



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the sixth periodic report of Mauritius*

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

1. Please report on any significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the previous concluding observations.¹ Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with the Views adopted in respect of the State Party, including in the case of *Madhewoo v. Mauritius*.²

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. In the light of the Committee's previous concluding observations (para. 6),³ please describe the measures taken to give full effect to the provisions of the Covenant in national legislation and to continue raising awareness of the rights enshrined in the Covenant among the State Party's judges, lawyers and prosecutors so that its national laws are interpreted and applied in line with the Covenant. Please provide examples of cases in which the Covenant has been invoked or implemented by domestic courts. Please describe the role played by civil society organizations in the implementation of the Committee's previous concluding observations and in the preparation of the State Party's report.

National human rights institution (art. 2)

3. With reference to the Committee's previous concluding observations (paras. 7 and 8) and the report on follow-up to the Committee's concluding observations,⁴ please provide information on the measures taken to ensure that the National Human Rights Commission acts in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to strengthen its

* Adopted by the Committee at its 143rd session (3–28 March 2025).

¹ CCPR/C/MUS/CO/5.

² CCPR/C/131/D/3163/2018.

³ Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/MUS/CO/5.

⁴ CCPR/C/133/3/Add.4.



independence. In particular, please provide information on the measures taken: (a) to provide the Commission with sufficient financial, material and human resources, including for the recruitment of additional investigators; (b) to strengthen its capacity to engage independently with international human rights mechanisms, including by submitting parallel reports to the treaty bodies, for the universal periodic review and to the special procedures of the Human Rights Council; and (c) to ensure a more transparent and participative process for the selection and appointment of members of the Commission in order to guarantee their independence. Please report on the progress made in amending the law to ensure that the Commission can recruit its own secretary.

Non-discrimination (arts. 2 and 26)

4. Recalling the Committee's previous concluding observations (paras. 9 and 10), please provide information on the measures taken to provide effective protection from and to address discrimination, stigmatization and violence, including homophobic and transphobic hate speech and hate crimes, against lesbian, gay, bisexual and transgender persons. Please also provide information on the measures taken to address discrimination and hate speech against the Creole community. Please provide information on training courses for police officers, judges and prosecutors and awareness-raising campaigns for the general public on the rights of lesbian, gay, bisexual and transgender persons. Please indicate the number of complaints received, investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed and the reparations provided to victims in cases of discrimination, hate speech and hate crimes.

Gender equality (arts. 3 and 26)

5. In the light of the Committee's previous concluding observations (paras. 11–14), please describe the measures taken to address discrimination against women at work, in both the public and the private sectors, including measures to facilitate the lodging of complaints and to protect victims from reprisals. Please indicate the steps taken to increase the participation of women in legislative, executive and judiciary bodies, particularly in decision-making positions. Please provide information on the awareness-raising campaigns carried out to combat stereotypes concerning the role of women in the family and in society and to encourage women to engage in public and political affairs.

Voluntary termination of pregnancy and reproductive rights (arts. 6 and 7)

6. In the light of the Committee's previous concluding observations (paras. 15 and 16) and with reference to paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, please provide information on the measures taken to amend the State Party's legislation to guarantee safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk, and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is non-viable. Please indicate the measures taken to prevent women and girls from having to resort to clandestine and unsafe abortions, including by repealing the criminal sanctions applied to women and girls who undergo abortion and to medical service providers who assist them in doing so. Please describe the measures taken to ensure access to safe and affordable contraceptives and other services related to reproductive healthcare, including sexual and reproductive health education programmes for adolescents and adults.

Domestic violence, including violence against women (arts. 3, 7 and 26)

7. In the light of the Committee's previous concluding observations (paras. 19 and 20), please provide information on the measures taken to address violence against women, including domestic violence, and to provide effective protection and assistance to victims. In this regard, please provide information on: (a) the measures taken to facilitate and encourage the reporting of cases of such violence, including protection from reprisals and social reprobation; (b) the steps taken towards criminalization of marital rape; and (c) the training and awareness-raising activities on violence against women and girls and on the criminal

nature of such acts for judges, prosecutors, law enforcement officers and other relevant government officials.

Elimination of slavery, forced labour and trafficking in persons (art. 8)

8. In the light of the Committee's previous concluding observations (paras. 25 and 26), please report on the steps taken to prevent and combat trafficking in persons, including children, members of the Creole community, asylum-seekers and migrants, for the purposes of sexual and labour exploitation. In this regard, please indicate: (a) the measures taken to strengthen victim identification programmes, facilitate access to effective complaint mechanisms and exempt victims from criminal liability; (b) the training and awareness-raising programmes conducted for judges, prosecutors, law enforcement officers, border control officers and other relevant government officials on addressing cases relating to trafficking in persons; and (c) the protection and rehabilitation services, including shelters and psychosocial and legal support, available to victims. Please provide information on the number of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation and measures of protection offered to victims.

Liberty and security of person (art. 9)

9. With reference to the Committee's previous concluding observations (paras. 29–32) and taking into account the Committee's general comment No. 35 (2014) on liberty and security of person, please indicate all measures taken to ensure full respect of the fundamental procedural safeguards for detainees from the very outset of detention, including to ensure that they are brought before a court within a maximum period of 48 hours. Please also indicate the measures taken: (a) to ensure that pretrial detention is used only as an exceptional measure and for a limited period of time, including for drug-related offences; (b) to increase the use of non-custodial measures and penalties, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), including for foreigners; and (c) to reduce the delays in and improve the efficiency of police enquiries, and to take into consideration the time spent in pretrial detention in the sentences imposed. Please provide information on the steps taken to remove the rule on provisional charges and to amend articles 4 and 5 (1) (k) of the Constitution to bring them into full conformity with the Covenant.

Counter-terrorism measures (arts. 9 and 14)

10. With reference to the Committee's previous concluding observations (paras. 27 and 28) and taking into account the Committee's general comment No. 35 (2014) on liberty and security of person, please provide information on the measures taken to bring the State Party's counter-terrorism legislation and practices into full compliance with its obligations under the Covenant. Please include information on detainees' access to legal counsel from the very outset of detention and on authorizing judges to decide whether to release a suspect on bail. Please provide statistical data on the application of the Prevention of Terrorism Act, in particular, the number of arrests, detentions, releases, investigations and convictions handed down.

Conditions of detention and treatment of persons deprived of their liberty (art. 10)

11. Recalling the Committee's previous concluding observations (paras. 33–36), please specify the measures taken to improve the living conditions in detention and the treatment of prisoners, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including in respect of the separation of persons in pretrial detention and convicted persons. Please also include information on measures taken to improve the treatment of persons imprisoned for drug-related offences, their access to harm reduction services, drug treatment health services and essential medicines, in line with the international guidelines on human rights and drug policy. Please describe the measures taken to establish accessible, safe and effective complaint mechanisms against ill-treatment of persons deprived of their liberty and indicate the number of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences

imposed on the persons found guilty and the reparation provided to victims. Please provide information about the measures taken to enable the Police Complaints Division within the National Human Rights Commission to carry out its mandate effectively, including by providing it with sufficient financial, material and human resources.

Refugees, asylum-seekers and stateless persons (arts. 6, 7, 12 and 13)

12. With reference to the Committee's previous concluding observations (paras. 37 and 38), please provide information on the measures taken to develop a national legislative asylum framework or procedures that safeguard and promote the rights of asylum-seekers and refugees, including a framework for refugee status determination that allows refugees to seek asylum in the State Party and ensures respect of the principle of non-refoulement. Please indicate the measures taken to develop a national framework establishing procedures for the determination of statelessness or providing for the protection of stateless persons in the country. Please indicate whether the State Party has considered acceding to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

Access to justice and right to a fair trial (art. 14)

13. Please provide information on the measures taken to ensure that the penalties for drug offences or drug-related offences are proportionate to the gravity of the offences and that mitigating factors and non-custodial measures are considered for persons convicted of drug offences or drug-related offences of a minor nature.

Right to privacy and freedom of expression (arts. 17 and 19)

14. Please describe the measures taken to ensure that the State Party's legal framework on privacy, including the Information and Communication Technologies Act 2001 (as amended) is compatible with articles 17 and 19 of the Covenant and with the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Please include information on the alleged use of the provisions of that Act to target media outlets and journalists, and the use of vague and broad provisions for the criminalization of such acts as posting information considered offensive, abusive, false or misleading. Please provide information on the safeguards and mechanisms in place to protect privacy, in particular against arbitrary surveillance and misuse of personal data. Please indicate whether steps have been taken: (a) to adopt a freedom of information law; (b) to decriminalize defamation; and (c) to address hate speech and misinformation.

Human rights defenders (arts. 9, 17, 19, 21 and 22)

15. Please provide information regarding allegations that human rights defenders have increasingly faced reprisals, threats, unlawful arrest, unlawful interference in their privacy, online censorship and intimidation during assemblies and protests, including the deployment of the military police. In this regard, please indicate the number of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation provided to victims.

Juvenile justice (arts. 14 and 24)

16. With reference to the Committee's previous concluding observations (paras. 39 and 40) and the report on follow-up to the Committee's concluding observations, please provide information on the measures taken to ensure that: (a) juvenile justice tribunals have been set up and specialized trained judges appointed; and (b) children in conflict with the law are systematically assisted by a lawyer or counsel and appear for trial with their legal representatives. Please provide information on the training sessions carried out for police officers handling cases relating to juvenile justice, including the number and nature of such training activities.

Participation in public and political affairs (art. 25)

17. Recalling the Committee's previous concluding observations (paras. 41 and 42), please describe the measures taken to ensure broad participation in political life and adequate representation of all the different groups and communities within Mauritian society.

Rights of Indigenous Peoples (arts. 1, 25 and 27)

18. In the light of the agreement on the return of the Chagos Archipelago to Mauritius, please describe all the measures that have been taken to ensure the effective and meaningful participation of the Chagossians in the negotiations and decision-making process and to guarantee their right to free, prior and informed consent in respect of all measures that affect them, including issues relating to remedy and reparation and return to ancestral territories.
