**Mauritius**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The ‘Housing Rights and Human Rights Brief’ is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

|  |  |  |
| --- | --- | --- |
| Revision | Date | Author |
| *1* | *-* | *SN* |
| *2* | *15/01/2016* | *SN* |
| *3* | *09/02/2016* | *SG* |

**Summary**

Mauritius is governed by its 1968 Constitution which provides for fundamental human rights and freedoms. The Constitution does not mention specifically the right to adequate housing. It does however enshrine the right of the individual to protection for the privacy of home and other property.

The primary government department with responsibilities relating to housing is the Ministry of Housing and Land. The core function of the Ministry is to create adequate living conditions for the citizens of the country, including adequate housing conditions.

Mauritius has ratified many of the major international human rights conventions including the International Covenant on Economic, Social and Cultural Rights, which enshrines the right to adequate housing as a component of the right to an adequate standard of living.

UN review mechanisms have expressed concerns over the high levels of poverty among the population. Mauritius has been recommended to continue its efforts to ensure housing and to initiate immediate and effective measures to combat poverty, and to ensure that the population has affordable access to water supply and hygienic living conditions. UN-Habitat’s work in the country consists primarily of the production of publications of urban profiles.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Mauritius is governed by its 1968 Constitution which provides for fundamental human rights and freedoms. The Constitution does not mention specifically the right to adequate housing. It does however enshrine the right of the individual to protection for the privacy of home and other property.

***‘***Chapter 2: Fundamental rights and freedoms of the individual

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms –

c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.’

‘9. Protection for privacy of home and other property

(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.’

**Government**

***Political System***

Mauritius is a republic where the president is Head of State, and the prime minister Head of Government. Legislative power is vested in the government and the National Assembly Seats are allocated to a maximum of eight additional members to allow representation of a variety of ethnic groups.

***Ministry of Housing and Lands[[2]](#footnote-2)***

Some of the objectives of the Ministry include addressing the issues of housing of the people of Mauritius and to promote social integration through the development of mixed housing projects under the National Housing Programme and adopt an integrated approach that is applied to the construction of a small number of housing units in an open estate to encourage community living, integration within the neighbourhoods and harmony with the environment​

National Development Strategy

Mauritius has a National Development Strategy which has objectives for the housing sector, including the upgrading of existing settlements.

**Judiciary**

No decisions with relevance to housing could be sourced.

**International Conventions[[3]](#footnote-3)**

The State has ratified most of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

|  |  |  |  |
| --- | --- | --- | --- |
| [Treaty Description](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl03','')) | [Treaty Name](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl04','')) | [Signature Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl05','')) | [Ratification Date, Accession(a), Succession(d)](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl06','')) |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |  | 09 Dec 1992 (a) |
| International Covenant on Civil and Political Rights | CCPR |  | 12 Dec 1973 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |  | 09 Jul 1984 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  | 30 May 1972 (a) |
| International Covenant on Economic, Social and Cultural Rights | CESCR |  | 12 Dec 1973 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |  |  |
| Convention on the Rights of the Child | CRC |  | 26 Jul 1990 (a) |
| Convention on the Rights of Persons with Disabilities | CRPD | 25 Sep 2007 | 08 Jan 2010 |
| Convention Relating to the Status of Refugees | Refugee Convention |  |  |
| Protocol Relating to the Status of Refugees | Protocol Relating to the Status of refugees |  |  |

Mauritius has not signed:

* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
* Convention Relating to the Status of Refugees
* Protocol Relating to the Status of Refugees

**UN Agencies**

UN review mechanisms have expressed concerns over the high levels of poverty among its population. Mauritius has been recommended to continue its efforts to ensure housing and to initiate immediate and effective measures to combat poverty, and to ensure that the population has affordable access to water supply and hygienic living conditions.

***Universal Periodic Review***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR (2009)[[4]](#footnote-4)

The Report of the Working Group did not make any recommendation in relation to the right to adequate housing.

Second UPR (2013)[[5]](#footnote-5)

‘Recommendation 128.90: Continue its efforts to eliminate poverty, ensure the right to food and housing for its population and promote harmony among various communities.’

‘Recommendation 128.94: Maintain its efforts in the context of the right to housing.’

***Report of the United Nations High Commissioner for Human Rights (2013)[[6]](#footnote-6)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

The Report does not mention anything in relation to the right to adequate housing.

***Committee on Economic, Social and Cultural Rights (2014)[[7]](#footnote-7)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

Mauritius was last reviewed in May 2010:

26. The Committee is concerned that 10 per cent of Mauritians are estimated to be living in poverty, and, in particular, that about 40 per cent of the population on Rodrigues Island live below the poverty level. It is further concerned that some regions are deprived of water supply and hygienic living conditions, particularly on Rodrigues Island (art. 11).

The Committee urges the State party to take immediate and effective measures to combat poverty and ensure that the population has affordable access to water supply and hygienic living conditions, particularly on Rodrigues Island, in line with its general comment No. 4 (1991) on the right to adequate housing and general comment No. 15 (2002) on the right to water and its statement on poverty and the International Covenant on Economic, Social and Cultural Rights.

***United Nations Country Team (UNCT)[[8]](#footnote-8)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

The Mauritius Country Team does no specific work on housing.

***United Nations Development Assistance Framework (UNDAF)[[9]](#footnote-9)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work in Mauritius between 2013 and 2016. This section should include any specific recommendations made in regards to housing.*

The Mauritius UNDAF contains no references to the right to adequate housing.

**UN-Habitat[[10]](#footnote-10)**

UN-Habitat has produced the following publications on Mauritius:

* Mauritius: National Urban Profile[[11]](#footnote-11)
* Mauritius: Black River Urban Profile[[12]](#footnote-12)
* Mauritius: Beau Bassin-Rose Hill Urban Profile[[13]](#footnote-13)
* Mauritius: Port Louis Urban Profile.[[14]](#footnote-14)

**Further Information**

* Constitution of Mauritius: <http://mauritiusassembly.govmu.org/English/constitution/Pages/default.aspx>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MUSession4.aspx>
* Report of the United Nations High Commissioner for Human Rights: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MUSession17.aspx>
* UNCT: <http://undg.org/home/country-teams/africa-western-central/mauritius/>
* UNDAF: <http://www.undp.org/content/dam/rba/docs/Programme%20Documents/Mauritius%20CPD%202013-2016%20(en).pdf>
* CESR: <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MUS/CO/4&Lang=En>
* UN-Habitat Mauritius Summary: <http://mirror.unhabitat.org/content.asp?cid=10996&catid=592&typeid=79>
* UN-OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. <http://mauritiusassembly.govmu.org/English/constitution/Pages/default.aspx> [↑](#footnote-ref-1)
2. <http://housing.govmu.org/English/Pages/default.aspx> [↑](#footnote-ref-2)
3. <http://indicators.ohchr.org/> [↑](#footnote-ref-3)
4. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MUSession4.aspx> [↑](#footnote-ref-4)
5. http://www.ohchr.org/EN/HRBodies/UPR/Pages/MUSession17.aspx [↑](#footnote-ref-5)
6. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/162/25/PDF/G1316225.pdf?OpenElement> [↑](#footnote-ref-6)
7. (E/C.12/2001/10)

   <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MUS/CO/4&Lang=En> [↑](#footnote-ref-7)
8. <http://undg.org/home/country-teams/africa-western-central/mauritius/> [↑](#footnote-ref-8)
9. <http://www.undp.org/content/dam/rba/docs/Programme%20Documents/Mauritius%20CPD%202013-2016%20(en).pdf> [↑](#footnote-ref-9)
10. http://mirror.unhabitat.org/content.asp?cid=10996&catid=592&typeid=79 [↑](#footnote-ref-10)
11. <http://unhabitat.org/books/mauritius-national-urban-profile/> [↑](#footnote-ref-11)
12. <http://unhabitat.org/books/black-river-urban-profile-mauritius/> [↑](#footnote-ref-12)
13. <http://unhabitat.org/books/beau-bassin-rose-hill-urban-profile-mauritius/> [↑](#footnote-ref-13)
14. http://unhabitat.org/books/mauritius-port-louis-urban-profile/ [↑](#footnote-ref-14)