



Assemblée générale

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Conseil des droits de l'homme

Dix-neuvième session

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Note verbale datée du 6 mars 2012, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de Maurice auprès de l'Office des Nations Unies et des autres organisations internationales à Genève

La Mission permanente de la République de Maurice auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de se référer à la lettre datée du 24 janvier 2012, adressée par la Rapporteuse spéciale sur la vente d'enfants, la prostitution des enfants et la pornographie impliquant des enfants, dans laquelle celle-ci invite le Gouvernement mauricien à formuler des observations sur le rapport qu'elle a établi à l'issue de la mission qu'elle a effectuée à Maurice, du 1^{er} au 11 mai 2011 (A/HRC/19/63/Add.1), et à les soumettre dans une note verbale destinée à être distribuée en tant que document officiel de la dix-neuvième session du Conseil des droits de l'homme.

La Mission permanente a l'honneur de faire tenir ci-joint au Haut-Commissariat les observations du Gouvernement mauricien sur le rapport susmentionné*.

* Les observations sont reproduites en annexe telles qu'elles ont été reçues, dans la langue originale seulement.

Annexe

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".