RESPONSE OF THE GOVERNMENT OF MAURITIUS
TO NOTE VERBALE CU 2013/129/DO/JS

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PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS AND
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MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES

No. 269/2013 (MMG/CONF/5)

The Permanent Mission of the Republic of Mauritius to the United Nations Office and
other International Organisations in Geneva presents its compliments to the United Nations
Office on Drugs and Crime and with reference to its Note (Ref: CU2013/129/DO/JS) dated 3
July 2013 regarding the draft resolution VI entitled “Standard Minimum Rules for the
Treatment of Prisoners”, has the honour to enclose herewith the inputs from the Republic of
Mauritius in the nine areas identified with respect to the Standard Minimum Rules for the
Treatment of Prisoners.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and
other International Organisations in Geneva avails itself of this opportunity to renew to the
United Nations Office on Drugs and Crime the assurances of its highest consideration.

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The Standard Minimum rule for the treatment of Prisoners is enshrined in the Reform Institution Act 1988

Area (a): Respect for prisoners' inherent dignity and value as human beings (rules 6, para. 1; 57-59; and 60, para. 1)

In the Mauritius Prison Service, there is no discrimination towards detainees on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The rule is applied impartially and there is respect to the religious beliefs and moral precepts of the group to which a detainee belongs.

Para 57 – 59 & 60 para 1 (Guiding Principles for Prisoners under sentence) are adhered to and administered accordingly.

Area (b): Medical and health services (rules 22-26; 52; 52; and 71, para. 2)

Above rules are applied and strictly abided to as far as possible. The Mauritius Prison Service has the following Hospital Staff who provides medical and health services round the clock in all institutions to both male and female detainees. There is a Hospital Ward where treatment is provided to sick detainees who are admitted thereat after screening by Hospital Officers and examination by Prison Medical Officers. Any detainee who requires specialized treatment which is not available at the prison is referred to Public Hospital.

Full time Prison Medical Officer: 03
Part time Prison Medical Officer: 02
Qualified Nurses/Prison Hospital Officer (Male): 26
Qualified Nurses/Prison Hospital Officer (Female): 08

There are Visiting Specialists from Public Hospital who give treatment to detainees in seven fields of:

- Medical
- Surgical
- Orthopedic
- Dermatology
- Ear, Nose and Throat (ENT)
- Psychiatry
- HIV/AIDS

There is also a full time dentist posted to the Prison with all dental clinic facilities for the dental care and treatment of detainees.

In one of the main public Hospital (Jawaharlal Nehru Hospital), two dedicated wards (one for male and one for female) have been created for the admission of detainees for the purpose of special care and treatment which are not available in prisons.
Detainees admitted to Prison and who require medical treatment for mental illness or any other related psychiatric problems are referred to the Brown Seaward Mental Health Care Centre.

**Area (c): Disciplinary action and punishment, including the role of medical staff solitary confinement and reduction of diet (rules 27, 29, 31 and 32)**

**Rule 27 & 29** (Discipline and Punishment) are administered according to the Standard Minimum Rule and Human Rights Instruments.

**Rule 31**- corporal punishment, punishment in dark cell or any cruel, inhuman or degrading punishments in respect of disciplinary offences are prohibited.

**Rule 32 (1)** reduction of diet is prohibited

**Rule 32 (2) & (3)** are closely followed.

**Area (d): Investigations of all deaths in custody, as well as of any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners (rules 7, 44 bis and 54 bis)**

There is no departure from these rules in the administration of Prisons:

**Rule 7**(1) a, b & c and (2)

**Rule 44 (1), (2) & (3)** Notification of death, illness, transfer, etc...

**Rule 54 (1), (2) & (3)**

**Area (e): Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances (rules 6 and 7)**

These rules are closely observed

**Area (l): The right of access to legal representation (rules 30; 35, para. 1; 37; and 93)**

**Rule 30 (1), (2) & (3)** Discipline and Punishment – is closely administered according to law.

**Rule 35 (para 1) Information to and complaints by Prisoners**

Every detainee on admission goes through the Induction Unit where he is informed of all his rights and privileges. In every institution he is transferred to, there is a reception board where the detainee is informed of his rights and obligations so as to facilitate his rehabilitation.
All detainees are given facilities to make complaints in writing to the Prison Administration, to any other Government Authorities, Police, Courts, Ombudsman and Human Rights Commission under confidential cover.

The Commissioner of Prisons has placed complaint boxes with padlocks in all Association Yards of detainees addressed to him and who possesses the keys for the purpose of confidentiality and so that latter may be aware of any shortcoming personally for remedial actions.

Rule 37 contact with outside world

Detainees are allowed regular visits (both open and closed depending on the prison regime), they are allowed to write and receive letters. Foreign detainees are allowed to receive visits from relatives after due clearance. Those who do not have the facility are allowed Skype Visit (Video Conferencing).

Rule 93 Free Legal Aid

The legal aid Act has been amended in 2012 to provide for the extension of legal assistance at Police enquiry stage and for bail applications for offences specified in the First Scheduled to the Act. Provision has also been made for a means and merits test in the determination of granting of legal aid and also for a fairer method to assess a person’s need for legal aid while ensuring there is no abuse.

Area (g): Complaints and independent inspection (rules 36 and 55)

Rule 36 (1), (2), (3) & (4) are administered in conformity to rules and regulations

Rule 55 There is a system of inspection put into place in all institutions by the Commissioner of Prisons where inspection of the prison is carried out regularly by the Officers-in-charge. Latter shall visit all detainees and hear their requests and complaints. Any matter which he cannot deal at his level is referred to the Supervising Deputy Commissioner of Prisons and the Commissioner of Prisons.

Provision for independent inspection of prisons is made under section 54 para (1), (2) & (3) of the Reform Institution Act 1988 as shown below:

53. Board of Visitors

(1) (a) Subject to paragraph (b), there shall be established for every institution such Boards of Visitors as may be necessary.

(b) A Board may be assigned to 2 or more institutions.

(2) (a) A Board assigned to a prison shall be composed of not less than 3 Magistrates, a Law Officer and 4 other members, 3 of whom shall not hold public office.

(b) The Chairman of the Board shall be a Senior Magistrate and the Court Officer attached to the Magistrate shall act as Secretary.
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(b) The Chairman of the Board shall be a Senior Magistrate and the Court Officer attached to the Magistrate shall act as Secretary.
(3) (a) A Board assigned to a Correctional Youth Centre or a Rehabilitation Youth Centre shall be composed of not less than 8 members.
   (b) The Chairman of the Board shall be designated by the Minister.

(4) The members shall be appointed annually by the Minister.

(5) Any person may be a member of more than one Board.

(6) In Rodrigues, the Board shall consist of the Visiting Magistrate who shall be the Chairman, the island Commissioner and the Superintendent Medical and Health Officer.

54 Functions of the Board of Visitors

(1) A Board of visitors shall –
   (a) Meet at least once every month and on such other occasions as the Minister may direct;
   (b) Enquire into the condition of detention of the detainees;
   (c) Hear any complaint which may be made by a detainee and, where the detainee so requests, hear the complaint privately;
   (d) Inquire into and report to the Minister on –
      (i) Any abuse within an institution;
      (ii) Any repair which may be urgently required in an institution;
      (iii) Any matter which it may consider expedient; (e) do such acts as it may be required to do by the Minister.

(2) At least one member shall visit the institution every month.

(3) A member may inspect –
   (a) Any part of the Institution;
   (b) The detainees at work, in hospital or in separate or other rooms or wards;
   (c) All the books, journals and records relating to detainees.

(4) Subject to subsection (5), no person shall accompany a member during a visit of inspection.

(5) The officer in charge or in his absence the officer most senior in rank shall –
   (a) Where a detainee wishes to see a member during the visit, inform a member of such wish;
   (b) Afford a member every assistance in his visit; and
   (c) Depute an officer to accompany him.

(6) A Board may ask the Commissioner or the medical officer any information or re but shall not otherwise interfere in the management of an institution or issue orders to office 55 Board minutes book by a member.

The Ombudsman and personnel of the National Human Right Commission may visit any institution respecting complaints forwarded by detainees.
Area (h): The replacement of outdated terminology (rules 22-26, 62, 82 and 83 and various others)

As per Reform Institution Act 1988, the word “prisoner” has been replaced by the word detainee

“detainee” means

(a) a convicted or an unconvicted person detained in an institution; or

(b) a person who has been granted leave of absence, permission or pa Part V of this Act;

Area (i) Training of relevant staff to implement the Standard Minimum Rules (rule 47)

It is mandatory that all officers who join the Mauritius Prison Service as a Trainee Prison Officer be trained in Human Rights Standards in Prisons including the Standard Minimum Rule for the administration of Justice.