



Mauritius' Compliance with the Convention Against Torture

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

for the 82nd Session of the Committee Against Torture

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

1. Mauritius abolished the death penalty in 1995 with the Abolition of Death Penalty Act (No. 31 of 1995).
2. Article 4.1 of the Constitution of Mauritius states that “[n]o person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.”

Mauritius should ratify the Second Optional Protocol to the ICCPR

3. Authorities in Mauritius seem to be under a misconception that in order to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Mauritius must first eliminate any reference to the death penalty in its constitution. In Mauritius’ most recent constructive dialogue with the Human Rights Committee in 2017, Mauritius stated that the death penalty was “a controversial and sensitive issue; the Constitution had not been amended to reflect its abolition as it had not received the required support of a majority of three quarters of the members of the National Assembly. That was also the reason why Mauritius, like many other States parties, had not ratified the Second Optional Protocol to the Covenant.”¹ Responding to a follow-up question from the Human Rights Committee regarding why the delegation believed that the country must amend the constitution prior to ratifying the Second Optional Protocol, the delegation simply stated that “Regarding the possibility of abolishing the death penalty, the Constitution could be altered only in accordance with article 47 thereof.”²
4. Nonetheless, since 2018, Mauritius has consistently supported the U.N. General Assembly resolution calling for a moratorium on the death penalty, most recently in December 2024.³
5. During the interactive dialogue of its fourth Universal Periodic Review in January 2024, Mauritius received 9 recommendations to ratify or make progress toward ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁴ In April 2024, without explanation, Mauritius noted (rejected) each of these recommendations.⁵
6. **Suggested recommendations:**
 - Initiate the process of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.
 - Commence the procedure for amending Article 4.1 of the Constitution to finalize domestic abolition of the death penalty, including by collaborating with civil society to conduct an awareness-raising campaign with members of the National Assembly about Mauritius’ status as an abolitionist country and the importance of completely replacing the death penalty with penalties that are fair, proportionate, and consistent with international human rights standards.

¹ Human Rights Committee, *Summary record of the 3424th meeting*, U.N. Doc. CCPR/C/SR.3424, (27 Oct. 2017).

² Human Rights Committee, *Summary record of the 3425th meeting*, U.N. Doc. CCPR/C/SR.3425, (31 Oct. 2017).

³ International Commission Against the Death Penalty, *UNGA Moratorium Resolution: Voting Records*, <https://icomdp.org/unga/> (last visited 3 Mar. 2025).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mauritius*, U.N. Doc. A/HRC/56/8 (26 Mar. 2024), ¶ 153.3-.9.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mauritius: Addendum*, U.N. Doc. A/HRC/56/8/Add.1 (3 Apr. 2024), at 2.