



# General Assembly

Distr.: General  
12 March 2012

Original: English

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## Human Rights Council

### Nineteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Note verbale dated 6 March 2012 from the Permanent Mission of Mauritius to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the letter dated 24 January 2012 from the Special Rapporteur on the sale of children, child prostitution and child pornography, in which the Special Rapporteur invited the Government of Mauritius to submit its comments on the report of her mission to Mauritius from 1 to 11 May 2011 (A/HRC/19/63/Add.1) in a note verbale, to be circulated as a document of the nineteenth session of the Human Rights Council.

In this regard, the Permanent Mission has the honour to enclose herewith the comments of the Government of the Republic of Mauritius on the above-mentioned report.\*

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\* Reproduced in the annex as received, in the language of submission only.

## Annex

The Government of Mauritius welcomes the report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Ms Najat Maalla M'jid. However, the Government wishes to make the following amendments:

**In section II (9)-National Context** of the report, where it is stated that 'The constitution does not mention an official language for the country' we suggest that this clause should be checked once again since section 49 of the Constitution provides that the official language of the Assembly shall be English but any member may address the chair in French.

**Para 7:** the first sentence should read as follows:

"The Republic of Mauritius consists of the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago including Diego Garcia and any other island comprised in the State of Mauritius."

**Para 26:** last sentence - to delete "(signature only of the Optional Protocol thereto)" and add "and its Optional Protocol (ratified on 08 January 2010)"

**Para 30:** "Comprehensive" instead of "consolidated" in line 1 and line 5

**Para 37:** replace the last line "Section 90 of the Criminal Code....not exceeding 10 years" with "Section 90 of the Criminal Code Supplementary Act provides that where a person, in relation to premises used as a brothel, permits a minor to use the premises, he shall be liable on conviction to a fine not exceeding Rs. 200,000 together with imprisonment for a term not less than 2 years and not exceeding 10 years."

**Para 38:** the 5th line should read "The definition of "photograph" includes...." Instead of "A "photograph" includes..."

**Para 40:** the first line should read "Section 46 (h) (i) of the Information and Communication Technologies Act 2001"

**Para 41:**

a) the first sentence should read as follows – "the Computer Misuse and Cybercrime Act provides for preservation orders under section 11, production orders under section 13 and deletion orders under section 16."

b) The sixth line should read "Furthermore, section 11(3) of the Combating of Trafficking in Persons Act (2009)..."

c) In the last sentence the words "... which suggests or alludes to trafficking by any means" should be deleted and replaced by the following words – "in contravention of subsection (2) (b), which makes provision for any person who knowingly advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication ... shall commit an offence."

**Para 44:** in the second line, the following words should be inserted after the words "relating to", "the protection and welfare of the child generally, including in the field of..."

**Para 52:** Line 2....across the country providing general consultations HIV testing

**Para 57:** to replace the phrase "often on the basis of a list of charitable institutions provided by the Council, and an order is made by a judge in chamber" by "and then make an application for adoption to the Supreme Court".