i>Number of complaints received</i>	<i>Male</i>	<i>Female</i>	<i>Group</i>
Public Sector	7	6	0	1
Private Sector	8	3	5	-
<b>Total</b>	<b>15</b>	<b>9</b>	<b>5</b>	<b>1</b>

## Violence against women, children and older persons

### Question 10

53. The Protection from Domestic Violence Act was amended in June 2016 to adopt a more comprehensive definition of domestic violence and to further criminalize forms of domestic violence. The following amendments were brought to the Act —

- (i) increasing the powers of Enforcement Officers;
- (ii) widening the definition of the term “domestic violence”;
- (iii) providing that a person who does an act of domestic violence against his spouse, a child of his spouse or another person living under the same roof shall commit an offence; and
- (iv) empowering a police officer not below the rank of Assistant Superintendent to arrest a person where, following an act of domestic violence, physical injury has ensued.

54. To improve the criminal justice response to domestic violence, the Ministry of Gender Equality, Child Development and Family Welfare collaborated with the Police Training School in 2016, to conduct a training programme for Police Officers on Domestic Violence. 457 Police Officers from the rank of Police Constables to Inspectors have been trained. The training programme is ongoing and the Police Training School is targeting some 445 Police Officers this year.

55. To provide better support and assistance to victims, this Ministry has made the hotline 139 toll-free in November 2016. Since the hotline was made free of cost, it was noted that the number of cases reported has been on an increasing trend as follows —

<i>Month</i>	<i>Number of cases reported</i>
September 2016	139
October 2016	126
November 2016	299
December 2016	291
January 2017	509
February 2017	376
March 2017	400

**Number of cases of domestic violence reported**

<i>Cases of Domestic Violence, 2013 to 2016</i>			
	<i>Male</i>	<i>Female</i>	<i>Total</i>
2013	176	1 610	1 786
2014	174	1 506	1 680
2015	174	1 452	1 626
2016	225	1 852	2 077

**Number of Application of Protection Order (PO) for Spouse by the Police Department**

	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Application of PO (Spouse)	201	531	430	679
Po granted (Spouse)	128	299	262	382

**Question 11**

56. The Welfare and Elderly Persons' Protection Unit was set up in September 2006 after the promulgation of the Protection for Elderly Persons Act 2005. The main objective of the Act is to set up a legal and administrative framework for greater protection and assistance to elderly persons. The Welfare and Elderly Persons Protection Unit (WEPPU) is one among the various mechanisms which the Act recommends.

57. The main functions of the Welfare and Elderly Persons Protection Unit are —

- Dealing with complaints from elderly persons who are in need of assistance or protection and take such measures as may be necessary.
- Organising public awareness and sensitization campaigns on the rights of the elderly and the need to provide them with assistance and protection.
- intervention by WEPPU Officers into reported cases of elder abuse through proper mediation, negotiation, Family Conferencing, referrals, etc.

58. WEPPU Officers work in close collaboration with Members of Elderly Watch to assist needy elderly persons. There are 20 Elderly Watch committees spread over the country which are composed of volunteers. They operate at grass root level to promote the welfare of the elderly persons in their respective regions and identify and report cases of elder abuse.

59. Statistics of Reported cases of elder abuse settled in year 2015 and 2016 are 708 and 766 respectively. 215 cases have been reported from January 2017 to March 2017, out of which 173 have been completed and 42 are being followed up.

60. The Protection for Elderly Persons Act 2005 has been amended in October 2016 to empower Officers dealing with reported cases of elder abuse, to summon the perpetrator if he/she does not cooperate or does not respond. Failing to attend to the summons may be liable to fine/imprisonment. The Elderly Watch members for each committee has been increased from 7 to 10 thereby enabling them to cover a wider area, provide better support and cooperate for proactive actions in collaborating with the Officers to create awareness regarding elderly abuse.

61. The National Strategy Paper & Action Plan on Ageing is still at draft stage. The financial implications are being looked into by the Ministry and the Ministry of Finance and Economic Development.

**Question 12**

62. Provision is being made in the draft Child Protection and Care Bill for the prohibition of corporal punishment by parent of a child or any other person responsible for

the care, treatment, education or supervision of a child as a measure to correct or discipline the child.

## Right to life

### Question 13

63. Cases treated for complications of abortion in Mauritius are given in the table below (*data for 2016 is provisional*). Of these reported cases, it is not known how many are linked to illegal abortions.

<i>Year</i>	<i>Government hospitals</i>	<i>Private clinics</i>	<i>Total</i>
2010	1 412	481	1 893
2011	1 331	519	1 850
2012	1 293	542	1 835
2013	1 104	494	1 598
2014	1 276	501	1 777
2015	1 260	514	1 774
2016	1 123	487	1 610

64. Following the amendments brought to the Criminal Code and the Medical Council Act in 2012, a total of 31 termination of pregnancies have been authorized by the Ministry of Health and Quality of Life during the last 4 years (2013 to 2016). During the last 5 years, 4 deaths have been registered due to complications following abortion (2 in 2012 and 2 in 2016). It is not known how many of these deaths are linked to clandestine abortions. According to the Contraceptive Prevalence Survey 2014 Report, the proportion of women aged 15-49 years who reported having had at least one induced abortion is 5%.

### Question 14

65. No decision has yet been taken by Government for Mauritius to accede to the Second Optional Protocol to the ICCPR as this requires a constitutional change which requires a  $\frac{3}{4}$  majority vote in Parliament.

## Trafficking in persons

### Question 15

66. The Combating of Trafficking in Persons Act (the Act) was proclaimed on 30 July 2009. The objectives of the Act are to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, prevent and combat trafficking in persons and protect and assist victims of trafficking. It provides for repatriation of victims of trafficking, and return of victims of trafficking to Mauritius, compensation to victims of trafficking and other penalties and regulations.

67. The Act is in addition to and not in derogation from the Child Protection Act under which there is the possibility to prosecute a person for the offence of child trafficking, abandonment of child, abducting child, or for the offence of causing, inciting or allowing any child to be sexually abused by him or by another person, to have access to a brothel or to engage in prostitution. There is also the possibility to prosecute an offender (depending on facts of the case) for the offence of procuring, enticing and exploiting prostitute under section 253 of the Criminal Code or for the offence of brothel keeping under section 90 of the Criminal Code (Supplementary) Act.

68. Protection from forced labour is guaranteed under section 6 of the Constitution. Mauritius has ratified the ILO Forced Labour Convention of 1930. Mauritius has also ratified the Abolition of Forced Labour Convention 1957 which prohibits the use of any form of forced or compulsory labour.

69. The legislative framework governing labour law in Mauritius makes provisions to protect all workers against abusive working conditions as well as labour exploitation. These provisions apply equally to migrant workers. Moreover, Mauritius has ratified the ILO Forced Labour Convention of 1930 as well as the Abolition of Forced Labour Convention 1957 which prohibits the use of any form of forced labour. In Mauritius protection from forced labour is guaranteed under section 6 of the Constitution. Other related legislation which prohibits forced labour are the Combating of Trafficking in Persons Act, the Employment Rights Act and the Occupational Safety and Health Act.

70. On 6th November 2015, Cabinet took note of the Report on Trafficking in Persons 2015 published by the US Department of State whereby Mauritius had been placed under Tier 2 Watch List. Consequently, Cabinet decided that an Inter-Ministerial Committee under the chairmanship of the Honourable Attorney General be set up to look into the issues raised under the said report.

71. The first meeting of the Inter Ministerial Committee was held on 23rd December 2015 whereby the Honourable Attorney General informed stakeholders present (the Prime Minister's Office, the Ministry of Gender Equality, Child Development and Family Welfare, the Office of Director of Public Prosecutions, the Commissioner of Police, the Ministry of Labour, Industrial Relations, Employment and Training, the Ministry of Tourism and External Communications) that the meeting had been convened in order to take stock of the situation on Trafficking in Persons (TIP) and to get a first feedback of issues in relation to TIP. Stakeholders present were invited to forward their views and suggestions on the matter to the Attorney General's Office.

72. The second Inter Ministerial Committee was held on 14th March 2016. A copy of a working draft on the Proposed National Plan of Action for Combating Trafficking in Persons prepared by the Attorney General's Office was circulated to all stakeholders present. The Committee is in consultation with all the stakeholders to finalise the document.

73. For year 2017, the Inter-Ministerial Committee met on 24 January to take stock of the situation regarding Trafficking in Persons and to devise the way forward as well to assess the progress made in the finalisation of the document.

74. It is to be noted that the Office of the Director of Public Prosecutions (ODPP) has participated in the various Inter-Ministerial Committees which took place as from December 2015. Pursuant to these Committees, the ODPP has taken the following actions —

(i) In January 2016, the ODPP, in collaboration with the US Embassy and the International Organisation for Migration, provided a training course to various stakeholders on investigation and prosecution of TIP offences.

(ii) Furthermore, on 23rd January 2016, a second training was provided to senior officials of the police department by two prosecutors of the ODPP.

(iii) In December 2016, the ODPP had a working session with representatives of the police and it was brought to our attention that there were around ten cases under investigation for breach of the Combating of Trafficking in Persons Act 2009.

(iv) Two cases have been lodged before the Intermediate Court for breach of the Combating of Trafficking in Persons Act 2009. They are awaiting trial.

75. The US Department of State has published its 2016 TIP Report whereby Mauritius is no longer on the Watch List and is on Tier 2.

#### **Question 16**

(a) Statistics on the number of complaints against State Officials by individuals deprived of their liberty are as follows —

In 2016, the NPMD intervened regarding conditions of detention on such issues as: —

1/ Conditions of Detention — (such as Food, Security, Medical, Visit, Earnings): 76

2/ Legal Issues — (Status of Case, Legal Information): 102

3/ Petition — (Views & Recommendations to Commission on the Prerogative of Mercy): 55

4/ Miscellaneous — (Transfer, Any Other Issues): 117

Total Number of New Complaints, (with new files opened): 350

Total Number of Existing Files, (having another complaint): 226

The State Departments involved in dealing with cases are the Prisons and the Police Departments

(b) No. of cases of investigations carried out relating to cases of deprivation of life and suicide in prison in 2016.

76. The National Preventive Mechanism Division of the National Human Rights Commission conducted one investigation of suicide in the New Wing Prison and concluded that there was no foul play.

77. The Police Complaints Division of the Commission conducted three investigations of suicide in Police Custody and after investigation, referred two of the cases to the Discipline Forces Service Commission for appropriate disciplinary action and one case is still under investigation.

#### **Question 17**

78. The general rule is that when a person is arrested upon reasonable ground of suspicion for having committed an offence of serious nature, the person is brought before Court the soonest, even during Saturdays, Sundays and public holidays, where a provisional charge will be lodged against him/her. The process is to ensure that the arrested person is placed on judicial control and to show to court that the arrest is not arbitrary. Any person who is arrested is brought before the Court within 24 hrs. The Bail and Remand Court is operational during weekdays and public holidays.

79. As per current practice, where a person is arrested and the offence is not of serious nature, the person is released on parole and required to call back on the next day for bail procedures before Court. In cases, where it is necessary to keep such person under Police custody, an officer of the rank of Assistant Superintendent of Police must certify in writing as to the reasons for not releasing such person.

80. Presently with a view to preventing any abuse of provisional charges in serious cases, all Officers have been directed to collate all facts and circumstances of cases reported to the Police, complete the enquiry and submit to the Director of Public Prosecutions for advice.

81. The Government Programme 2015-2019, presented on 27 January 2015 also provides, inter alia, that Government will come up with a modern legal framework modelled on the UK Police and Criminal Evidence Act to address the abusiveness and arbitrariness of the present system of "provisional charges".

#### **Question 18**

82. It is to be noted that there are many instances where many persons have to be maintained on pre-trial detention, although they have been granted bail. Such is the case because they cannot afford to furnish the required sureties as imposed by court for their release on bail. In such circumstances, they are remanded to jail by court and police ensure that the enquiry into these cases are carried out on a priority basis and completed the soonest.

83. In drug cases, where a person is arrested during the weekend, he is brought before the Weekend Court where he is either released on parole, granted bail or kept in Police Custody pending his Provisional Charge before the designated Court. In cases where significant quantity of drug has been seized, the Forensic Science Laboratory is approached for early examination of the exhibits in order to speed up the enquiry.

84. It is to be noted that the Dangerous Drugs Act makes provision that where a person has been found guilty of an offence in a simple case of possession of dangerous drugs and if

the accused undertakes to co-operate in order to be cured of his addiction, the Court instead of sentencing him to imprisonment, may order him to undergo at such institutions as may be prescribed for such treatment, education, after care, rehabilitation or social reintegration as the Court thinks appropriate.

#### **Question 19**

85. The Eastern High Security Prison (EHSP) situated in Melrose has become operational as from 27 March 2014. Since its operationisation the problem of overcrowding has been therefore solved.

86. The 10 year Strategic Plan 2013-2023 was developed in collaboration with UNODC, in addition to nationwide consultations with all stakeholders. It was launched in 2013 with the setting up of a Strategic Planning and Research Unit which was one of the six pillars of the plan.

#### **Question 20**

87. The hearings of the Commission of Enquiry on Drugs Trafficking, chaired by a former Judge of the Supreme Court, are still on-going. Due consideration will be given to its recommendations when its report is published.

### **Juvenile Justice**

#### **Question 21**

88. A Juvenile Justice Bill is under consideration by relevant Ministries and Departments, including the Prisons Department, to provide for a more modern juvenile justice system and to take into account relevant United Nations Conventions.

89. In response to the concerns expressed about the prevailing conditions not being conducive to proper and effective rehabilitation at the Rehabilitation Youth Centres, a Strategic Plan 2015-2025 has been elaborated with a modern approach. Recommendations have been categorized to be implemented in the short, medium and long term. At least five short term measures have already been implemented, namely, recruitment of staff, repairs and upgrading of buildings, cookery and music classes and more educational outings for inmates.

90. In the medium term, actions will be taken for the training of staff with emphasis on the elements of a therapeutic community and also on how to establish a monitored complaints system and appropriate evaluation processes. More leisure and in-door recreational activities will be organized together with sensitization sessions on subject related to and affecting youth.

91. In the long term, the legislations governing the rehabilitation of minor offenders, mainly the Reform Institutions Act and the Probation of Offenders Act would undergo appropriate amendments with the coming into operation of the new legislation, that is, the Juvenile Justice Bill.

### **Foreigners, refugees and asylum seekers**

#### **Question 22**

92. No decision has been taken to amend the Deportation Act. On the question of granting asylum and refugee status, Mauritius, being a small and densely-populated island with stretched limited resources, has not yet adopted a policy or laws to grant refugee status to foreigners. It does however attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them. Consequently, it will not be possible at this stage to ratify the said Conventions.

93. Section 8 of the Immigration Act, inter alia, provides that except as provided in subsection (2), persons afflicted with any infectious or contagious disease, other than citizens and residents shall be deemed to be prohibited immigrants and shall not be admitted to Mauritius. Under subsection (2), foreigners living with HIV/AIDS are allowed to enter the country subject to certain conditions.

## Right to privacy

### Question 23

94. On the question of establishment and maintenance of a biometric database, following the judgments of the Supreme Court in relation to the biometric identity card, that is, in the cases of Jugnauth Pravind Kumar (Hon) v The State of Mauritius 2015 SCJ 178 and The State of Mauritius and Anor 2015 SCJ 177, where it was held that the storage and retention of fingerprints were not reasonably justified in a democratic society, regulations providing, inter alia, for fingerprints and encoded minutiae of fingerprints to be recorded, have been revoked and, as such, there is no longer a data for indefinite retention of fingerprints.

95. On the question of exercise of surveillance powers over telecommunications and online communications, the Information and Communication Technologies Act, section 25 of the Prevention of Terrorism Act which deals with intelligence gathering provides that-

- notwithstanding any other enactment, the Minister may, for the purpose of the prevention or detection of offences, or the prosecution of offenders, under this Act, give such directions as may be necessary to —
  - (a) communication service providers generally;
  - (b) communication service providers of a specified description;
  - (c) any particular communication service provider —
    - (i) not to disclose any data or data of any description;
    - (ii) to retain any data subject to such requirements or restrictions as he may determine.

## Freedom of expression

### Question 24

96. Freedom of the press is guaranteed under section 12 of the Constitution. The local media has always enjoyed a tradition of freedom and pluralism. There is at present more than 60 dailies/weeklies/fortnightlies/monthlies in addition to the several online publications. The Press in Mauritius generally operates in a conducive environment free of violence or coercion, with journalists free to exercise their profession. However, as the rule of law prevails, the press is subject to the general laws on publications (notification, reproduction of printers imprint, sedition, defamation, right of reply etc.).

97. The Media Trust Board, a body corporate whose main objective is to cater for the training of journalists, has been reconstituted and is now fully operational.

98. People have access to the media to express their views and have unrestricted exposure to different viewpoints. There is unrestricted access to the internet, which is widely used. There is no official or unofficial censorship of the press.

99. As from March 2017, proceedings of National Assembly are being broadcasted live on television.

### Question 25

100. In the Government Programme 2015-2019, it is stated that a Freedom of Information Act will be enacted to promote transparency and accountability in public administration in

contract allocations. Given that the nature and scope of such legislation is an evolving one, Government is presently doing the necessary ground work for the preparation of a legislation which will adopt innovative processes to improve access to information.

## **Participation in political and public affairs**

### **Question 26**

101. There is no provision in any piece of legislation for the Public Service Commission and the Disciplined Forces Service Commission to make appointments on ground of candidates belonging to communities or ethnic group or on ground of geographical location. The Public Service Commission and the Disciplined Forces Service Commission, in the exercise of their powers for appointment, ascertain that the interest of the civil service as a whole is given priority and as such they do not discriminate on reason of race, colour, creed or gender. Consideration is also given by decision makers in appointing representatives of different communities to form part in the Public Service Commission and the Disciplined Forces Service Commission.

## **Dissemination of Information**

### **Question 27**

102. The preparation of the periodic reports on all Human Rights Conventions, including that of the Covenant are prepared in consultation with all the stakeholders, including representatives of the civil society and non-governmental organisations.

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