

## MAURITIUS

### **CAT Optional Protocol Article 4 Reports on the Visit of the Subcommittee on Prevention OPCAT, CAT/C/40/2 (2008)**

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#### III. VISITS BY THE SUBCOMMITTEE

##### **A. Establishing the programme of visits**

14. During its first year, the Subcommittee carried out two visits as part of its initial phase of preventive work. The initial programme of visits was sui generis, as the Subcommittee was obliged under the Optional Protocol to make an initial choice by drawing of lots for States to be visited. Maldives, Mauritius and Sweden were the countries drawn by lots. Subsequently, the Subcommittee decided on the States to be visited by a reasoned process, with reference to the principles indicated in article 2 of the Optional Protocol. The factors that may be taken into consideration in the choice of countries to be visited by the Subcommittee include date of ratification/development of national preventive mechanisms, geographic distribution, size and complexity of the State, regional preventive monitoring and urgent issues reported.

15. In 2007, the Subcommittee began to develop its approach to the strategic planning of its visit programme in relation to the existing 34 States parties. The Subcommittee took the view that, after the initial period of its development, the visits programme in the medium term should be based on the idea of eight visits per 12-month period. This annual rate of visits is based on the conclusion that, to visit States parties effectively in order to prevent ill-treatment, the Subcommittee would have to visit each State party at least once every four or five years on average. In the Subcommittee's view, less frequent visits could jeopardize the effective monitoring of how national preventive mechanisms fulfilled their role and the protection afforded to persons deprived of liberty. With 34 States parties, this means that the Subcommittee must visit, on average, eight States every year.

16. In the initial phase of visits, the Subcommittee developed its approach, working methods and benchmarks, and established ways to work in good cooperation and confidentiality with States parties with whom it began to build an ongoing dialogue. It also began to develop good working relations with national preventive mechanisms or with institutions which might become them. At this stage, the secretariat necessary to support a full programme of visits was not in place. The Subcommittee consequently carried out visits at less than maximum capacity during the period covered by the present report.

17. For the longer term, the point at which ratifications or accessions will reach a total of 50 remains an unknown variable in the strategic planning of visits. Following that event, the Subcommittee will become a 25-member body,<sup>16</sup> with a concomitant requirement for an increase in budgetary resources. The Subcommittee anticipates a period of adjustment at that stage, before it is able to use its increased capacity to the full.

## **B. Visits carried out in 2007 and early 2008**

18. The Subcommittee visited Mauritius from 8 October to 18 October 2007 and the Maldives from 10 to 17 December 2007; it visited Sweden from 10 to 15 March 2008.<sup>17</sup> During these visits, the delegations focused on the development process of the national preventive mechanism and the situation with regard to protection against ill-treatment, particularly of people deprived of their liberty in police facilities, prisons and in facilities for children.

19. At the end of 2007, the Subcommittee announced its forthcoming programme of regular visits in 2008, to Benin, Mexico, Paraguay and Sweden.<sup>18</sup> The Subcommittee also made plans for a number of preliminary visits to initiate the process of dialogue with States parties.

20. The initial visit to a State party is an opportunity to deliver important messages about the Subcommittee and its core concerns to the State party and to other relevant interlocutors. The Subcommittee stressed the confidential nature of its work, in accordance with the Optional Protocol. On its first three visits, it met with many officials in order to establish cooperative relations with the States parties and to explain fully its mandate and preventive approach. The Subcommittee also met with members of developing national preventive mechanisms and with members of civil society.

21. The first two visits involved a larger number of Subcommittee members than would normally be the case, in order that all members could take part in at least one visit in 2007. This was part of the Subcommittee's strategy to develop a consistent approach on visits despite the changing composition of delegations on visits. The visit to Sweden was of shorter duration. The Subcommittee adopted a more targeted approach, taking into account the preventive visiting already undertaken in Sweden and based on consultation and cooperation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>19</sup>

22. At the end of each visit, the delegation presented its preliminary observations to the authorities in confidence. The Subcommittee wishes to thank the authorities of Mauritius, the Maldives and Sweden for the spirit in which its delegations' initial observations were received and the constructive discussion about ways forward. At the end of the visit, the Subcommittee asked the authorities for feedback on the steps taken or being planned to address the issues raised in the preliminary observations. In addition, after each visit, the Subcommittee wrote to the authorities requesting updated information on any steps taken since the visit, on certain issues which could be or were due to be addressed in the weeks following it. The Subcommittee indicated that the immediate replies communicated by the authorities would be reflected in the visit report.

23. The drafting of the first visit report was begun in 2007. The process of its completion is taking longer than desired, owing to the staffing situation in the secretariat of the Subcommittee [...]. The authorities will be asked to respond in writing to the visit report; the Subcommittee hopes that, in due course, the authorities will request that the visit report and their response to it be published.<sup>20</sup> Until such time, the visit reports remain confidential.

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16/ In accordance with Article 5 (1) of the OPCAT.

17/ For details of the places visited, see annex III.

18/ The three countries chosen by initial drawing of lots - Mauritius, Maldives and Sweden - were announced in June 2007 as countries to be visited in the initial programme of visits. For the programme of regular SPT visits in 2008, see annex IV.

19/ Article 31 of the OPCAT encourages the SPT and bodies established under regional conventions to consult and co-operate with a view to avoiding duplication and promoting effectively the objectives of the OPCAT.

20/ In accordance with Article 16,2 of the OPCAT.

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### **Annex III**

#### **VISITS CARRIED OUT IN THE PERIOD COVERED BY THE FIRST ANNUAL REPORT**

##### **1. First periodic visit to Mauritius: 8-18 October 2007**

Places of deprivation of liberty visited by the delegation:

###### *Police facilities*

- Vacoas
- Moka
- Albion
- Roche Bois
- Terre Rouge
- Rose Hill
- Pope Henessy
- Curepipe
- Plaine Verte
- Abercrombie
- Riviere des Anguilles
- L'Escalier, Mahebourg
- Line Barracks
- Port Louis north district

*Prisons*

- Beau Bassin Central Prison
- New Wing Prison
- Women's Prison
- Phoenix Prison

*Juvenile centres*

- Petite Riviere juvenile detention centre
- Beau Bassin rehabilitation youth centre

*Facilities under the Ministry for Women's Rights, Child Development and Consumer Protection*

- Shelter for children and distressed women in Albion

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**Annex VII**

**Information on country visit reports and follow-up as of 26 February 2010**

Country visited	Dates of the visit	Report sent	Report status	Response received	Response status
Mauritius	8–18 October 2007	Yes	Confidential	Yes	Confidential
Maldives	10–17 December 2007	Yes	Public	No	-
Sweden	10–14 March 2008	Yes	Public	Yes	Public
Benin	17–26 May 2008	Yes	Confidential	No	-
Mexico	27 August– 12 September 2008	Yes	Confidential	No	-
Paraguay	10–16 March 2009	Yes	Confidential	No	-
Honduras	13–22 September 2009	Yes	Public	No	-
Cambodia	2–11 December 2009	No	-	-	-

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### **D. Follow-up activities, including publication of the Subcommittee's reports by States parties**

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19. In conformity with past practice, the Subcommittee established a follow-up procedure to its visit reports. State parties are requested to provide within a six-month deadline a response giving a full account of actions taken to implement the recommendations contained in the visit report. At the time of the submission of the present report, 3 out of 11 States parties visited by the Subcommittee had provided follow-up replies: Mauritius in December 2008; Sweden in January 2009; and Paraguay in March 2010. Replies from Mauritius remain confidential, while the follow-up submissions from Sweden and Paraguay have been made public at the request of those States parties. The Subcommittee has provided its own follow-up observations and recommendations to the submissions of Mauritius and Sweden, while a follow-up visit was undertaken to Paraguay, with a follow-up visit report transmitted to the State party. Reminders were also sent to States parties that have not yet provided follow-up replies to the Subcommittee visit reports. It should be noted that the six-month deadline for submission of follow-up replies had not expired for Lebanon, Bolivia and Liberia during the reporting period. The substantive aspects of the follow-up process are governed by the rule of confidentiality, excepting that the State party may authorize the publication of its follow-up reply.

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### **Annex IV**

#### **Information on country visit reports, publication status and follow-up as of 31 December 2010**

<i>Country visited</i>	<i>Dates of the visit</i>	<i>Report sent</i>	<i>Report status</i>	<i>Response received</i>	<i>Response status</i>
Mauritius	8–18 October 2007	Yes	Confidential	Yes	Confidential
Maldives	10–17 December 2007	Yes	Public	No	-
Sweden	10–14 March 2008	Yes	Public	Yes	Public
Benin	17–26 May 2008	Yes	Confidential	No	-
Mexico	27 August–12 September 2008	Yes	Public	No	-
Paraguay	10–16 March 2009	Yes	Public	Yes	Public
Honduras	13–22 September 2009	Yes	Public	No	-
Cambodia	2–11 December 2009	Yes	Confidential	No	-
Lebanon	24 May–2 June 2010	Yes	Confidential	-	-
Bolivia (Plurinational State of)	30 August–8 September 2010	Not yet	-	-	-
Paraguay	Follow-up visit:	Yes	Confidential	-	-

	13–15 September 2010		1		
Liberia	6–13 December 2010	Not yet	-	-	-