



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE  
Eighty-second session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE FOURTH PERIODIC REPORT OF  
MAURITIUS (CCPR/C/MUS/2004)**

**Constitutional and legal framework within which the Covenant  
and the Optional Protocol are implemented (art. 2)**

1. Please indicate whether Mauritius envisages taking measures to enable individuals to enforce their rights under the Covenant directly. Please provide any further examples of cases in which the provisions of the Covenant have been referred to by the courts (CCPR/C/MUS/2004/4, para. 5).
2. Please provide further information on the activities of the National Human Rights Commission and the Complaints Investigation Bureau regarding human rights complaints and investigations, including the total number and type of complaints; the number and type of complaints to the Complaints Investigation Bureau which have been reviewed by the Human Rights Commission; and the number and type of complaints referred by the Commission to the Director of Public Prosecutions. Please confirm the number of police officers prosecuted as a result of complaints to the Criminal Investigation Bureau and the outcome of these prosecutions. Are the results of the Human Rights Commission made public (*ibid.*, para. 3)?
3. What measures have been taken to give effect to the Committee's previous concluding observations (CCPR/C/79/Add.60, para. 23; A/51/44, paras. 136-166)?
4. Please address the compatibility with the Covenant of counter-terrorism measures taken by the State party pursuant to Security Council resolution 1373 (2001). In particular, please address reports that terrorist suspects are denied bail, may be detained for up to 36 hours in incommunicado detention without access to legal counsel, and may be extradited or denied

asylum and returned to countries where they may face violations of their human rights. Please provide copies of the Prevention of Terrorism (Denial of Bail) Act 2002, the Convention for the Suppression of the Financing of Terrorism Act 2003 and the Prevention of Terrorism (Special Measures) Regulations 2003 (paragraph 3 (g) of the fourth periodic report of the State party).

### **Gender equality and prohibition of discrimination (art. 26)**

5. Please provide information on the participation of women in public life, including statistics on the number of women in senior positions both in private and public sectors.

6. Please elaborate on the work of the Sex Discrimination Division of the National Human Rights Commission and provide statistics on the complaints received and the results of investigations (*ibid.*, para. 20).

### **Violence against women and children, and prohibition of slavery and forced labour (arts. 3, 7, 8 and 24)**

7. Please elaborate on the new Protection from Domestic Violence Act 1997. What measures are in place to enforce this legislation and to prosecute those who commit acts of domestic violence? Have police and prosecutors received training to ensure that cases of domestic violence are not considered private matters? Please provide statistics on incidents of domestic violence against women and children, as well as orders requested and granted under the Act (*ibid.*, paras. 88 to 94).

8. What other efforts have been and are being undertaken to reduce the incidence of domestic violence against women and children and to tackle the problems that prevent women from reporting such violence?

9. Please comment on reports of the high incidence of child abuse, prostitution and labour in the State party. What measures have been taken to combat these problems?

10. Has the National Children's Council Act, which, according to paragraph 105 of the fourth periodic report, was passed in April 2003, come into force and, if so, what are its main provisions?

### **Right to life (art. 6)**

11. According to paragraph 24 of the State party's report, regulation 6 of the Medical Council (Code of Practice) Regulations 2000 states that life must be respected from the time of conception. Please provide information on the legislation governing abortion and under what circumstances a woman may resort to abortion.

### **Right to be free from torture or cruel, inhuman or degrading treatment or punishment (arts. 7, 9 and 10)**

12. Please elaborate on the provisions of the Dangerous Drugs Act 2000, including the offences for which an accused will not be granted bail and the compatibility of this provision with article 9 of the Covenant (*ibid.*, paras. 3 (k) and 38). Please address reports that this law permits 36 hours of detention of suspects without access to legal counsel.

13. In light of reports of cases of ill-treatment and deaths in police custody, please elaborate on the effectiveness of the measures that are in place to prevent and punish acts of torture and ill-treatment of detainees in prisons by law enforcement officers. Please provide statistics on the number of deaths in custody and the outcome of investigations.

14. What measures have been taken to give effect to the Committee's previous concluding observation (CCPR/C/79/Add.60, para. 17; A/51/44, paras. 136-166)?

15. Please elaborate on the events which took place on 26 September 2003 in Beau Bassin Prison, as referred to in paragraph 44 of the State party's report, and provide an update on the outcome of the investigations undertaken by the National Human Rights Commission in this respect.

16. Please describe the conditions of detention referred to in the report and the incidence of HIV/AIDS among detainees. Please provide an update on the outcome of the Prime Minister's Committee set up to look into these issues (ibid., para. 45).

**Freedom of movement and prohibition of arbitrary expulsion of aliens  
(arts. 12 and 13)**

17. Please comment on information before the Committee that the law does not provide for the granting of refugee or asylum status. What is the procedure followed in the case of refoulement? Does an asylum-seeker have the possibility of appealing a deportation decision? If so, does such an appeal have suspensive effect? On what basis may an individual be deported to another country by the State party?

**Right to a fair trial (art. 14)**

18. Please provide further information on the length of criminal trials in the State party, including the average length of time in criminal cases between accusation and final appeal (ibid., para. 43).

19. Please provide information on the process of legal aid; and on the circumstances in which it may be claimed and granted (ibid., para. 61).

**Right to freedom of religion**

20. What legislative and administrative arrangements are planned by the State party, having regard to the decision of the Supreme Court of Mauritius in the case of *S. Tengur v. The Minister of Education* (ibid., para. 17).

**Right to freedom of expression, assembly and association (arts. 19, 21 and 22)**

21. Please provide the composition of the Independent Broadcasting Authority, explain how this authority applies the restrictions of the new Code of Conduct for Broadcasting Services and provide specific examples of when these restrictions have been invoked (ibid., paras. 75-78).

22. Please provide information on measures taken by the State party to ensure respect for the right to peaceful assembly, article 21 of the Covenant, in light of the decision of the Supreme Court of Mauritius mentioned in paragraph 80 of the report.

23. Please provide information on follow-up to the negotiations with the Federations of Trade Unions, as described in paragraph 87, concerning the new legislation on the right to strike.

**Dissemination of the Covenant and the Optional Protocol (art. 2)**

24. Please provide information on training provided for public officials, in particular teachers, judges, lawyers and police officers, concerning the Covenant and its first Optional Protocol. Please also describe other measures taken to disseminate information on the Covenant and its first Optional Protocol, as well as information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.

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