



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**List of issues prior to the submission of the sixth periodic
report of Mauritius, adopted by the Committee at its fiftieth
session (6–31 May 2013)**

At its thirty-eighth session, the Committee against Torture adopted a new optional procedure (see A/62/44, paras. 23 and 24) which consists of the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of their respective periodic report. The State party's replies to this list of issues will constitute its periodic report under article 19 of the Convention.

Article 2¹

1. In light of the Committee's previous concluding observations² (para. 7), please provide up-to-date information on the full incorporation of the provisions of the Convention in legislation in order to enable the courts to enforce the obligations established therein.

2. In light of the Committee's previous concluding observations (para. 9), please indicate whether a provision establishing the absolute prohibition of torture and specifying that no exceptional circumstances whatsoever may be invoked as a justification of torture, in accordance with article 2, paragraph 2, of the Convention, has been incorporated in legislation.

3. In light of the Committee's previous concluding observations (para. 18), please indicate whether the necessary steps have been taken to speed up the process of adopting human rights bills, particularly those intended to prevent torture and other cruel, inhuman or degrading treatment, and bills on victims' rights, the victims' charter, the police and police procedures and criminal evidence, and to implement them as soon as they are adopted. Please indicate whether an independent police complaints commission has been established.

4. In light of the Committee's previous concluding observations (para. 10), please indicate whether measures have been taken to:

(a) Ensure that persons arrested and detained in police stations have access to a medical doctor, if possible of their own choice, from the outset of their detention;

(b) Ensure that doctors' visits are conducted in a confidential manner;

(c) Ensure that persons arrested and detained are able to inform their family or a person of their choice about their detention;

(d) Set clear and appropriate rules and procedures concerning the registration of persons immediately upon their detention and to ensure that they are brought before a judge within a short period of time.

5. In light of the Committee's previous concluding observations (para. 11), please provide up-to-date information on the adoption of:

(a) A new police Act;

(b) A police procedures and criminal evidence Act;

(c) Codes of conduct for persons responsible for investigating offences.

6. In light of the Committee's previous concluding observations (para. 11), please indicate whether the police complaints bill has been drafted and implemented and whether an independent police complaints bureau has been established. Please indicate whether the

¹ The issues raised under article 2 could also be addressed under other articles, including, but not limited to, article 16. As indicated in general comment No. 2 (2007) on the implementation of article 2 by States parties, paragraph 3: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See also section V of general comment No. 2.

² Paragraph numbers in brackets refer to the Committee's previous concluding observations (CAT/C/MUS/CO/3).

recommendations regarding the conduct of the police made by the National Human Rights Commission in 2007 have been implemented and what results have been achieved in practice.

7. In light of the Committee's previous concluding observations (para. 16), please indicate:

(a) Whether the amendments made to the Protection from Domestic Violence Act in 2007 have entered into force;

(b) Whether the sexual offences bill has been adopted and marital rape has been categorized as a distinct criminal offence;³

(c) What action has been taken to make it easier for victims of domestic violence to file complaints, to educate them about the remedies available and to adopt legislative and administrative measures that provide protection for women who report incidents of domestic violence;⁴

(d) Whether campaigns to increase awareness of domestic violence, in particular against women and children, have been carried out among women and girls to make them aware of the criminal nature of all forms of violence and the harmful effects on their health and encourage them to report acts of violence to the competent authorities;⁵

(e) How many shelters for women victims of domestic violence are currently operating, in view of the Government's decision, in 2011, to increase the number of shelters in Mauritius to nine.⁶

8. In light of the Committee's previous concluding observations (para. 19), please provide up-to-date information on:

(a) The adoption of the bill on the national preventive mechanism;

(b) The establishment of the mechanism and whether it has been provided with the necessary human and financial resources, in compliance with the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(c) Whether the State party intends to make public the report prepared by the Sub-Committee on Prevention of Torture after its visit to Mauritius in 2007.

9. In light of the Committee's previous concluding observations (para. 20), please provide up-to-date information on the adoption of the human rights action plan designed to ensure effective protection for human rights, including protection against torture. If the plan has been adopted, please indicate whether civil society was consulted during its drafting and implementation.

10. Please indicate whether the State party has established juvenile courts that conform to international standards, including all provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30). In addition, please indicate whether the

³ CEDAW/C/MUS/CO/6-7, para. 23 (f).

⁴ Ibid., para. 23 (d).

⁵ Ibid., para. 23 (b).

⁶ Ibid., para. 21 (b).

State party has adopted legal provisions which set the minimum age of criminal responsibility at an internationally acceptable level.⁷

Article 3

11. In light of the Committee's previous concluding observations (para. 12), please indicate:

- (a) Whether the State party's legislation has been revised to fully guarantee the principle of non-refoulement;
- (b) Whether the Extradition Act has been amended to make it fully compliant with article 3 of the Convention;
- (c) The process by which extradition is requested and how decisions on whether or not to grant such requests are taken;
- (d) The guarantees offered, including the possibility of challenging the decision with suspensive effect, in order to ensure that the person being expelled, returned or extradited is not in danger of being subjected to torture;
- (e) Detailed statistical data on the number of extradition requests received, the requesting States and the number of persons whose extradition was authorized or refused.

Article 4

12. In light of the Committee's previous concluding observations (para. 8), please indicate whether the Criminal Code has been revised to make acts of torture punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 of the Convention.

Article 10

13. In light of the Committee's previous concluding observations (para. 13), please provide up-to-date information on the human rights education and training, including training in the prevention of torture, provided to police officers and other personnel. Please also indicate whether law enforcement officers, medical personnel and persons involved in documenting and investigating acts of torture receive training on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please indicate whether a methodology for assessing the actual impact and results of such training programmes has been devised and whether the State party has sought technical assistance for training from international bodies and organizations.

14. Please say what training public servants have received on the issue of domestic violence, including sexual violence, and violence against women in general. Please provide information on allegations of violence within the police force, including sexual violence against women police officers.⁸ Please also say what measures have been taken in respect of the obligation to investigate cases of violence, including ensuring that investigations and

⁷ CRC/C/MUS/CO/2, para. 66.

⁸ Inter Press Service, "Île Maurice: Sodomiser les femmes pour les punir", 4 January 2013, at www.ips.org/fr/ile-maurice-sodomiser-les-femmes-pour-les-punir.

ex officio prosecutions are carried through,⁹ and in respect of the obligation to prosecute and punish those responsible.

Article 11

15. In light of the Committee's previous concluding observations (para. 14), please provide detailed information on the new measures adopted to reduce prison overcrowding, in particular in the Beau Bassin, Petit Verger and GRNW prisons, and to improve conditions in all prisons. In particular, please indicate:

- (a) Whether the new prison for 750 detainees in Melrose has been completed;
- (b) Whether alternative penalties and non-custodial measures have been used;
- (c) Whether the length of pretrial detention and judicial proceedings has been reduced;
- (d) Whether measures have been taken to systematically separate remand and convicted detainees;
- (e) Whether a plan to combat inter-prisoner violence has been adopted.

Articles 12 and 13

16. In light of the Committee's previous concluding observations (paras. 11 and 15), please indicate whether the State party systematically conducts impartial, thorough and effective inquiries into all allegations of violence committed by police or prison officers. Please detail the specific measures taken to ensure that complaints lodged against police and prison officers are addressed promptly, thoroughly and impartially, that the perpetrators are prosecuted and that their punishment is commensurate with the seriousness of their acts. Please indicate whether independent complaints mechanisms have been established for this purpose. In addition, please provide information on the allegations of violence inflicted upon a woman police officer in 2012 by her superior officer, a chief inspector, and on the allegations of acts of violence of the type prohibited under article 250 of the Criminal Code, committed by a police officer belonging to the Special Support Unit (anti-riot unit) against one of his colleagues.

Article 14

17. In light of the Committee's previous concluding observations (para. 15) and with reference to the content and scope of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, which aims to ensure full redress for victims of torture, please indicate whether victims of acts of torture and their families are entitled to obtain redress and fair and adequate compensation, including the means for as full rehabilitation as possible. Please also provide up-to-date information on the outcome of the proceedings and the results of the appeal lodged by the Director of Public Prosecutions against the dismissal of four police officers accused of acts of violence.

⁹ CEDAW/C/MUS/CO/6-7, para. 23 (c).

Article 15

18. Please provide information on the measures taken to ensure, in practice, that any statement obtained through torture cannot be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. Indicate whether:

(a) Any officials have been prosecuted and punished for extracting confessions in this way, giving examples of cases in which defendants have claimed that their confessions were obtained under duress; and

(b) The courts have identified any cases of wrongful conviction based on evidence obtained through torture and whether the victims have obtained redress.

Article 16

19. In light of the Committee's previous concluding observations (para. 17), please indicate:

(a) The state of progress towards adoption of legislation to prohibit corporal punishment, particularly in social institutions and alternative care settings;

(b) Whether corporal punishment, including the punishment of children with disabilities, is addressed in the children's bill;

(c) Whether efforts to combat child abuse have been strengthened, including by investigating cases of abuse, bringing those responsible to justice and punishing them;

(d) Whether campaigns to raise awareness of the harmful effects of corporal punishment have been carried out;

(e) Statistical data on cases of child abuse, investigations carried out, prosecutions brought, sentences imposed and the redress and rehabilitation offered to victims.

20. Please detail the general measures taken to assist street children, who do not attend school and often begin working at the age of 13. Please detail also the measures taken to combat the sexual exploitation of street children.

Data collection

21. In light of the Committee's previous concluding observations (para. 21), please provide statistical data on complaints, investigations, prosecutions and convictions of persons found guilty of acts of torture or ill-treatment, on ill-treatment of migrant workers, on death row prisoners, on trafficking in human beings and on domestic and sexual violence, disaggregated by age, sex, ethnicity and type of crime, as well as on the avenues of redress, including compensation and rehabilitation, available to victims.

Other issues

22. Please provide up-to-date information on measures adopted by the State party to respond to potential terrorist threats and indicate whether these measures have had any impact on human rights guarantees, in law or in practice, and if so, in what way. Please also indicate what steps the State party has taken to ensure that counter-terrorism measures are consistent with all its obligations under international law. Describe the relevant training

given to law enforcement officers and specify the number and types of convictions handed down under counter-terrorism legislation and the remedies available to persons subjected to antiterrorist measures. Please also indicate whether any complaints of non-observance of international standards have been made and, if so, what the outcome of these complaints was.

23. Please provide information on the measures taken in respect of protection of the Chagos Islanders forcibly displaced from Diego Garcia and the Chagos Islands.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

24. Please provide detailed information on any relevant new legislative, administrative, judicial or other measures taken to implement the Convention and follow up the Committee's recommendations since its consideration of the previous report. This may include institutional developments and plans or programmes. Please give details of the resources allocated and provide statistical details and any other information the State party believes may be useful.
