



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 07 JUNE 2016**

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## THE CABINET

**(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Pravind Kumar Jugnauth	Minister of Finance and Economic Development
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

**PRINCIPAL OFFICERS AND OFFICIALS**

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
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Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 11 of 2016**

**Sitting of 07 June 2016**

**The Assembly met in the Assembly House, Port Louis at 11.30 a.m.**

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table –

- A. **Prime Minister's Office, Minister of Defence, Home Affairs Ministry for Rodrigues and National Development Unit** –  
 Certificate of Urgency in respect of the following Bills. (In Original) –
- (i) The President's Emoluments and Pension (Amendment) Bill (No. X of 2016);
  - (ii) The National Assembly Allowances (Amendment) Bill (No. XI of 2016);
  - (iii) The Utility Regulatory Authority (Amendment) Bill (No. XII of 2016); and
  - (iv) The Supplementary Appropriation (2015) (No. 2) Bill (No. XIII of 2016).
- B. **Ministry of Energy and Public Utilities** –  
 The Annual Report 2014 of the Central Water Authority.
- C. **Ministry of Finance and Economic Development** –  
 The Estimates of Supplementary Expenditure (6 months ended 30 June 2015) of 2016.
- D. **Ministry of Industry, Commerce and Consumer Protection** –
- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 17) Regulations 2016 (Government Notice No. 117 of 2016)
  - (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 18) Regulations 2016 (Government Notice No. 118 of 2016)
- E. **Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands** –  
 The Fisheries and Marine Resources (Automatic Identification System) Regulations 2016. (Government Notice No. 116 of 2016)

**ORAL ANSWERS TO QUESTIONS**  
**BUILD MAURITIUS FUND - MONEY DISBURSED**

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Minister of Finance and Economic Development whether in regard to the Build Mauritius Fund, he will, for the benefit of the House, obtain therefrom, information as to the amount of money –

- (a) contributed thereto from the price of diesel and petrol by the State Trading Corporation since January 2015 to date,
- (b) available therein as at to date, indicating the amount of money disbursed therefrom –
  - (i) to reduce the public debt, if any, and
  - (ii) for the replacement of the defective water pipes of the network of the Central Water Authority since January 2015, indicating the sums that have actually been utilized therefor and the kilometres of pipes replaced.

**The Minister of Finance and Economic Development (Mr P. Jugnauth):** Madam Speaker, the setting up of the Build Mauritius Fund was announced in the 2014 Budget Speech with the objective of financing infrastructure projects, including road, transport, utilities, and development schemes. The Fund was created as a Special Fund under the Finance and Audit Act to execute the various projects under the Build Mauritius Plan.

The Build Mauritius Plan was elaborated in the Budget Speech 2014 with focus on –

- (i) Infrastructure for greater connectivity with the rest of the world;
- (ii) More fluid traffic flows;
- (iii) Efficient and safe public transport, and
- (iv) Regular supply of water and electricity at competitive prices.

Furthermore, mention was made in the Budget Speech 2014, that the following projects would form part of the Build Mauritius Plan which would be financed partly by the Build Mauritius Fund -

- (i) World Class Airport to promote the development of Aviation Hub;
- (ii) Port Development;
- (iii) Maritime Services Hub;



- (iv) Petroleum Hub;
- (v) Land Transport;
- (vi) Bus Replacement Mechanism;
- (vii) Mauritius Light Rail Transit (MLRT) Project;
- (viii) Public Utilities, and
- (ix) Water Sustainability.

The Build Mauritius Fund was set up by way of the Finance and Audit (Build Mauritius Fund) Regulations 2013, and is under the purview of the Ministry of Finance and Economic Development.

Initially the Fund was set up with financial resources to the tune of Rs4.7 billion transferred from the Consolidated Fund, comprising Rs4.3 billion as a loan and Rs0.4 billion as contribution from Government. An amount of Rs300 m. out of the loan of Rs4.3 billion has so far been refunded to the Consolidated Fund.

Subsequently, in January 2014, the Consumer Protection (control of price of petroleum products) Regulations was amended to provide for a contribution of Rs1 per litre on both Mogas and Gas Oil to the Build Mauritius Fund (BMF) to finance the Bus Replacement Scheme announced in the Budget Speech 2014 as part of the Build Mauritius Plan.

The STC price structure for petroleum products was further amended on 16 January 2015 to increase the contribution to the Build Mauritius Fund from Rs1 to Rs4 per litre. The additional Rs3 per litre is to be used essentially for investment to upgrade and modernise the water supply and distribution network.

Madam Speaker, with regard to part (a) of the question, the total amount contributed by the State Trading Corporation from January 2015 to April 2016 totalled Rs2.09 billion.

Concerning part (b) of the question, the amount of money available in the Fund as at 31 May 2016 was Rs4.758 billion.

As regards part (b) (i) of the question, I am informed that no money from the Build Mauritius Fund has been used to reduce the Public Debt.

Concerning investment to upgrade and modernise the water supply and distribution network, an amount of Rs3.6 billion for the period 2015-2018 has been earmarked in the Build Mauritius Fund for Central Water Authority (CWA) to undertake -

- (i) 17 priority projects involving the replacement of about 200 kms of pipes, and
- (ii) construction of five service reservoirs to ensure water distribution at the required pressure.

I am informed by the Central Water Authority that -

- (i) contracts for replacement of 8 kms of pipes have been awarded for two projects, namely Alma Reservoir to Alma Hill and distribution main from New Bosquet Reservoir to Coromandel for a contract value of Rs114 m.;
- (ii) contracts for replacement of 83.5 kms of pipes will be awarded by November 2016 for an estimated value of Rs763 m.;
- (iii) contracts for replacement of 133.3 kms are expected to be awarded by December 2016 and the works will be completed by 2018, for an estimated value of Rs1.275 billion, and
- (iv) contracts for five service reservoirs at Cluny, Riche en Eau, Balisson, Alma and Riviere Dragon are expected to be awarded in early 2017 for an estimated value of Rs125 m. and the works will be completed by 2018.

I am informed that an amount of Rs1.034 billion has been used from the Build Mauritius Fund for the water sector in respect of the Bagatelle Dam Project.

It is to be pointed out that during the current financial year, CWA has replaced about 80 kms of defective water pipes at a cost of Rs650 m. which have been financed from its own funds.

**Mr Bérenger:** Madam Speaker, from my question, of course, I wanted figures to date; the latest figures that we have. But if I heard the hon. Minister rightly, he gave us figures going back month and month. Can I ask him again, therefore, what has been the total sum collected by the STC on *essence* and diesel and paid to the Fund since January 2015? We had a figure of Rs2 billion, but I understand it is not for that period. It goes months back.

**Mr Jugnauth:** Well, I have given the figures that have been collected. For the period of January to June 2015, we have collected Rs207 m. and from July 2015 to April

2016, we have collected Rs380 m. Now, that is the levy for the bus modernisation scheme. The levy for the water sector, from January to June 2015, it is Rs362 m. and for the ten months of July 2015 to April 2016, it is Rs1.141 billion. Now, I have the figures for April 2016.

**Mr Bérenger:** Can I have also the reserves at the Fund? How much is standing to the credit as reserves of the Fund to date again because the former Minister of Finance had stated in November 2015 that the Fund had reserves of Rs4 billion. So, can I know now where we stand?

**Mr Jugnauth:** Well, again in my reply, I have stated that as at 31 May 2016, a sum of Rs4.758 billion is available in the Fund.

**Mr Bérenger:** Well, we had new figures now. From what I understand - because it is still not clear - the total sum collected by STC and paid into the Fund since the multiple by four increase in the levy, is more than Rs2 billion. I am sure that the Ministry of Finance must have worked out even today when the *baril de pétrole* stands at USD50 per *baril*. Can we know the estimates from the Ministry of Finance for the year 2016 and how much is expected to be paid as compared to the previous estimates? How much in 2016 is estimated to be paid into the Fund for that levy in spite of the USD50 price on the petroleum products?

**Mr Jugnauth:** Well, Madam Speaker, the question is about the contribution since January 2015 to date. Now, of course, we surely must have estimates of projection with regard to 2016, but I am not in a position to give that amount. I can, of course, inform the House about the figure that is likely to be contributed.

**Mr Bérenger:** Madam Speaker, I am a bit surprised, but I will wait for the estimates to be obtained and circulated. What I am asking is that we have more than Rs4 billion of reserves in that Fund. Therefore, will the Minister – although he does not have the estimates of what will be collected this year, even when the *baril de pétrole* is at USD50, I believe it would be billions again out of the pockets of consumers of diesel and *essence* - give the guarantee in that kind of situation that there will be no increase in the price of diesel and petrol, being given that we have all this money taken out of the pockets of consumers of diesel and *essence*? If ever there is a need to rectify the situation and if the price of petrol keeps on going up, consideration will be given to bring it down that Rs4 per litre of petroleum products and not again passing whatever increase to the consumers?

**Mr Jugnauth:** Well, Madam Speaker, we will have to see how the situation unfolds in the future. We are right now preparing the Budget, we are working on figures, estimates for the future and in the light of what we assess as being the economic situation for the future, we will take decisions accordingly.

**Mr Bérenger:** Madam Speaker, I heard the hon. Minister say that no money has come from the Fund to repay our public debt, but he did point out that - I did not hear the figure again - a lot of money has been paid from the Fund, in the period of time that we are talking about, into the Consolidated Fund. Can we have the figure and can I know whether it has not been *un truc du métier*, that is, instead of repaying the public debt, of course, it is put in the Consolidated Fund and then Government uses, not in a regular way, that device to bring down the public debt? Can we have the figure? How much has been transferred to the Consolidated Fund over that period and by how much, *combien a été puisé* du Consolidated Fund to bring down the public debt?

**Mr Jugnauth:** Madam Speaker, as far as I am informed, when the Fund was set up, Rs4.3 billion were taken out of the Consolidated Fund for that Build Mauritius Fund as a loan and Rs400 m. have been contributed by Government to that Fund. Therefore, it is quite normal that when it is a loan it has to be refunded and, up to now, Rs300 m. have been refunded by the Fund to Government and when it is refunded it goes to the Consolidated Fund. So, I can assure the House that there has been no, what you call, *truc du métier* or technicality, because a loan is a loan.

**Mr Bérenger:** Can I move on to the next part? We have been given kilometres of CWA pipes that have been replaced at the cost of CWA, but when the levy was multiplied by 4, the money that came out of the pockets of the consumers of diesel and *l'essence* was supposed to fund 100 kilometres. Does the hon. Minister find it normal that to date – that was in January 2015, more than a year later - not a cent of that money has been spent to replace pipes, and we are told that a contract for 8 kilometres has been awarded? Can I have the date on which that contract was awarded?

**Mr Jugnauth:** Well, the Fund had its objectives and one of them was to spend money for the water sector and I have given the amount that has been spent with regard to the Bagatelle Dam. I think Rs1.034 billion has already been spent, but then, of course, I have mentioned the number of projects which I have been informed from the CWA with regard to projects that are in the pipeline and future projects. So, the other question was for?

**Mr Bérenger:** The date on which the contract has been awarded.

**Mr Jugnauth:** Which contract?

**Mr Bérenger:** As far as I heard, only one contract has been awarded although the increase took effect in January 2015, more than a year ago. The only result I heard is that one contract for 8 kilometres of pipe has been awarded. May we know the date on which that contract has been awarded?

**Mr Jugnauth:** The date of the contract awarded was in April 2016 and I am also told that with regard to the contracts for works, it can only be awarded after the completion of detailed design and that there are several water projects and so on.

**Madam Speaker:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Thank you, Madam Speaker. On 15 September 2015, the hon. Minister of Industry, Commerce and Consumer Protection said that there are reserves of Rs2.5 billion and that the STC intends to transfer Rs1.45 billion in the Consolidated Fund for the financial year 2015 and 2016. Will the hon. Minister confirm whether this is so? As per his answer, it seems that this is not so.

**Mr Jugnauth:** Well, this is a question with regard to whether funds have been transferred from STC. I don't have the information. The question can be put to the substantive Minister and I am sure he will reply.

**Mr Bhagwan:** Madam Speaker, can I know from the hon. Minister what mechanism has been set up at the level of the Ministry of Finance and Economic Development to monitor the allocation of massive funds which are earmarked - this is public funds - with regard to the timely implementation of the projects and also on matters of good governance and allocation of contracts? Is there a Committee which has been set up at the level of the Ministry of Finance to oversee all these issues?

**Mr Jugnauth:** Well, again, if it is with regard to the Build Mauritius Fund, I can assure the hon. Member that there is a Committee which comprises of the Ministry of Finance and Economic Development, the Ministry of Energy and Public Utilities, the Ministry of Public Infrastructure and Land Transport, the Prime Minister's Office, the Accountant General's Office and, of course, there is a Secretary to service that Committee. And that Committee, of course, sees to it that whatever money is being requested to be spent for different projects are being monitored properly.

**Madam Speaker:** Hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. In the light of the forthcoming Budget and being given that the economy is slowing down and investment is declining, will the hon. Minister consider passing on the future reductions to the public in general in order to boost up consumption and the economy in general?

**Mr Jugnauth:** Well, I know that there has been a decrease in the price of Mogas and Gasoil on two occasions. In fact, on 14 November 2015, the price came down from Rs45.95 to Rs41.35 for Mogas and for Gasoil from Rs37.80 to Rs32.75; and in February last, it came down to Rs38.85 for Mogas and for Gasoil to Rs29.50.

**Mr Ameer Meea:** Madam Speaker, the hon. Minister of Finance gave us two important figures, that is, the balance as at 31 May 2016 which is Rs4.758 billion and also a figure of Rs3.6 billion for projects that have been earmarked by the CWA for 2015 and 2018. So, clearly, there is ample fund for these projects that have been earmarked for CWA for three years. So, my point is: will the hon. Minister consider the fact - due to the figures that I just gave - to bring back the levy to the figure that it used to be, that is, from Rs4 to R1?

**Mr Jugnauth:** Well, again, Madam Speaker, we have to look at the economic situation, first of all, with regard to the infrastructure projects that this Government has. I mean, there are so many projects that we want to finance and we need to get money from some quarters. This is not new. I mean, in the past also there has been a levy which has been earmarked for contribution with regard to specific projects. Now, we all know what are the objectives of the Build Mauritius Fund and I am sure that all these projects are priority projects for Government and need, in fact, a lot of financing and we have to see to it. Of course, if the time comes when we feel that a decrease in such a levy can be applied, I am sure Government will consider that.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Can the hon. Minister of Finance and Economic Development confirm whether at the time that the new Government took over in January 2015, the balance available in the Fund was more than Rs4 billion, and if that is the case, why did Government take the decision to increase the levy from R1 to Rs4 per litre ?

**Mr Jugnauth:** Well, again, in fact, that has been explained by the former Minister of Finance and Economic Development because we have as priority projects, the water sector. There are so many replacements of pipes, buildings of reservoirs and so many other projects

with regard to the water sector. The Bagatelle Dam, itself, if I must say, is a reservoir *sans fond*, and that is not the end of the matter, Madam Speaker, we will have to, in fact, inject more money and God knows, how much more money we will have to inject in the future. So, we have to be careful because Government cannot just take a decision for now, we have to see what is likely to happen in the future and, therefore, even if true it is that the amount that was in the Fund stood at Rs4.7 billion, yet there are so many projects. In fact, that amount by itself is not enough to finance all the projects that this Government is willing to come forward with.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Minister of Finance and Economic Development just confirmed that he is not going to remove that Rs4 tax on each litre of petrol. The figures that he has given show already that there is going to be an excess of over Rs1 billion. So, may I know from the hon. Minister of Finance and Economic Development whether this above Rs1 billion existing has been earmarked for any specific project or will that be used also for public utilities, water supply projects?

**Mr Jugnauth:** Well, it is not correct to say that there is an excess. There is an excess, of course, with regard to the amount that has been earmarked to be spent as at now, but more money is going to be required for other projects that are in the pipeline. Therefore, I don't see why we should look at it from that angle and we should not forget also that Government has given a loan to the Build Mauritius Fund of Rs4.3 billion and that loan has to be refunded. Therefore, only Rs300 m. have been refunded so far. We have also to look at it that the Consolidated Fund must be consolidated further.

**Madam Speaker:** Yes, last question hon. Leader of the Opposition!

**Mr Bérenger:** I will put the same question in another way. When the levy, which is, in fact, a tax in a so-called no tax budget, but it was a massive tax, it was increased from Rs1 per litre to Rs4 per litre. The main reason put forward was not Bagatelle Dam or whatever, was replacement of pipes and *24 sur 24* and *sept sur sept* in the near future. Now that we know that not a single contract has been awarded; one is being awarded - we had the date earlier on - one contract for 8 km under that item. We know how much money is there in the reserve and so on and yet we heard the hon. Minister of Trade and Industry - on behalf of Government - managing public opinion, preparing public opinion for another increase in the price of diesel and *l'essence*.

Therefore, I agree with the hon. Minister that there has to be an overall examination of the situation, but will he agree with me that this would be unacceptable after the figures that we have, that now we have another increase in the price of diesel and *l'essence*, because there has been a slight increase on the world market in the price of petroleum products?

**Mr Jugnauth:** Well, I will look at it differently, Madam Speaker. I will say what is not acceptable is that we are being late for a number of projects. In fact, I have to be honest, CWA for all this replacement of pipes and the investment that has been earmarked for reservoirs and so on, I believe that we have to try to move forward as quickly as possible because that is the priority for Government. In fact, my colleague, the Vice-Prime Minister, Minister of the Energy and Public Utilities spoke to me and I am sure that he is seeing to it that these projects are materialised as soon as possible.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ No. B/535 in regard to the Director General of the University of Technology, Mauritius, will now be replied by the Rt. hon. Prime Minister, time permitting. PQ No. B/512 has been withdrawn. Hon. Rughoobur!

#### **REUNION MAUREL - HEALTH AND FITNESS CENTRE PROJECT**

(No. B/506) **Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Health and Fitness Centre Project at Reunion Maurel, in Petit Raffray, he will state -

- (a) if the Ministry of Health and Quality of Life has sent several reminders to the National Development Unit concerning a request for information on the funds required for the completion thereof, since January 2016 to date, and
- (b) the progress report thereof, indicating the expected completion date thereof.

**The Prime Minister:** Madam Speaker, I am informed by the NDU that the Health Promotion and Recreational Centre Project at Reunion Maurel, Petit Raffray was awarded to Best Construct Co. Ltd, Zonal Contractor for "Construction and Upgrading of Roads and Drains" on 01 October 2014.

The contract value of the project was Rs1.79 m. inclusive of VAT and funds for this project were to be provided by the Ministry of Health and Quality of Life and the works executed under the supervision of the NDU.



After taking cognizance of this project and the difficulties being encountered for its implementation, given that the value of works had reached 65% of the initial contract value although works were done up to beam level only, the Permanent Secretary, NDU convened a meeting on 20 November 2015 with representatives of the Ministry of Health and Quality of Life. The NDU gave an overview comprising project description/details, findings which included technical aspects and constraints and other observations.

The Ministry of Health and Quality of Life was informed that it might be advisable to stop the project and assess the extent of works executed, given that the contract of the Zonal Contractor had already expired in March 2015. Moreover, the works effected viz building works, did not form part of the Zonal Contract and was not in order. Thus no payment could be made to the Contractor.

The representative of the Ministry of Health and Quality of Life informed that they would seek a policy decision thereon. In the meantime, a site visit was effected on 11 December 2015.

Further to the site visit, a request was made to the NDU for the submission of structural plan, location and site plan and an assessment of works previously carried out. This took some time to be prepared in view of the unavailability of information on file at the level of NDU and also because of the need for a full survey to be carried out on site.

Same was submitted to the Ministry of Health and Quality of Life on 25 May 2016.

Madam Speaker, as regards parts (a) and (b) of the question, the NDU is not in the presence of any reminder from the Ministry of Health and Quality of Life as regards funds required for the completion of works.

I am informed that the Ministry of Health and Quality of Life had delegated the Acting Regional Health Director, SSRN Hospital to carry out a site visit at the uncompleted Health Promotion and Recreational Centre at Reunion Maurel and to submit proposals for an alternative use of the building. A decision from that Ministry is awaited.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** I thank the Rt. hon. Prime Minister for the answer. May I request him to see to it that once the funds are available from the Ministry of Health and Quality of Life, if the project can be handed over to the District Council of Rivière du Rempart to be completed as soon as possible?

**The Prime Minister:** Well, I will convey that to the person responsible at the NDU.

**Madam Speaker:** Next question, hon. Fowdar!

### **STATE-OWNED COMPANIES - ACCOUNTABILITY**

(No. B/507) **Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the directly or indirectly State-owned companies, he will state if Government proposes to amend the legislation to allow parliamentary oversight thereof, including through parliamentary questions and the examination of the audit reports thereof by the Public Accounts Committee with a view to ensuring the good governance, transparency and control thereof.

**The Prime Minister:** Madam Speaker, as the House is aware, State-owned companies, like other companies, are governed by the Companies Act and by their own Memorandum and Articles of Association. Consequently, they already have their own framework of accountability.

Moreover, State-owned enterprises, including those listed in the official list of the Stock Exchange of Mauritius, are subject to the Code of Corporate Governance which provides a framework for improved corporate governance in Mauritius.

It is therefore considered that it would not be in the interest of Government-owned companies, especially those which are listed on the Stock Exchange, to be brought under the oversight of any other institution, the more so that any leakage of commercially sensitive information or information relating to operational matters can cause harm to the company.

Besides, should any governance issues arise in any State-owned company, the matter may be referred for appropriate enquiry to the Ministry of Financial Services, Good Governance and Institutional Reforms.

Madam Speaker, I would like to add that the Ministry of Financial Services, Good Governance and Institutional Reforms, which has the responsibility for good governance portfolio is already working on a methodology to look into the recommendations of the Director of Audit and Audit Reports of State-owned enterprises for prompt implementation. This, I am informed, is being done with the help of Accounting Officers of all Ministries. On top of that, the Ministry of Financial Services, Good Governance and Institutional Reforms is

reviewing all Boards of State-owned enterprises in terms of established Key Performance Indicators' evaluation and performance for the Board, the Chairperson and the members.

Madam Speaker, this Government has been elected on the pledge of conducting business on the principles of discipline, transparency, accountability and exemplary governance. In line with this pledge, a large scale institutional reform is contemplated which would encompass all the sectors of public administration. This will be done in a phased manner and in consultation with all relevant stakeholders.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Madam Speaker, I listened carefully to the answer of the Rt. hon. Prime Minister, he mentioned good governance and transparency. But when we are talking about public funds, wouldn't he agree that this House has the right to know how public funds are being used by being invested in companies, making those companies answerable to Parliament in case they are dilapidating all funds?

**The Prime Minister:** Well, the time will come when this House will know what has been taking place, what has happened and the hon. Member will have to have some patience.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Can I ask one question to the Rt. hon. Prime Minister? The Rt. hon. Prime Minister made mention of the fact that the Ministry of Good Governance is studying the proposal of having better control over State-owned private companies. May I ask him if he can talk to the Minister of Good Governance to liaise with the Public Accounts Committee so that he can receive the input of the Public Accounts Committee, the Chairperson and the other Members, in order to come up with this proposal of having better control over the State-owned companies?

**The Prime Minister:** Yes. I have just said in my answer that all stakeholders will be informed and will give their point of view. So, I don't see what else can we do!

**Madam Speaker:** The last question is for hon. Fowdar!

**Mr Fowdar:** Madam Speaker, I thank the Rt. hon. Prime Minister for the reply. I fully understand that State-owned companies are under the provisions of the Companies Act and they are not under the supervision of Parliament. I think as the hon. Member has just mentioned, because public funds are involved, I don't know what sort of mechanism would the Government come up with so that Government may still have an oversight over those

companies particularly where huge sums of money are involved and massive recruitments are being made?

**The Prime Minister:** I have just said in my answer that the hon. Minister who is responsible for good governance is doing everything that is needed to have a good control over what takes place insofar as funds are concerned in the companies owned by Government.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **ICAC - DIRECTOR-GENERAL - APPOINTMENT**

**(No. B/508) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Independent Commission against Corruption, he will state –

- (a) the date of appointment of Mr K. G., as Acting Director-General thereof, indicating when a substantive Director-General will be appointed therefor, and
- (b) where matters stand as to the proposed setting up of a Financial Crime Commission to operate as an apex body to oversee the Commission and as to the proposed amendments that will be brought to the Prevention of Corruption Act to give effect thereto.

**The Prime Minister:** Madam Speaker, Mr K. G. was appointed to act as Director-General of the Independent Commission Against Corruption with effect from 01 January 2016, pursuant to section 22 of the Prevention of Corruption Act, which also provides that such an acting appointment shall not exceed nine months.

I can assure the House that a substantive Director-General will be appointed in due course.

In regard to part (b) of the question, I am informed by the Ministry of Financial Services, Good Governance and Institutional Reforms that the Financial Crime Commission Bill will be introduced into the National Assembly before the end of the year to provide for the creation of the Financial Crime Commission as an apex body to combat white collar crimes, fraud and financial crimes and more importantly to provide the synergy between the various law enforcement and intelligence gathering agencies.

The opportunity will also be taken to review the existing legislation in relation to corruption, money laundering, terrorist financing and other related legislation so as to make them more responsive to the present and future needs of society.

**Mr Ameer Meea:** Madam Speaker, we all know that the creation of a Financial Crime Commission appears in the Government Programme 2015-2019 and answering to a PNQ of the hon. Leader of the Opposition which dated back to 24 February 2015, that is more than a year, the Rt. hon. Prime Minister stated, and I quote -

“(...) the Minister of Financial Services, Good Governance and Institutional Reforms and the Attorney General are on mission at present in London for, *inter alia*, discussions with the following institutions regarding assistance in the setting-up of the Financial Crime Commission –

- Serious Fraud Office;
- Foreign and Commonwealth Office;
- Financial Conduct Authority, and
- National Crime Agency.”

And also, he added –

“To this end, a new Declaration of Assets Act for MPs and high ranking public officers and a Financing of Political Parties Act will be enacted. A new Code of Conduct will be introduced for all MPs and public officers.”

So, my question to the hon. Prime Minister is: why is it that after more than a year, we did not hear anything in relation to this project although that it has been in February last that the hon. Minister of Financial Services, Good Governance and Institutional Reforms went to London? As I just stated, why is it that now we have to wait for another six months for the setting-up of the Agency?

**The Prime Minister:** Well, it is a fact that they went to London with regard to the necessary....

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, don't interrupt the Rt. hon. Prime Minister, please!

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

Hon. Bhagwan, I am addressing myself to you! Please, don't interrupt the Rt. hon. Prime Minister!

*(Interruptions)*

Hon. Bhagwan, I have asked you not to interrupt! That's the last time I am drawing your attention to this.

**The Prime Minister:** He is not Bhagwan! He is bad one ...

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan!

*(Interruptions)*

Hon. Bhagwan, please!

**Mr Bérenger:** Madam Speaker, what is unacceptable, he is playing with the names of hon. Members! Instead of correcting the Rt. hon. Prime Minister, you correct the Member. *Enfin!*

**Madam Speaker:** No, hon. Leader of the Opposition, there are certain things that are acceptable and there are things which are not acceptable. I have been drawing the attention of hon. Bhagwan several times to remain silent and I have been very patient. Several times...

*(Interruptions)*

Hon. Bhagwan, when I am on my feet, you remain silent! You know the Standing Orders and you know that you have to remain silent!

*(Interruptions)*

This is the last time I am drawing your attention to this. Please proceed Rt. hon. Prime Minister!

**The Prime Minister:** It is a matter of pronunciation!

*(Interruptions)*

**Madam Speaker:** Rt. hon. Prime Minister, please proceed with your reply!

*(Interruptions)*

Please, proceed with your reply!

**The Prime Minister:** What was the question?

*(Interruptions)*

**Madam Speaker:** No interruption, please!

*(Interruptions)*

Can we have some silence in the House while the Rt. hon. Prime Minister is replying to his question!

*(Interruptions)*

**The Prime Minister:** No, they got me confused!

The Good Governance and Integrity Reporting Bill has already been passed. As I mentioned, in my reply, the other laws are being prepared and if we want to bring good law, it takes time. We take all precautions and that is why it takes time.

**Mr Ameer Meea:** Referring again to the PNQ of the hon. Leader of the Opposition, the Rt. hon. Prime Minister stated –

“The Financial Crime Commission will be set up as an umbrella organisation to oversee the operations of a revised and enhanced ICAC model, the FIU and Asset Recovery Unit (...).”

Therefore, can I ask the Rt. hon. Prime Minister whether this Financial Crime Commission will be under the aegis of the Minister of Financial Services, Good Governance and Institutional Reforms or will it be under the aegis of the Prime Minister’s Office?

**The Prime Minister:** Madam Speaker, it is hardly 18 months since this Government is in power and I consider we have done a lot more than what the previous Government was not able to do during 10 years. So, I appeal to hon. Members to have patience.

*(Interruptions)*

That’s your question, it is the answer.

**Mr Ameer Meea:** Under which aegis this new body will be? Will it be under the PMO or under the Ministry of Financial Services, Good Governance and Institutional Reforms?

*(Interruptions)*

**Madam Speaker:** The Rt. hon. Prime Minister has already replied.

*(Interruptions)*

Hon. Ameer Meea, next question!

### **DRAIN WORKS – IMPLEMENTATION**

**(No. B/509) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the provision of Rs1.3 billion for the implementation of priority drain works across the island, as announced in the last Budget Speech, he will -

- (a) give a list of the drain works projects earmarked thereunder, indicating the projects which –
  - (i) have been completed;
  - (ii) are in progress, and
  - (iii) are awaiting implementation, indicating in each case the regions concerned therewith, and
- (b) amount of funds disbursed therefrom and the amount thereof presently available.

**The Prime Minister:** Madam Speaker, I am informed by the NDU that the sum of Rs1.3 billion which was provided in the Budget 2015-2016 was meant for –

- (i) clearing of outstanding debts amounting to Rs1.040 billion accumulated under the previous Government, and
- (ii) a sum of Rs300 m. for new projects.

In this respect, I am tabling the list of drain projects constituency-wise which the NDU has identified for implementation during the current Financial Year. The drain projects comprise both short-term and long-term measures.

It is to be noted that certain drain projects are being implemented under Works Orders following surveys and designs carried out by the NDU staff. On the other hand, projects of greater complexity have been entrusted to consultants for relevant studies and design prior to award of works contracts. The estimated cost of same are expected to be above Rs600 m.



These comprise major drain projects at, *inter alia*, Fond du Sac, Camp Carol (Grand'Baie), Pereybere, Argy, Clemencia, Lesur, St Remy, as well as in Rodrigues.

Madam Speaker, the amount disbursed as at date by the NDU in respect of clearing of outstanding debts pertaining to drains amounts to Rs448.28 m. The remaining sum, if not utilised by the end of this Financial Year, will be carried forward in the next Budget for the clearing of further payments pertaining to drain projects prior to January 2015 as well as Consultancy fees for same.

As regards new projects, payments will be effected during this Financial Year for projects already completed.

It is to be noted that the NDU has issued as at date Works Orders for a total amount of Rs90,894,908.39.

In respect of payment to consultants, same will be met from amount earmarked for new projects as and when the Consultants will submit their claims.

**Mr Ameer Meea:** Madam Speaker, in the last Budget, it was never announced that Rs1.3 billion would be used for payment of debt in relation to NDU. It was announced that Rs1.3 billion would be used for priority drain works across the island and this was announced in the last Budget. But since the Rt. hon. Prime Minister stated to the House that Rs1 billion has been used to repay debt, may we have a list of projects constituency-wise that this Rs1 billion has been used to repay the debt?

**The Prime Minister:** Well, we will have a list and will table it.

**Mr Ganoo:** Can I ask the Rt. hon. Prime Minister, with regard to the list of drains that he has just indicated to the House, on what criteria does the NDU decide upon the list? Because I see all the drains in the North or in the East of the country, none in the South. Can I ask the Rt. hon. Prime Minister to see to it that the NDU also takes care of the priorities which have been sent to the NDU with regard to major and urgent drains in the South, for example, in Bel Ombre and Chamouny which have been creating a lot of havoc during flood periods, please?

**The Prime Minister:** Urgent works have been carried out under the previous Government and they have proved to be useless. So, we want to do serious works that will be useful and secure for the people all over the island.

**Mr Uteem:** Madam Speaker, I have not seen the list tabled by the Rt. hon. Prime Minister, but for Port Louis we are traumatised following the death of the people that occurred during the flash floods. The former Government has started a schedule of work which has been stopped since January 2015. Rightly or wrongly, I do not know! But I would ask the Rt. hon. Prime Minister to ask the NDU to have a look into those flood-prone areas of Port Louis and whatever projects that have been started be carried out, and if new projects have to be identified so that there are no more victims in the next flash floods.

**The Prime Minister:** Well, I said that under the previous Government many contracts, works have not been carried out and we were left with a debt which we have to satisfy. Now, we have to reorganise things and certainly we will do the needful, as I said, for the whole island and not only for Port Louis or one or two places. But, of course, we will give priority to places which are more risky and where floods do more harm to the inhabitants.

#### **GRNW – DRUGS DEALINGS - POLICE PATROLS**

**(No. B/510) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures that are being taken to stop the proliferation thereof in Constituency No. 1, Grand River North West and Port Louis West, indicating if consideration will be given for an increase in Police patrols in the areas where drugs dealings are more common.

**The Prime Minister:** Madam Speaker, I am informed by the Commissioner of Police that in the year 2015, 128 cases of dangerous drugs have been detected by Police in Constituency No. 1, Grand River North West and Port Louis West, whilst from January 2016 to date, there have been 42 such cases.

I am further informed that mobile patrols are being maintained by personnel of ADSU, ERS and Divisional Support Unit, by day and night. Special attention is being given to increasing the frequency of such patrols at locations deemed to be hotspots.

Madam Speaker, in its resolve to relentlessly fight the drug scourge and all its ramifications, the Police is implementing a series of additional measures, throughout the island, as follows -

- (i) daily operations to locate and uproot cannabis plants in collaboration with the Police Helicopter Squadron;
- (ii) posting of officers at specific locations at airport, seaport and Postal Services for the systematic checking of luggages and parcels;
- (iii) launching of intelligence-led operations known as “Knock & Roar” aimed at checking and questioning of habitual criminals and notorious characters frequently engaged in unlawful drug activities;
- (iv) regular checking of premises where huge amount of drugs was previously seized;
- (v) vehicle check points and road block exercises are being jointly carried out with ADSU, SMF and SSU personnel by day and night;
- (vi) regular talks and programs on the media;
- (vii) partnering with the community and civic groups, professional associations, government agencies and other non-governmental organisations for prevention of substance abuse, and
- (viii) establishment of a platform for informers to share information on drug dealers.

**Mr Armance:** Is the Rt. hon. Prime Minister aware that in order to support the drug addiction, we have noted an increase in criminal activities and larceny in the region? Will Government amend the Dangerous Drug Act and Criminal Code Act so as to strengthen penalties related thereof?

**The Prime Minister:** Well, as I have said in my answer, the Police have taken so many steps and we are trying to do our best to fight this drug scourge because we know that this leads to many criminal activities.

**Mr Baloomoody:** Madam Speaker, it is a fact that there is a proliferation of drugs in Constituency No. 1 and it is also a fact that the Police Stations, be it at Bain des Dames, La Tour Koenig or Petite Rivière, they are undermanned; they concentrate mostly on other crimes. So, will the Rt. hon. Prime Minister see to it with the Commissioner of Police that we have a sub-office of ADSU in that region?

**The Prime Minister:** Well, this is not the only place where they circulated. There are many other spots and who will do that? We need people in the Police Force. We have to

recruit more people, which means, we have to spend more. Who will pay for all that? Consumers! And then you will come and complain that we are fleecing the consumers!

**Madam Speaker:** Time is over! The Table has been advised that PQ No. B/541 in regard to the ratification of the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* (OHADA) Treaty and PQ No. B/560 in regard to the implementation of the recommendations of the Judiciary for the setting up of a dedicated Land Tribunal will now be replied by the hon. Attorney-General.

### **PEREYBERE & LA CUVETTE BEACHES - TUCK SHOPS**

**(No. B/514) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the tuck shops at the Pereybere and at the La Cuvette beaches respectively, he will, for the benefit of the House, obtain from the Beach Authority, information as to the –

- (a) amount of revenue generated therefrom in each case during the current year and the total amount due on claims;
- (b) number thereof which are presently unoccupied, indicating the reasons therefor, and
- (c) procedures followed for the allocation of the vacant spaces thereof.

**Mr Wong Yen Cheong:** Madam Speaker, with regard to part (a) of the question, I am informed that for the current financial year, revenue generated for renting of tuck shops at La Cuvette public beach amounts to Rs238,198. With regard to public beach at Pereybere, the tuck shops have been unoccupied so far and hence, no revenue has been generated.

I am also informed that an amount of Rs15,730 (including surcharge) is due for the months of May and June 2016 for only one tuck shop at La Cuvette.

With regard to part (b) of the question, I am informed that presently all the six tuck shops at La Cuvette public beach are occupied. All the four tuck shops at Pereybere public beach were vacant so far as tender exercises carried out twice during the year were not conclusive. However, following an open tender exercise in April 2016, the Authority has been able to allocate the four tuck shops on 18 May 2016 to four different bidders. The lease agreements are in the process of being signed for eventual occupation.

With respect to part (c) of the question, I am informed that the Beach Authority has recourse to open tender procedures for the allocation of tuck shops where a major condition is that only one tuck shop per bidder per region will be allocated.

**Mr Rughoobur:** May I know from the hon. Minister if apart from these tuck shops which have already been allocated at La Cuvette public beach, there are other tuck shops that are being sublet and if this is in order?

**Mr Wong Yen Cheong:** As far as we know, the tuck shops are not sublet. There are crackdowns that are often carried out on different issues, but we are not informed that they are sublet.

**Mr Rughoobur:** Madam Speaker, as per the procedures, I understand that these tuck shops are not allowed to sell alcohol. But I myself have personally been at La Cuvette and I have witnessed that alcoholic drinks are being sold at these tuck shops. May I request the hon. Minister to see with the Beach Authority that this is not so?

**Mr Wong Yen Cheong:** Madam Speaker, as I have said, during crackdowns, I am informed that the *Police de l'Environnement* with the enforcement officers jointly with MRA, health officers and the Police, that one lessee was contravened at La Cuvette and prosecutions are on-going by the Police.

#### **GRAND'BAIE DISPENSARY - RENOVATION**

**(No. B/515) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Health and Quality of Life whether, in regard to the Project for the Renovation of the Grand Bay Dispensary, he will state –

- (a) if the Ministry of Public Infrastructure and Land Transport has carried out a survey prior to the implementation thereof;
- (b) the estimated cost thereof, and
- (c) if consideration will be given for the urgent implementation thereof by the district contractors appointed for the region.

**Mr Gayan:** Madam Speaker, at present, the Community Health Centre at Grand Bay is accommodated in an old building on a plot of land of 952 m<sup>2</sup> and dates back to 1955.

The Ministry of Public Infrastructure and Land Transport carried out a survey of the site accommodating the said Grand Bay Community Health Centre on 09 July 2015. It was

found that the building was in a very poor state with major structural damage. It was recommended that the building be pulled down and a new one constructed either on the same or on a new one. Renovation was therefore not considered.

My Ministry will consider the construction of a new CHC on the same site as soon as the arrangements are made to provide the same services on alternative sites.

As regards parts (b) and (c) of the question, the issues do not arise.

**Madam Speaker:** Hon. Rughoobur, do you have a question?

**Mr Rughoobur:** Thank you, Madam Speaker. May I know from the hon. Minister, since the site is in such a deplorable state, have necessary measures been taken to ensure that health and safety norms are strictly complied with?

**Mr Gayan:** As I just said, Madam Speaker, the building is in a poor state, this is why we are looking for an alternative accommodation to locate the services; to pull this one down and to build a new one.

**Madam Speaker:** Hon. Dr. Joomaye!

**Dr. Joomaye:** Thank you, Madam Speaker. Grand Bay being a highly touristic area, it is very strategic in our tourism industry and touristic activities practised there comprise dangerous sports like kite surfing and diving. I would like to ask the hon. Minister if he is not contemplating to extend the services of that dispensary into the services of a Mediclinic to be able to give emergency treatment to tourists and Mauritians who have been in situations like near drowning, having stone fish biting and other situations like that. Even if the criteria for transforming the dispensary into a Mediclinic is not meant by attendance, I would like to ask him if he is not contemplating to transform this into a Mediclinic?

**Madam Speaker:** You have made your point!

**Mr Gayan:** We can certainly look into that. But I must say that Grand Bay is a very built up area and it is not easy to find land to put up that kind of structure but we will look into it.

**Madam Speaker:** Next question, hon. Rughoobur!

#### **ST ANTOINE SUGAR ESTATE - MARKET FAIR - GOODLANDS**

**(No. B/516) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Local Government whether, in regard to the transfer of the ten acres of

land donated by the owners of the former St Antoine Sugar Estate for the construction of a market fair in Goodlands, he will state where matters stand.

**Dr. Husnoo:** Madam Speaker, I am informed by the District Council of Rivière du Rempart that the Compagnie Sucrière de St Antoine Ltée has, in fact, expressed its willingness to vest a portion of land of the extent of 4.22 hectares near the VIP Complex, Goodlands in the Council for the construction of a new market fair.

I am informed that the Council has already started preliminary consultations with the different stakeholders namely the Ministry of Health and Quality Life, the Ministry of Public Infrastructure and Land Transport, RDA, TMRSU, NTA with a view to confirming the suitability of the proposed site. I also understand that a Committee has been set up by the Parliamentary Private Secretary, hon. Ramkaun and comprising elected Members of Constituency No. 6 since September 2015 to closely monitor this project. The Ministry of Public Infrastructure and Land Transport has also been requested to propose a preliminary design of the market.

The House may wish to note that the procedures for the transfer of ownership of the land to the Council will be initiated once it will be confirmed that the proposed site is suitable for the project.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Yes, thank you, Madam Speaker. A sum of Rs80 m. has already been voted for the project, may I just request the hon. Minister to ensure that once all the approvals have been obtained in the weeks to come, the funds are there even in the following budget so that we can proceed with the implementation of the project? Thank you.

**Dr. Husnoo:** As I have mentioned, Madam Speaker, there was some query about the distance. I think the market is a bit too far from the inhabited area. We are looking into it. Obviously, if it's appropriate, we will have to look for the fund. Thank you.

**Madam Speaker:** Next question, hon. Fowdar!

## **INFORMATION AND COMMUNICATION TECHNOLOGY SKILLS DEVELOPMENT PROGRAMME - FUND**

**(No. B/517) Mr S. Fowdar (Third Member for Grand'Baie & Poudre d'Or)** asked the Minister of Technology, Communication and Innovation whether, in regard to the

Information Communication Technology Skills Development Programme, he will state where matters stand as to the implementation thereof, indicating –

- (a) the number of unemployed who have applied therefor and the number thereof who have been enrolled;
- (b) the duration of the courses;
- (c) if a stipend is or will be paid to the trainees, and
- (d) when the first batch of trainees will complete training.

**Mr Sinatambou:** Madam Speaker, in its endeavour to address the problem of shortage of skilled manpower in the ICT/BPO sector, the present Government allocated a budget of Rs50 m. to my Ministry for the first time, in June 2015 under the heading “Training and Capacity Building”.

It is under this heading of “Training and Capacity Building” that the Information and Communication Technology Skills Development Programme is currently being funded. The objectives of the Information and Communication Technology Skills Development Programme are to address the growing demand of manpower in the ICT/BPO sector and to increase the employability opportunities of unemployed persons aged 16 and above.

In reply to part (a) of the question, I am informed that 2500 unemployed have registered on the Information and Communication Technology Skills Development Programme database during the period January 2015 to date, out of whom, 903 have been selected by different ICT/BPO companies and have been given training and placement. It is opportune to add here, Madam Speaker, that Government has already paid out a sum of Rs36.6 m. representing a refund of 50% of the training and placement for the period January 2015 to date. I am, however, informed that the whole sum of Rs50 m. will be exhausted by the end of the financial year.

In reply to part (b) of the question, the duration of the training varies from one month to three months. However, the training is followed by a job-related placement of up to an overall scheme duration of 12 months in the company inclusive of the course duration. That placement may be extended by an additional period of 12 months in a different company.

In reply to part (c), of the question, trainees holding an SC, HSC or Diploma are paid a stipend of up to Rs8000 per month whereas degree holders are paid a stipend of up to Rs15,000 monthly.



Madam Speaker, as regards part (d) of the question, the House may note that the trainees were enrolled in monthly batches starting January 2015 and have completed their training and placement after the subsequent period of 12 months. In other words, the first batch of trainees, which were enrolled in January 2015, completed their placement in December 2015.

It is worthwhile to note, that as per the programme, the companies are required to sign a commitment to recruit at least 50% of the number of trainees enrolled at the end of their placement.

**Mr Fowdar:** Can I ask the hon. Minister whether he has carried out a tracer study to see whether the trainees have been recruited in the sectors they have wished to be recruited?

**Mr Sinatambou:** As regards the Information and Communication Technology Skills Development Programme, already there is this commitment by the employers who take those trainees to recruit at least 50%. In addition to that, I have put the question myself to know how many of those trainees who have completed their placement have been recruited. Now, the officials concerned don't have the exact figure but I have been told that out of 422 trainees who have completed their placement, about 300 have been recruited. As for the 122 remaining, I put the question what has happened: I am told that more often than not, while being on placement or just thereafter, they've got other work because the sector has a very high turnover. So, they will have got another place to work where they will be earning more than what they will in the existing company.

**Madam Speaker:** Hon. Fowdar!

**Mr Fowdar:** Thank you, Madam Speaker. With regard to the success of the programme, will the hon. Minister inform the House whether he envisages seeking more funds from the Ministry of Finance for the next batch?

**Mr Sinatambou:** Well, I would like perhaps to ...

*(Interruptions)*

I was myself impressed that Rs50 m. had been made available for this training scheme. However, I was a bit puzzled when I was told that there were 2,500 people who had actually applied to be on the scheme out of whom only 903 have actually gone on placement, and those 903 are likely to exhaust the Rs50 m. So, I can appreciate that there is a need for people to be employed, but there is also a limit to the amount of money that we can actually obtain. I

don't think that just asking more is a solution, because we need to have the money and already we all know of the disastrous economic situation we inherited.

**Madam Speaker:** Next question, hon. Fowdar!

**FINANCIAL SERVICES COMMISSION - SURVEILLANCE SECTION - REVIEW**

**(No. B/518) Mr S. Fowdar (Third Member for Grand' Baie & Poudre d'Or)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Financial Services Commission, he will, for the benefit of the House, obtain therefrom, information as to if consideration will be given for a review of the staffing and of the functioning of the Surveillance Section thereof.

**Mr Bhadain:** Madam Speaker, I am informed that the FSC has conducted a review of its current operational structure including its Surveillance Section.

Madam Speaker, to reinforce itself as a robust regulator for the nonbanking financial services sector in line with technological developments in risk-based surveillance and inspections and new financial services offerings, the Board of the FSC has already taken the following steps -

- (i) on 28 April 2016, the Board of the FSC approved a new organisational structure with the establishment of four key directorates, that is, licensing, supervision, financial stability and legal and enforcement to address the following objectives -
  - (i) enable effective and efficient delivery of the statutory objectives of the Financial Services Commission;
  - (ii) provide a fit for purpose structure to facilitate prompt and correct decision-making in line with international best practices;
  - (iii) provide for clear reporting lines and accountability at different levels of the organisation;
  - (iv) enable effective and efficient management through identified directorates, divisions and clusters, and
  - (v) prepare the organisation to deal with the introduction of new sophisticated service offerings as well as aligned to international best practices on risk-based surveillance and inspections.

- (ii) I am informed that an internal resource allocation exercise is currently being conducted by the FSC to fit the staffing requirements of a new organisational structure which will also address competency mismatch within existing directorates and their respective clusters;
- (iii) the Board of the FSC has appointed an independent external consultant, BCA Consulting Ltd., represented by Mr Bijay Kumar Appanah, to assist the FSC in conducting a review of salary and terms and conditions of employment in light of the new organisational structure that is being put in place. The independent consultant has also been assigned the task to assist the FSC in defining key performance indicators by directorates, clusters and individual staff levels to promote a result-based oriented organisation.

Madam Speaker, I am informed that the Board will address promptly the recommendations of the independent consultant which will be submitted to the FSC in August this year.

I am also informed that since June 2015 with the operational and structural enhancement which has been made, the FSC has already improved its surveillance and enforcement activities. In fact, Madam Speaker, 77 enforcement actions were taken in 2015 as compared to only 49 in 2014 which represents a 57% increase in enforcement actions. Our aim, Madam Speaker, is to make the FSC a robust regulator and supervisory body and turn Mauritius into a clean and transparent platform for global business activities in this part of the world.

**Madam Speaker:** Yes, hon. Fowdar!

**Mr Fowdar:** Madam Speaker, can I ask the hon. Minister whether, following the recent discovery of the Ponzi schemes, there have been any sanctions within the FSC?

**Mr Bhadain:** Well, as the hon. Member is aware, the Chairperson and the CEO of the FSC, the previous ones are no longer there, they have been replaced because we believe that we needed to have people who were going to come and re-look at what has happened in the light of all these events and then bring the changes, and these changes are being brought.

We are also looking into introducing measures to prevent such Ponzi schemes from happening again in Mauritius, but that will also require legislative changes and as the Rt. hon. Prime Minister has mentioned, this is also something which will be looked at by the Financial Crime Commission when it will be set up.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, I think the hon. Minister has made reference to the Board. Can he inform the House or table an updated list of the composition of the Board, the Chairperson, Vice-Chairperson and all the members and their terms and conditions of employment?

**Mr Bhadain:** Well, I think if the hon. Member goes on the Internet and the website of the FSC, he will see the composition of the Board which is there. This is what the note says, it is available on the website and it will also be available in the Annual Report of the FSC.

**Madam Speaker:** Hon. Fowdar!

**Mr Fowdar:** Madam Speaker, can I insist on the Minister because I feel the Ponzi scheme was not discovered by the Chairman and the Director, but the Surveillance Department is very much responsible for that, whether there has been sanction within the Surveillance Department?

**Mr Bhadain:** No. Madam Speaker, I am not going to go and explain what happened in the BAI scandal and how the regulator had failed under the previous regime, but there were reports which were issued by the Surveillance Department and the enforcement team to the Board and the Board failed to take actions on those reports. Had those reports been looked at and acted upon, this whole scandal would have already exploded prior to 2014.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Madam Speaker, the hon. Minister has mentioned that sanction has been taken and the Chief Executive Officer has been sacked. So, may I know, it has been more than one year now, when will the Financial Services Commission have a full-fledged Chief Executive Officer?

**Mr Bhadain:** Madam Speaker, the previous Chief Executive was not sacked. Her contract came to an end and it was not renewed, there is a difference. She is a professional and she has worked, okay, fair enough! Some decisions were bad, but she is a professional after all. Now, having said that, there is a famous saying in English 'if it is not broken, don't fix it.' The FSC is working well.

**Madam Speaker:** Next question, hon. Quirin!

*(Interruptions)*

Order!

### **RIO OLYMPIC GAMES 2016 - ZIKA VIRUS – MAURITIAN DELEGATION**

**(No. B/519) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Zika virus which is fast spreading in Brazil, he will state the precautionary measures being taken by his Ministry in relation to the members of the Mauritian delegation who will be participating in the forthcoming Rio Olympic Games.

**Mr Sawmynaden:** Madam Speaker, the World Health Organisation and the Medical and Scientific Department of the International Olympic Committee have both issued a Public Health Advice regarding the Zika virus for all those who will participate in the 2016 Rio Olympic Games.

The Mauritius Olympic Committee, which is responsible for the coordination and participation of Mauritius in the Olympic Games 2016, my Ministry and the Ministry of Health and Quality of Life are working in close collaboration in order to ensure that all necessary measures are taken to protect members of our delegation from this virus.

Over and above, mosquito nets and mosquito repellents being provided by the Mauritius Olympic Committee, an appropriate correspondence regarding health advice has been issued to all athletes and officials forming part of the delegation which will proceed to Rio.

**Madam Speaker:** Hon. Leader of the Opposition!

**Mr Bérenger:** Can I ask the hon. Minister, since he has referred in a knowledgeable way to the delegation that will represent Mauritius, this Zika problem, as at now, how many officials and athletes will be travelling to Rio de Janeiro for that event?

**Mr Sawmynaden:** At the moment, I can say the number of athletes that are qualified is eight, but approximately, it will be around 40 to 50 with more athletes being qualified.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Madame la présidente, j'ai bien écouté la réponse du ministre qui veut se montrer rassurant, ce qui est bien, mais a-t-il pris connaissance de l'avertissement des quelques 150 scientifiques et experts qui ont écrit à l'organisation mondiale de la santé et ils insistent que ce virus représente un vrai danger pour la santé publique et demande à ce que les jeux olympiques soient déplacés?

**Mr Sawmynaden:** Actually, we are going according to the International Olympic Committee. So, under the World Health Organisation actually it is up to them to decide whether the games will be postponed or not. But at the moment, there is no reason why the games will be postponed.

**Madam Speaker:** Yes, hon. Quirin!

**Mr Quirin:** Peut-on savoir comment le ministère de la jeunesse et des sports et le comité olympique procèdent actuellement pour conscientiser les membres de la délégation mauricienne qui seront à Rio par rapport au réel danger, encore une fois je le dis, que représente ce virus Zika?

**Mr Sawmynaden:** I have just answered to that question. I mean the Olympic Committee in my Ministry is working in close collaboration and together with the Medical Sports Unit, we are talking to all the athletes and we are giving them all the precautions and measures as well as all the repellents that they need so that they are not affected by the virus.

**Madam Speaker:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Thank you, Madam Speaker. It is a well-known fact that the Zika virus affects the foetus of a pregnant woman. May we know, in the delegation, how many pregnant women there are?

*(Interruptions)*

Because we should not blow this case of Zika virus out of proportion. It affects the foetus and the question does not arise as such for being infected with Zika virus for other persons. It just affects the foetus and so I think we are blowing out of proportion of this Zika virus in Mauritius.

**Mr Sawmynaden:** I have taken note of the comments of the hon. Member.

**Madam Speaker:** Hon. Dr. Joomaye, you have a question?

**Dr. Joomaye:** Thank you, Madam Speaker. I would like to ask the hon. Minister if he has checked with his colleague from the Ministry of Health and Quality of Life if the appropriate reagents are available to diagnose an infection by Zika virus in the central lab of the hospital.

**Mr Sawmynaden:** As mentioned, we are working in close collaboration with the Ministry of Health and Quality of Life. Definitely, we will take all the necessary measures so that we are not infected in Mauritius.

**Madam Speaker:** Last question, hon. Quirin!

**Mr Quirin:** Peut-on savoir quelles seront les dispositions qui seront prises au retour de la délégation à Maurice afin d'éviter que ce virus se propage ici à Maurice?

**Mr Sawmynaden:** This is what I just answered from the question of the hon. Member that we are working in collaboration with the Ministry of Health and Quality of Life and definitely we will have all the blood testing and all the sample tests done when they arrive.

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn – PQs B/524, B/550, B/551, B/552. I suspend the sitting for one and a half hours.

*At 12.59 p.m. the sitting was suspended.*

*On resuming at 2.33 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Quirin!

#### **HIGH LEVEL FOOTBALL ACADEMY – SETTING UP**

**(No. B/520) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the proposed setting up of a High Level Football Academy by his Ministry, he will state where matters stand.

**Mr Sawmynaden:** Madam Speaker, I wish to refer the hon. Member to the replies I made to PQ B/164 and B/906. A draft MoU from a famous football Club in Europe has been passed on to the MFA and once we receive the green light from them, we shall be in a position to sign same and start the Academy shortly.

**Mr Quirin:** Madame la présidente, peut-on savoir quel est ce *famous club* dont l'honorable ministre vient de nous informer et avec qui on a un *Memorandum of Understanding*?

**Mr Sawmynaden:** I will just ask the hon. Member to be patient. He will get the answer soon.

**Mr Quirin:** Madame la présidente, je ne suis pas en train de plaisanter et ce n'est pas la première fois que j'ai une question sur ce dossier. La première fois, l'honorable ministre doit bien s'en souvenir, c'était en mars 2015; une deuxième fois, en novembre de la même année

et là nous sommes en juin 2016, quinze mois après et on a l'impression qu'il n'y a rien de sérieux qui est fait. Si l'honorable ministre considère que c'est un dossier, un sujet fictif, c'est à lui de nous le dire mais on ne peut pas revenir, à chaque fois, en sollicitant des informations. La dernière fois il ne pouvait pas déposer les copies des correspondances des courriers échangés entre les clubs concernés et son ministère ou autre. Madame la présidente, je souhaiterai cette fois-ci qu'on ait une réponse claire et nette.

**Mr Sawmynaden:** Madame la présidente, the idea to set up a football Academy was a programme of this Government, I mean when we won the Elections which was not even in the Manifesto of his party at that time. So, it is our baby. We want to do something, but we need to do it properly. Madam Speaker, let me reassure the hon. Member, despite that the baby takes nine months, this is an elephant.

*(Interruptions)*

Madam Speaker, we are not just sitting down and waiting for the Academy to come to get football going in Mauritius. I am glad to announce to this House today that in 2012, Mauritius was ranked 201<sup>st</sup>. Today, Mauritius is ranked 142<sup>nd</sup>. So, we have gained more than 60 places in the FIFA world ranking. We have opened all the *écoles de foot*. We have opened the *Centre National de Formation*. I have been dealing with several clubs. I think that we have got one of the best MoU. Now, I am waiting for the green light of the MFA. Once we get the green light, we'll go ahead. Because for all sports in Mauritius, we need to deal with the Federation; we have to have the green light of the Federation so that we can go ahead. I think now we have reached that turning point and we should materialise soon.

**Mr Ameer Meea:** Madam Speaker, we are not talking about babies. We are talking about public funds. Why this opacity, again, of the name of the club that you are dealing with? What is the reason that you are not giving? As I said, we are talking about public funds.

**Mr Sawmynaden:** Madam Speaker, who talked of public funds? Who talked about money? No one talked about money here! We are just talking about a MoU between a Club and the country. If there are financial funds, then...

*(Interruptions)*

Hon. Ameer Meea, last time I answered the question; because of financial implication, we cannot agree to anyone. So, now, let us finalise, then you will see. Be patient!



**Mr Mohamed:** I pick up where hon. Ameer Meea and hon. Quirin started out. The hon. Minister has not answered the question. What is the legal reasoning for him not to be transparent about the name of the club? Is it simply because there are no views with regard to financial implications or does he not realise that he is accountable to this House for even non-financial implications?

**Mr Sawmynaden:** Let me re-inform the House and the hon. Member that everything needs to go through the Federation. Football is governed in Mauritius by the Mauritius Football Association. If I don't have the green light of the Mauritius Football Association, how can I give the name of the club? I think we should have some respect for the Federation, and today, we are working in close collaboration. Once they give the green light, we will give the name.

**Madam Speaker:** Next question, hon. Quirin!

#### **YOUTH CENTRES – CIVIC EDUCATION PROGRAMMES**

**(No. B/521) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the youth, he will state if his Ministry has arranged for Civic Education Programmes to be carried out in all the Youth Centres and, if so, give details thereof and, if not, why not.

**Mr Sawmynaden:** Madam Speaker, I would like to inform the hon. Member that Civic Education is one of the main components of the wide range of youth training programmes like the National Youth Volunteer Scheme, Duke of Edinburgh's International Award, Life Skills Programme, to mention a few, already being carried out by my Ministry for the youth across the country.

The Civic Education Programme comprises –

- Training and sensitisation in Human Values;
- Youth Leadership;
- Sensitisation on crime prevention and patriotism;
- Prevention of substance abuse;
- The green initiatives - Environment protection;
- Training in Human Rights, and
- Cross cultural interactive workshops.

For the period January 2016 to May 2016, a total of 4,500 young have already undergone training and by the end of 2016 we are expecting to reach a total of 15,000 youth.

Madam Speaker, I also wish to inform the House that my Ministry is presently working on the revamping of the Youth Sector and is, as well, finalising the National Youth Policy with a view to meeting the present day requirements of our youth and preparing a more positive and responsible youth for the future.

**Mr Quirin:** Madame la présidente, peut-on savoir où et quand ont été organisés ces cours de civisme ?

**Mr Sawmynaden:** In all the youth centres of Mauritius.

**Mr Quirin:** Peut-on avoir les dates et lieux quand les cours ont été dispensés ?

**Mr Sawmynaden:** I cannot give the date now, but it is ongoing. Every weekend, we are having several activities and the *lieux* are the youth centres.

**Mr Quirin:** Est-ce que l'honorable ministre peut déposer une liste des dates et des lieux, les noms des centres de jeunesse où ces cours ont été dispensés durant ces six derniers mois ?

**Mr Sawmynaden:** I can give the list of the youth centres, now whether I need to give attendance of all the youth, I don't know.

**Madam Speaker:** Next question, hon. Uteem!

### CSR - CONTRIBUTIONS

(No. B/522) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Finance and Economic Development whether, in regard to the Corporate Social Responsibility, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the amount of contributions thereof remitted by companies thereto in respect of the years 2014 and 2015 respectively, indicating the use that has been made thereof, including the amount thereof which has been remitted to Non-Government Organisations, if any.

**Mr Jugnauth:** Madam Speaker, I am informed by the Mauritius Revenue Authority that the amount of unspent CSR funds remitted to MRA was Rs145 m. in 2014 and Rs129 m. in 2015.

All funds collected by the MRA, including those unspent CSR monies remitted by companies are, in accordance with the law, transferred to the Consolidated Fund, from which both recurrent and capital expenditure of Government are met. These include support to Poverty Alleviation Programmes and NGOs.

**Mr Uteem:** May I know from the hon. Minister the actual figure that has been disbursed from this Fund and remitted to the General Fund? So, from this Fund, what is the amount that has been disbursed to NGOs?

**Mr Jugnauth:** Well, the amount goes to the Consolidated Fund. So, there is no specific amount that is earmarked for NGOs. The amount that is being spent for different Ministries, that will cater for the same objectives as CSR, comes from the Consolidated Fund.

**Mr Uteem:** The reason for this question, Madam Speaker, is that we know that money has been taken out of the Consolidated Fund, especially for the Lovebridge Project. So, my question is very specific: in addition to Lovebridge Project, has any fund been taken out of the Consolidated Fund and given to any NGO to carry out the CSR activities?

**Mr Jugnauth:** Well, the Lovebridge Project was a specific project that was mentioned in the Budget, whereas these funds are funds which are not used by the companies for their own CSRs and that, by law, have to be remitted to the MRA and it goes to the Consolidated Fund.

**Mr Uteem:** Being given that these funds are supposed to be for CSR purposes by private companies, and which are not spent, they go to the MRA, would the hon. Minister consider earmarking those funds and giving them to either the National Empowerment Foundation or another socially oriented organisation or NGOs so that this money, whose aim is to help Social Corporate Responsibility, goes to the NGOs?

**Mr Jugnauth:** Well, let me remind the hon. Member that, for example, the Ministry of Social Security, National Solidarity and Reform Institutions, funds are earmarked from the Consolidated Fund to that Ministry for programmes like NGO Trust Fund, around Rs15 m.; MACOSS: Rs100 m.; Ministry of Gender Equality and Child Development and Family Welfare, there are special collaborative programmes, there are transfers to NGOs...

*(Interruptions)*

The Opposition is saying: 'Ah'. But these are...

*(Interruptions)*

**Madam Speaker:** Order!

**Mr Jugnauth:** These are objects which are, in fact, the same as that have been defined for CSRs and, therefore, it is not like a Fund which is going to the Consolidated Fund that has to be earmarked specifically for that; because the law is like that, it goes to the Consolidated Fund.

**Mr Bérenger:** Not at all! It is not in the law at all. Not at all! Under the previous Government, the funds that went to the MRA because those funds have not been spent on CSR Projects, were kept by the MRA for a long time. There is nothing in the law which says that all the money unspent on CSR must be transferred to the Consolidated Fund. If yes, tell me where? Am I to understand that there are no funds left at the MRA in reference to unspent CSR money, that all have been transferred to the Consolidated Fund and if, yes, how much?

**Mr Jugnauth:** Well, this is what I have been informed, Madam Speaker. I have given it in my answer. I repeat again that the MRA has collected an amount of Rs145 m. for 2014 and Rs129 m. for 2015 which have gone to the Consolidated Fund completely.

**Mr Bérenger:** Can I know from the hon. Minister, clearly - and I don't blame him, he is freshly back in the Ministry and this CSR mess is with us – whether the CSR Committee and the CSR guidelines that were abolished by the former Minister of Finance and Economic Development in the Finance Bill, last year, are still functioning?

**Mr Jugnauth:** Well, I suppose the Committee is still in place, but I don't believe that they are operating in the same way as before because before they were the ones who would assess all the requests that would come to them to see to it that the money that is being spent would be according to the guidelines that have been specified. Again, I have to get the information. I believe now they are doing some kind of PR exercise maybe to advise those companies about the NGOs.

**Mr Bérenger:** If you would allow me, Madam Speaker. The hon. Minister is fresh back in the Ministry. It is a very complicated and messy situation, but it is urgent. I am sure the hon. Minister must know there are NGOs dealing with vital issues like children welfare, handicapped children. All sorts of NGOs are running out of funds. It is a total mess. Although, I agree that he needs time as it is a very complicated subject, but can I ask the Minister of Finance whether he will look at that file urgently before Budget so that these NGOs are not let dry where they are.

**Mr Jugnauth:** Yes. In fact, questions have been answered by the Rt. hon. Prime Minister that the matter is being reviewed already. Of course, I am also going to review this issue.

**THE VALE - SOCIÉTÉ GAMA - STATE LAND LEASE**

**(No. B/523) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the State land leased to Société GaMa in the Vale, he will state if Government has resumed possession of any part thereof and, if so, indicate the –

- (a) reasons therefor, and
- (b) cost incurred by Government in relation thereto, if any.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, Société GaMa holds an industrial site lease for the period 17 July 2012 to 16 July 2072 over an extent of 1772.76m<sup>2</sup> of *Pas Géométriques* The Vale for the purpose of running a restaurant.

I am informed that the Traffic Management and Road Safety Unit had informed my Ministry that a strip of tarred land forming part of the land leased to Société GaMa was being used by the public as an access road to the restaurant of Société GaMa. It is also being used as a roadside parking or drop off area in the absence of adequate space along the same side of the road.

Madam Speaker, this excised portion of land is also being used as access by the adjoining lessees.

Société GaMa was on 14 August 2013 notified of my Ministry's decision to resume possession of an extent of 92m<sup>2</sup> of land for the creation of an access road.

Accordingly, action is being taken to vest the excised portion of land in the Ministry of Local Government for maintenance by the District Council.

As regards part (b) of the question, no cost has been incurred by Government in terms of compensation to Société GaMa as the Director, Valuation and Real Estate Consultancy Services has informed that there was no significant increase in value of the excised portion of land. With respect to the amendment of the lease held by Société GaMa by the excision of the strip of 92m<sup>2</sup>, an amount of Rs1,450 for registration and stamp duty was borne by Government.

**Mr Uteem:** May I know from the hon. Vice-Prime Minister whether the real reason for excising this plot of land from Société GaMa - the lease - was to favour access to the *campement* of his Société and that of his neighbour.

**Mr Soodhun:** In fact, there is no question of any favour as I mentioned in my answer, but let me inform the hon. Member that he is coming directly to my son's property. I will give him the answer without any hesitation. Société Mohamed Umer Ibne Showkut is not the adjoining neighbour of the Société GaMa. The land of Société Mohamed consists at its end part of an extent of land which borders directly to the main road and thus may be used at any time for direct access to the property meaning it does not require the use of a strip of the land of Société GaMa to have an access. The current access of Société Mohamed Umer Ibne Showkut has been the same one since it was acquired from the previous owners who themselves owned it for years and used it for the same access.

**Mr Uteem:** Madam Speaker, for the guidance of the House, I am going to read extract of a letter which I am going to table and then I would like the hon. Vice-Prime Minister's reaction. I quote –

“As a result of certain constructions effected by Société ...

**Madam Speaker:** Can we know the letter emanates from where?

**Mr Uteem:** Yes, I say I will table it.

“As a result of certain constructions effected by Société Mohamed Umer Ibne Showkut, the access road to the portion of the lease land to the extent of 875 m<sup>2</sup> owned and occupied by Société La Belle Anse has been obstructed as a result of works carried out by Société Mohamed Umer Ibne Showkut. I hereby by this present undertake and irrevocably agree in the name of the partnership Société Mohamed Umer Ibne Showkut to grant a full right of passage and access from the coastal road onto the extent of land owned and occupied by Société La Belle Anse, dated this 17<sup>th</sup> day of February 2014 signed by Mr Showkutally Soodhun.”

So, Madam Speaker, from this letter, it is clear that, as a result of illegal construction by Société Mohamed Umer Ibne Showkut, the access to the road of Société La Belle Anse was blocked and that is the reason why Government today has had to take back this lease.

**Mr Soodhun:** Madam Speaker, I am not the same as the hon. Member killing his own hon. friends sitting next to him. There is an official letter issued to the Senior Chief Executive by the Société GaMa, which voluntary has given to the Government for the access of the...

*(Interruptions)*

As I mentioned, the neighbouring was not Société Mohamed Umer Ibne Showkut, it is La Belle Anse. La Belle Anse, as the hon. Member knows very well is for one of his own colleagues, which I do not want to mention. There is nothing to do. Even La Belle Anse is not involved at all. It has been taken in 2013 and the building was built in 2014. There is nothing of that. The letter, which the hon. Member has read, I would like to say that the hon. Member can produce to the Central CID and make an inquiry about it if it is true what he is telling.

**Mr Uteem:** I will certainly do that because I am suing the Minister for defamation.

**Mr Soodhun:** I invite the hon. Member to do it.

**Mr Uteem:** So, I would like to know - since by February 2014, we know that Société Mohamed Umer Ibne Showkut has done an illegal construction on the lease - how did his Ministry in 2015 grant a new lease to that Société Mohamed Umer Ibne Showkut which is clearly in breach of the terms of the existing lease.

**Mr Soodhun:** No lease has been granted to Société Mohamed Umer Ibne Showkut. The lease has been given in 2011 and not in 2015. The hon. Member can go and check. If he has any information, I invite him to go to ICAC.

**Mr Uteem:** This is incredible. I have a copy of the State of Mauritius Industrial Lease between State of Mauritius represented by Mr Pather on one hand Société Mohamed Umer Ibne Showkut, and it is dated and signed 26 August 2015. So, there is a new industrial lease that was granted last year when Société Mohamed Umer Ibne Showkut has constructed illegally on that plot of land.

**Mr Soodhun:** It is not true to say that because the SCE, Mr Oozeer, left two days after I resumed duty as Minister. When I joined it was in December 2014. How come he has got a letter from Mr Pather? Anyway, let me tell the hon. Member that no lease has been granted. All these documents have been submitted. I am telling the hon. Member that no lease has been granted. I take my sole responsibility as the Vice-Prime Minister, Minister of

Housing and Lands, that no lease has been given to Société Mohamed Umer Ibne Showkut in 2015. I can challenge anybody. If he says that he has this document, I invite him to go to the Central CID and as I have all the documents, I will give them to the Central CID. He goes to the Central CID, I am inviting him to do that.

**Mr Uteem:** I will prove it because it is a public document which incidentally was drafted by a very reputable public notary, Mrs Sawmynaden. I have no problem to table that. It was a new lease granted on 26 August 2015.

**Madam Speaker:** Next question, hon. Uteem!

#### **STATE BANK OF MAURITIUS – SUBSIDIARY DIRECTOR - APPOINTMENT**

**(No. B/524) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the appointment of Mr M. M. as Director of a subsidiary of the State Bank of Mauritius, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to if the Commission has carried out an inquiry to ascertain if he is a fit and proper person to hold the said office and, if so, indicate the outcome thereof.

*(Withdrawn)*

#### **HAJJ PILGRIMAGE -- PILGRIMS – TRANSPORT CONTRACT**

**(No. B/525) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the transport of pilgrims for the forthcoming Hajj Pilgrimage, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to if a bid exercise has been carried out for the award of the contract therefor and, if so, indicate the outcome thereof.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, I have been informed by the Islamic Cultural Centre that -

‘No bid exercise has been carried out for the Year 2016.’

In fact, Madam Speaker, the Islamic Cultural Centre does not enter into any contract with any airline, but only requests for offers to give price indications to pilgrims willing to take best offers received.

Such an exercise was carried out in 2015, but no response was received from any airline company or General Sales Agents in Mauritius.



Over the last five years, the airfares paid by Mauritian hajjis, inclusive of the airport tax in Jeddah, have been as follows -

- (i) 2010 – Rs41,300
- (ii) 2011 – Rs39,870
- (iii) 2012 – Rs38,750
- (iv) 2013 – Rs41,390
- (v) 2014 – Rs40,577

Hajj pilgrims are not in any way bound to travel by the airline proposed by ICC, and may take any route which they consider more advantageous to them.

Madam Speaker, we contacted Saudi Airlines who said that they were not interested in providing their services. We then negotiated at the highest level with Emirates who is looking at the Mauritian destination in a more strategic way.

In March 2015, I personally met the President of Emirates Group, His Royal Highness, Sheik Ahmed bin Saeed Al Makhtoum.

The most critical issue was to escape the risky US dollar exchange rate compared to the Mauritian Rupee.

Madam Speaker, I would like point out that, prior to 2015, Emirates was quoting in US Dollars with the exchange risk taken by the pilgrims. The price range for airfare was amounting from USD1250 up to USD1650.

The second issue was to resist the forecasted increase in fuel costs.

After negotiations, we succeeded in shifting the airfare price in terms of Mauritian Rupees rather than US dollar terms.

I am proud to announce that -

- (i) in spite of rising airfares and charges,
- (ii) in spite of rising US dollar,
- (iii) in spite of expected rising fuel costs,

we managed to bring the hajj airfare for 2015 to Rs35,000 with Emirates. This is by far the lowest price of airfares paid over the last five years for Mauritian hajjis.

Further to the visit of the Rt. hon. Prime Minister in UAE in November last year, where he personally intervened at high level, Emirates has agreed to maintain the price at Rs35,000. for the year 2016.

Madam Speaker, Emirates has also offered to give luggage allowance of two suitcases of 23 kilos each to all pilgrims on both legs. Furthermore, Emirates is allowing the transportation of 5 litres of Zamzam water for each passenger.

**Mr Uteem:** Madam Speaker, may I know from the hon. Vice-Prime Minister why is it that instead of the Board of the Islamic Cultural Centre Trust Fund which according to the law is the one who has to organise this Hajj, it was he personally who went and negotiated with Airlines for the transport of hajj pilgrims?

**Mr Soodhun:** Where is the problem! When his uncle was the Chairman of the ICC, what he did?

**Madam Speaker:** Hon. Minister, please don't bring in other persons who are not in Parliament.

**Mr Soodhun:** I am given the responsibility for the hajj affairs, where is the crime? We have discussed with the airlines to get the cheapest price than it was five years before. I am going to invite the hon. Member, he is also a Muslim like me and an MP. If he can go and find out the cheapest price, we are going to agree. Why he can't do it!

**Mr Uteem:** I have done that, Madam Speaker. If a proper tender was carried out, I am sure we would get a better price. For example, I checked with the Etihad Airways which is the official airline for UA. Etihad via Seychelles is offering Rs31,000 for the hajj ticket.

**Mr Soodhun:** Madam Speaker, let me give you an example. In 2012, ICC paid a claim of over Rs1 m. to one Airline company with whom they had negotiated a rate and entered into an agreement. However, pilgrims decided in that particular year to travel by another airline of their choice. Secondly, let me tell you what exactly is the situation. We can have any flight, for example Etihad, if we got the Etihad, they have to go to Abu Dhabi and then from Abu Dhabi to Saudi Arabia. For example, what is happening for Air France, if tomorrow pilgrims opt to travel by the other airlines for instance by Air France, the plane must stop at Paris, a flight duration of nearly 12 hours, then from Paris to Jeddah, the flight duration is 5 hours. So, there are lots of problems that occur and we cannot thus force the pilgrims to accept that. They can also choose. If tomorrow the hon. Member comes with

Etihad, he suggests the pilgrims and if the pilgrims will accept, there is no problem. I invite him to do it.

*(Interruptions)*

**Madam Speaker:** Order! Order, please!

*(Interruptions)*

Please order, order!

*(Interruptions)*

No crosstalking!

*(Interruptions)*

Hon. Soodhun, please!

*(Interruptions)*

No provocation, hon. Leader of the Opposition, please!

**Mr Uteem:** On 26 April 2016, the Chairman of the ICC circulated to all Board members - I am going to table a copy of this, and I quote –

“The VPM’s office has asked us to issue a cheque of Rs5 m. in favour of Emirates Airline as per last year to sure the deal before tomorrow”.

So, the Vice-Prime Minister has already given instructions to ICC to pay already a deposit ...

**Madam Speaker:** Hon. Uteem! Please!

*(Interruptions)*

Hon. Uteem, please sit down! This is very serious what you are saying, please let the House know from which paper or from which document you are quoting!

**Mr Uteem:** Yes, Madam Speaker, I am going to table it, but I don’t think that the hon. Minister is denying it. It’s a letter from the Chairman of the ICC addressed to all Board members. It is an e-mail of 26 April where he says that the Vice-Prime Minister’s office has asked to issue a cheque of Rs5 m. in favour of Emirates Airline as per last year to sure the deal before tomorrow. So the deal is done, there is no point of trying to find any better deals because the Vice-Prime Minister’s office has already decided.

**Mr Soodhun:** Madam Speaker, I just mentioned that this is the best price that we have for five years and even these people ...

*(Interruptions)*

No, because these people are deaf, they don't listen. The Emirates Airline has to book two flights and if we don't pay in advance, we are going to miss it because we have got the best price.

*(Interruptions)*

**Madam Speaker:** Hon. Soodhun, order!

*(Interruptions)*

Order! Order!

*(Interruptions)*

Order, I have said!

*(Interruptions)*

Order! Hon. Soodhun, please, don't use provocative words. Can you, please...

*(Interruptions)*

No. I have asked you all not to use provocative words! Hon. Soodhun, the word that you have used is unparliamentary, just withdraw this word.

**Mr Soodhun:** I withdraw.

**Madam Speaker:** Okay. Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. Following what was just said about this letter that was just referred to by hon. Uteem and the fact that the hon. Vice-Prime Minister does not deny its contents as him having decided instead of the Board, could he please also enlighten the House whether he is the one who chaired the meeting of the ICC yesterday when four members of the ICC were fired and four new ones were appointed? Is that also true?

**Mr Soodhun:** He has to come with a substantive question. I am going to answer to that.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, the hon. Vice-Prime Minister is misleading the House...

*(Interruptions)*

**Madam Speaker:** This is very serious.

*(Interruptions)*

**Mr Soodhun:** I don't agree...

**Madam Speaker:** Please, sit down! Now, before you ask your question, you have said that the hon. Minister is misleading the House. This is not correct. If you say that he is misleading the House, you have to come with a motion. Before you say on what specifically he has misled the House, are you prepared to come with a motion to the House?

**Mr Ameer Meea:** Madam Speaker, what the hon. Vice-Prime Minister stated is not factually true. I will give the example of what he said. He stated...

**Madam Speaker:** But then, you are withdrawing the fact, are you withdrawing?

**Mr Ameer Meea:** Okay, I withdraw, but I will explain. The hon. Vice-Prime Minister stated that for pilgrims if they go through Etihad Airways, they will have to go to Abu Dhabi, if they go to Air France they would have to go to Paris. But even with Emirates, they go to Dubai and then go to Jeddah. It is the same thing. So, they don't go directly. They go through a transit flight. So,...

**Madam Speaker:** What is your question?

**Mr Ameer Meea:** So, my question is: will the hon. Vice-Prime Minister consider the fact that now we have new players on the market like Turkish Airlines, like Etihad, why is it that you have to sign the contract directly with Emirates without an open tender which would have been more beneficial to Mauritians?

**Mr Soodhun:** Madam Speaker, I have already answered to this question and the fact that the hon. Member must understand when I am telling that because the Emirates Airline, it is true to say that they go to Dubai, but it takes six and a half hours from Mauritius to go to Saudi Arabia, whereas France, Air France will take more than 15 hours, even...

*(Interruptions)*

Let me give you the answer!

**Madam Speaker:** Hon. Ameer Meea, you have asked your question. But allow him to reply! You cannot constantly interrupt him!

*(Interruptions)*

Don't interrupt him! You will have ample time to ask your question.

**Mr Soodhun:** For Turkish Airlines, we can say that if anybody will travel, they are free to travel, there is no problem, if tomorrow the hon. Member gets cheaper than the Emirates, I am going to welcome it and I am going to support him for that. Ask him to come with Turkish Airlines...

*(Interruptions)*

...a better price than 35,000, then we accept it...

**Madam Speaker:** Hon. Ameer Meea, I cannot accept that constantly you are interrupting the hon. Vice-Prime Minister. From a sitting position, you are making several kinds of remarks.

*(Interruptions)*

But then, that was the question that was asked.

*(Interruptions)*

Next question, hon. Bhagwan! Next question!

### **TOURISM AUTHORITY - TOURISM ENFORCEMENT OFFICERS - RECRUITMENT**

**(No. B/526) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the Tourism Enforcement Officers, he will, for the benefit of the House, obtain from the Tourism Authority, information as to the number thereof recruited -

- (a) since January 2015 to April 2016, indicating the names, addresses and conditions of employment thereof, and
- (b) in May 2016, indicating -
  - (i) how the recruitment exercise therefor was carried out, and
  - (ii) if the list of the recruits will be tabled, together with the names, qualifications, addresses and conditions of employment thereof.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Tourism Authority that no Tourism Enforcement Officer was recruited during the period January 2015 to April 2016.

As regards part (b) of the question, I am advised that 30 Tourism Enforcement Officers, including five Tourism Enforcement Officers who were already on contract, were recruited by the Tourism Authority after a proper selection exercise, on the basis of an approved Scheme of Service.

The post was advertised in January/February 2016 in four main dailies and one weekly newspaper. By the closing date of 11 February 2016, 788 applications were received. Following a screening exercise, a shortlist of 449 qualified candidates was established.

Only 400 candidates attended the interviews conducted by a Selection Panel approved by the Board of the Tourism Authority. The Selection Panel established a shortlist of 50 candidates in order of merit. On 10 May 2016, the Tourism Authority made an offer of employment to the first 30 candidates on a one-year probationary period.

Madam Speaker, the terms and conditions of employment of the Tourism Enforcement Officers are governed by the Pay Research Bureau and current legislations in force in the Public Service.

I am tabling the list of the newly recruited Tourism Enforcement Officers and a copy of the Scheme of Service for the post.

**Mr Bhagwan:** Can I know from the hon. Deputy Prime Minister whether there have been officers, in an acting position, within the same job? How many? Whether they applied for the job and whether there are some who are on the list of those who have been recruited?

**The Deputy Prime Minister:** Well, in addition to the five Tourism Enforcement Officers who were employed on contract, I think there were three Clerical Officers. They were in an acting capacity, but they were not found suitable, they were not taken on board. But you will see from here. Firstly, that it is a very open list; secondly, that everybody is highly qualified. I have given all the information.

**Mr Bérenger:** Can I know from the hon. Deputy Prime Minister whether we can have information on the composition of the Selection Committee?

**The Deputy Prime Minister:** Yes, I have this information. It is headed by the HR Manager of the Ministry, Mrs Benyett, and a Screening Committee and then you have a

Selection Panel, Mrs Benyett, Mr Parayag, who is from the Ministry of Local Government, Mrs Goolab from the MTPA and Mr Mootoo from my Ministry.

### TOURISM AUTHORITY - RECRUITMENT

(No. B/527) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the recruitment of Messrs M. C., R. T. and S. K. respectively, on contract basis, since January 2015 to date, he will, for the benefit of the House, obtain from the Tourism Authority, information as to the -

- (a) mode of recruitment followed, and
- (b) post occupied, indicating in each case the terms and conditions of employment thereof.

**The Deputy Prime Minister:** Have a good look! *Examiné bien, guetté bien!*

*(Interruptions)*

*Mo pé donne toi li, ki remarque!*

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, allow him to reply. You have asked your question. Don't make remarks.

*(Interruptions)*

**The Deputy Prime Minister:** I said to have a good look at it! What did I say badly?

*(Interruptions)*

Anyway, keep cool!

*(Interruptions)*

**Madam Speaker:** I will request hon. Members not to make provocative remarks, otherwise we won't be able to carry out the debates calmly.

**The Deputy Prime Minister:** Yes, can I answer, Madam Speaker?

**Madam Speaker:** Please!

**The Deputy Prime Minister:** Thank you. I am answering with a smile. Following a number of accidents and some disregard...



*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, you continue to make remarks!

**Mr Bhagwan:** Will the Deputy Prime Minister repeat what he said when he said *circulé*. I have heard. He always says he is a gentleman.

*(Interruptions)*

*Pas réponse dans so place...*

*(Interruptions)*

**The Deputy Prime Minister:** I am happy to repeat it.

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, please sit down! Hon. Deputy Prime Minister, please proceed with your reply.

*(Interruptions)*

Hon. Leader of the Opposition, you cannot use this word! This word is unparliamentary. To whom are you addressing this word '*criminel*'? Can we know? To whom?

**Mr Bérenger:** The Member sitting there...

**Madam Speaker:** But this is not appropriate, and I would request you to withdraw this word.

*(Interruptions)*

I am requesting you to withdraw this word. Please, sit down! I have to finish with one point of order, first.

*(Interruptions)*

Hon. Leader of the Opposition, please, kindly withdraw! There is nothing dishonourable in withdrawing a word.

**Mr Bérenger:** I said '*criminel*', because he has a case before Court. We all know about this case.

*(Interruptions)*

**Madam Speaker:** No. Hon. Leader of the Opposition, this is serious. I am asking you...

*(Interruptions)*

**Mr Bérenger:** I am not withdrawing!

*(Interruptions)*

**Madam Speaker:** But then, I will have no other alternative! Hon. Leader of the Opposition, this is very serious.

*(Interruptions)*

No. I will not allow...

*(Interruptions)*

Order! Order!

*(Interruptions)*

Hon. Leader of the Opposition,...

*(Interruptions)*

**Madam Speaker:** ...if you are not withdrawing, I will have...

*(Interruptions)*

Please, be silent! Allow me to give my ruling!

Hon. Leader of the Opposition, if you are not withdrawing, I am repeating, I will have no other option than to...

*(Interruptions)*

**Mr Bérenger:** I will not withdraw.

**Madam Speaker:** If it is so, then I will order you out!

*(Interruptions)*

Order!

*(Interruptions)*

Hon. Bhagwan! Hon. Bhagwan, please leave the House!

*(Interruptions)*

Please, leave the House calmly!

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

*At this stage the MMM Opposition Members left the Chamber.*

Yes, please continue!

**The Deputy Prime Minister:** Madam Speaker, following....

*(Interruptions)*

I started, so I will finish, Madam Speaker. Following a number of accidents and disregard for regulations in force...

*(Interruptions)*

the Board...

*(Interruptions)*

**Madam Speaker:** Please order!

**The Deputy Prime Minister:** For the record! I doubt whether there will be any supplementary questions. We never know! The Board of the Tourism Authority took the decision to recruit high calibre and experienced professionals to reinforce the capacity of its Monitoring and Compliance Unit.

Accordingly, after a headhunting exercise amongst former members of the Police Force who were previously attached to the *Police du Tourisme* and who have considerable experience in enforcement duties, the Authority recruited the following persons on one-year contract, respectively in March 2016 -

- (i) Mr M. C. – Former Police Officer as Assistant Supervisor;
- (ii) Mr R. T. – Former Inspector of Police as Supervising Officer; and
- (iii) Mr S. K. – Former Assistant Examiner at the Tourism Authority and Former Inspector of Police as Supervising Officer.

As regards part (b) of the question, I am tabling the terms and conditions of their contracts.

**Madam Speaker:** Next Question!

**Mr Gayan:** Madam Speaker, for the sake of the record, may I reply to PQ No. B/528.

*(Interruptions)*

**Madam Speaker:** Hon. Minister Gayan, the hon. Member is not here to ask the question, so I will not be able to allow you to reply to that question. The next question is for hon. Lepoigneur.

#### **CERTIFICATE OF CHARACTER - APPLICATIONS**

**(No. B/531) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Attorney-General whether, in regard to the Certificate of Character, he will, for the benefit of the House, obtain from the Office of the Director of Public Prosecutions, information as to why it is presently taking over five weeks for the issue thereof, indicating if consideration will be given for the processing on a separate track of the applications submitted by students proceeding on overseas studies and who urgently require same for the purpose of completing the formalities.

**Mr Yerrigadoo:** Madam Speaker, I am informed by the Director of Public Prosecutions (DPP) that in practice, in order to save time, applications for Certificate of Character are made directly to the relevant District Head Quarters of the Police.

As for urgent applications, they are already processed on a fast track basis and applications which are dealt with urgently are those where the applicants have specified in their application that they have deadlines to meet, such as for instance, for visa purposes, applications for university by students, marriage, employment abroad, etc., though there is no specific separate track procedure for students in particular.

Thus, following receipt of the applications and reports from the Police, urgent applications can be processed after the Police have cleared same, of course, within one or two days at the level of the Office of the DPP.

In cases other than urgent applications, the Office of the DPP takes about one week to process the applications as each certificate needs to be checked one by one.

It is also understood from information obtained from the Commissioner Police that at the level of the Police too, urgent applications, including applications from students proceeding overseas, if they are so stated, of course, are processed on a fast track basis so that the Certificates of Character are delivered within a week's time.

I am given to understand that it is in relation to those applicants who are borne on record that the processing of applications may take a few weeks (6 to 8 weeks) given that these applications have to be returned to the Division concerned for enquiry/prints to be taken to confirm the name borne on record. The length of time taken in such cases also depends on the applicant's response and availability during the course of enquiry.

I am also given to understand that difficulties are encountered by Police in the verification of names where there are errors in spelling. For example, incorrect National Identity Card Numbers, similar names and records are not accessible on the search system. Consequently, the names have to be verified individually by the operator at the Crime Records Office of the Police, which may thus in turn result in delay.

Just for the sake of information, the House may wish to note that there are about 300 to 350 applications that are received daily at the Crime Records Office.

**Madam Speaker:** Hon. Lepoigneur!

**Mr Lepoigneur:** Thank you, Madam Speaker. As we are talking about Certificate of Character, there are some people who have committed minor offences and after five years, they still appear on the certificates. Can the hon. Attorney General look into the matter and for new applications, minor offences do not appear on these Certificates?

**Mr Yerrigadoo:** Madam Speaker, as stated in the Government-Programme, legislation will be coming to Parliament. There are currently lots of consultations going on, because not so long ago the Certificate of Character Act was amended, but it is in the stated objective of putting matters into practice. We are also envisaging the possibility even to avoid stigma, maybe, looking at Equal Opportunities as being amended as well, but legislations will be forthcoming. I cannot say exactly when. We will have to go with the legislative calendar in the House.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. Could the hon. Attorney General let us know how many people are really working in that particular Department for issuing a Certificate of Character?

**Mr Yerrigadoo:** It could be any law officer, for instance, at the DPP's Office who could be signing it, but the issue is that the Crime Records Office which remits is within the

Police Force. This is where the actual check and system happens. It is not at the level of the DPP's Office.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Madam Speaker, the problem, as the hon. Attorney General has just indicated to the House, is one of processing, of course, but it is also a problem of substance and this is why this Government enunciated in its Government Programme that it will change the law to increase the employability of persons and so on, and that people with minor offences and crimes, this won't appear on the Certificate of Character. In September of last year, I asked a question to the hon. Attorney General on the same issue: when will the law be amended? That is nine months ago and the hon. Attorney General said that consultations are going on and the law will be coming imminently. So, can I ask the hon. Attorney General – nine months ago, he gave the same answer that he is giving today – when will the law be changed in order to bring relief to these applicants of a Certificate of Character?

**Mr Yerrigadoo:** Madam Speaker, the issue is not only an issue which is of importance domestically here in Mauritius. As the hon. Member would be aware, there are a number of our citizens who proceed overseas, for example, to work on *bateaux, des croisières* and all sorts of such employment. We need also to harmonise the model of Certificate of Character we have so that it is admissible internationally. Side by side with that, there is also the concept of spent convictions. Side by side with that, there is also the question of stigma. The hon. Member maybe aware that in certain jurisdictions like in the UK, for instance, now even some minor offences involving an element of dishonesty, though spent, would still appear on the Certificate of Character with a caveat. That could in turn lead to the employer discriminating against that person who would have already repented and served whatever he had to do to society. So, we are looking at all these things, all the stakeholders involved. I can assure the hon. Member that in line with the Government-Programme, legislation will be forthcoming because we are very concerned with the present state of affairs as well.

**Madam Speaker:** Next question, hon. Lepoigneur!

## **MUNICIPAL COUNCIL OF BEAU BASSIN/ROSE HILL**

### **– LABOURERS – RECRUITMENT**

**(No. B/532) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government whether, in regard to the Municipal Council of Beau Bassin and Rose Hill, he will, for the benefit of the House, obtain therefrom, information as

to if additional labourers will be recruited thereat, in view of the complaints received from the inhabitants of Beau Bassin and Rose Hill in relation to the inability of the Municipal Council to realize the landscaping works thereat due to lack of labourers.

**Dr. Husnoo:** Madam Speaker, I am informed that the Municipal Council of Beau Bassin/Rose Hill has 36 persons of different grades in the Parks and Garden Section. Out of them, there are 13 vacancies which have already been reported to the Unified Board and recruitment process is being carried out by the Local Government Service Commission.

I am further informed that the Council is not in presence of any complaints whatsoever from the inhabitants of Beau Bassin and Rose Hill for not being able to manage the green spaces within its Municipal area.

**Madam Speaker:** Hon. Lepoigneur!

**Mr Lepoigneur:** Thank you, Madam Speaker. According to my information, there are only 12 workers, six for Rose Hill and six for Beau Bassin for landscaping. During the five last years, we are having lots of new *morcellements* and we are having lots of complaints from inhabitants of my Constituency that these works are not being done properly. Can the hon. Minister look into the matter urgently?

**Dr. Husnoo:** Sorry, Madam Speaker! I'll just repeat there are 36 persons in different grades in the park and garden section, that's official. Okay, there are some vacancies now. So, if we take 36 minus 13, that makes 23 persons on site. The hon. Member knows what I mean. Thank you.

**Mr Lepoigneur:** Again, for Scavenging Unit, posts had been advertised since last year and no recruitment has been effected as at date. Is the hon. Minister aware of that and when will these vacancies be filled?

**Dr. Husnoo:** As for the scavenging, this, again, as you know, has been reported to the LGSC. It is for the LGSC to do the interview and to appoint them. It is beyond the Local Government.

**Mr Lepoigneur:** There are also many posts of Health Inspectors which are vacant since long. Is the hon. Minister aware of the situation? Will these posts be filled to ensure the smooth running of the health department?

**Dr. Husnoo:** Again, it is not part of the question, if the hon. Member can come with a substantive question.

**Madam Speaker:** I don't think I can allow this question. The question of the hon. Member concerns additional labourers. Next question, hon. Lepoigneur!

**MINISTRY OF YOUTH AND SPORTS – *CENTRES DE FORMATION***

**(No. B/533) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the *Centres de Formation*, he will state if he proposes to take back the responsibility thereof and of the budget allocated for the collective sports to the respective *Centres de Formation*, that is, football, volleyball, handball and basketball.

**Mr Sawmynaden:** Madam Speaker, I wish to inform the House that one of the main objectives of the National Sports Federations is to develop and promote sports at all levels. Consequently, the responsibility to set up a '*centre de formation*' to coach young talented athletes devolves upon each National Sports Federation.

I have been given to understand that in the year 2000, '*centres de formation*' in team sports were set up by the National Sports Federations in collaboration with the Ministry and a '*Comité de Gestion*' was appointed to manage the centre. This set up had not brought the expected outcome. In view of the need to nurture new talents to feed national teams, each National Sport Federation put up its own training centre.

When I took office, an evaluation was made regarding the functioning of the National Training Centres. Inconsistencies were noted with regard to the management, funding, detection, recruitment and training.

My Ministry allocates a yearly budget for the functioning of a National Centre to the National Sports Federations. For the financial year 2016, a sum of Rs700,000 has been allocated to football; Rs300,000 to basketball; Rs300,000 to handball, and Rs300,000 to volleyball.

Madam Speaker, the question to take over the responsibility by the Ministry does not arise as all National Sports Federations for team sports should have their own structures for the development and promotion of their respective disciplines.

Some National Sports Federations also receive logistics and financial assistance from their respective international federations and sponsors to help in implementing the programme of different centres.



It is worth pointing out that presently there are three training centres in basketball, football and handball which are managed by the respective National Sports Federations in collaboration with the Ministry.

**Mr Lepoigneur:** According to my information, none of these *Centres de Formation* is functioning properly. Before 2004, these *Centres de Formation* were under the aegis of the former Minister, Ravi Yerrigadoo.

**Madam Speaker:** Yes, ask the question!

**Mr Lepoigneur:** These *Centres de Formation* have not organised a single tournament for young people since 2003. There is no junior tournament under 18 or under 20. *Les Jeux des Iles* 2019 will be held in Mauritius and it is the same national team since 2003, 2007, 2011 and 2014...

**Madam Speaker:** What is your question?

**Mr Lepoigneur:** Yes, I am coming.

**Madam Speaker:** Please, ask your question hon. Member. The Minister will be confused otherwise.

*(Interruptions)*

**Mr Lepoigneur:** Is the Minister aware that the same national team will represent the country in 2019 and they will be around the age of 30 to 35?

**Mr Sawmynaden:** Madam Speaker, yes, all the *Centres Nationaux de Formation* were closed. When I took office, when this Government came to power in 2014; in 2015 the *Centre National de Formation de Football* has been opened, *Centre National de Formation* of Handball has been opened and the *Centre National de Formation* of Basketball has been opened. Only the *Centre National de Formation* de Volleyball has not been opened yet, but still we are in the way of opening it. Now, I can reassure the hon. Member that we are having young competition in basketball, in football and in handball.

**Madam Speaker:** Next question, hon. Shakeel Mohamed!

## SOCIO-CULTURAL ORGANISATIONS

### – EVENING CLASSES – ORIENTAL LANGUAGES

**(No. B/536) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education and Human Resources, Tertiary Education and

Scientific Research whether, in regard to the fees paid to the persons/teachers teaching oriental and ancestral languages in evening classes run by registered socio-cultural organisations, she will state the names of the said persons/teachers, indicating in each case, the amount of money paid thereto since January 2015 to date.

**Mrs Dookun-Luchoomun:** Madam Speaker, in my reply to PQ B/417, I had informed the House that the persons teaching oriental language in evening classes are paid allowances depending on their qualifications. This ranges from Rs1,000 to Rs2,000 monthly provided they have covered 12 hours of teaching.

The information pertaining to names of the persons and teachers teaching the different languages and the names of the schools is being tabled in the National Assembly.

Madam Speaker, I am informed that, from January 2015 to April 2016, an amount of around Rs31 m. has been spent on the allowances paid to for the teaching.

**Madam Speaker:** Next question, hon. Shakeel Mohamed!

#### **PRIMARY SCHOOLS - STANDARD II - HINDI BOOKS**

**(No. B/537) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Hindi books for Standard II, she will state if mistakes contained therein have been reported and, if so, indicate if remedial measures have been taken in relation thereto.

**Mrs Dookun-Luchoomun:** Madam Speaker, the attention of my Ministry has been drawn to certain mistakes in accuracies found in the Hindi books for Standard II which had been prepared by a panel of teachers under the aegis of the Mahatma Gandhi Institute.

Madam Speaker, as soon as the representation was received, the matter was immediately taken up with the MGI which was requested to appoint an independent panel to look into the issue. The MGI accordingly appointed an independent panel and the panel submitted a report on the basis of which a list of errata has been prepared by the MGI for distribution to schools. I am also advised that the amendments are being brought to the textbooks for the Academic Year 2017.

Moreover, a vetting team has been set up at the MGI to review the textbooks to avoid recurrence of the above situation. A quality assurance team is also being set up to ensure a complete verification of textbooks before they are finalised.

Madam Speaker, every effort will be put in to ensure that the teaching materials provided to our pupils are up to the required standards.

**Mr Mohamed:** I will follow the question, at page 15 of that Hindi book for Standard II, there is reference to 'gajar ke khet'. So, basically, they are talking about a field of carrots, but the picture does not show 'gajar', but, on the contrary, it shows tomatoes. So, has this report identified who has made those blunders with regard to not knowing what is the difference between a carrot and a tomato? Could those people be identified? What could be done in order for those people to be disqualified from putting our children studying Hindi into such complicated situations?

**Mrs Dookun-Luchoomun:** This has already been done, Madam Speaker. The teachers have been identified. I will obviously not state their names here and they have been replaced.

**Mr Mohamed:** I thank the hon. Minister for her answer and the importance I see of ensuring that our Oriental languages are protected and are transmitted down to new generations. Is this one of the reasons why the number of students going to study Hindi is constantly on the decrease? I am not saying ever since this new Government is in, but is constantly on the decrease and even though it is not part of this question, if you would allow me, what could be done in order to reverse the trend, to encourage Hindi being taught?

**Mrs Dookun-Luchoomun:** Madam Speaker, may I mention that it is absolutely not the reason for which there is a decline in the number because this is a problem that has just arisen and the decline in number is very often due to parents choosing to ask the students going for the competitive exams of the CPE to make sure that they don't lose time doing other things than concentrating on what 'they' consider to be the main subjects. But Government is doing everything that is possible to ensure that the teaching of oriental languages be upgraded and that necessary support be provided to teachers through the resource centres that are being set up and through proper teacher training programmes.

**Madam Speaker:** Provided your question is within the parameter of this question.

**Mr Mohamed:** I thank the hon. Minister - even though it was not - for wishing to help and provide us with the answers. Yes, this letter of erratum or even the communication has not as yet been communicated to the schools. The first time, I believe, officially there was the union that informed the hon. Minister on 28 March of this year that there were

mistakes. By what time will the students and teachers be made aware of what the mistakes are and then maybe we would congratulate them with *gajar ka halwa*?

**Mrs Dookun-Luchoomun:** Let me inform the hon. Member that the teachers have already been informed, that they have been given the information and that the mistakes were, in fact, in terms of colour, of printing and in certain cases, the use of singular terms instead of plural terms. But these are minor mistakes and the teachers have already been informed about it. I am sure the teachers will immediately find out as soon as they come across these mistakes.

## MINISTRY OF ARTS AND CULTURE

### – DOCUMENTATION UNIT – DAMAGED DOCUMENTS

**(No. B/538) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Arts and Culture whether, in regard to the Documentation Unit of his Ministry, he will state if books, documents and press cuttings found thereat have recently been damaged and, if so, indicate the remedial measures that will be taken in relation thereto.

**Mr Baboo:** Madam Speaker, I am informed that recently there has been no damage to the Documentation Unit of my Ministry. However, following heavy rainfall in December 2014 and January 2015 respectively, two office spaces at the Renganaden Seeneevassen building, including the Documentation Unit, were overflowed.

The maintenance company of the building confirmed that this was due to obstruction in the drainage system. This problem has been addressed accordingly.

Madam Speaker, as regards damaged books and newspapers, copies of most of these books and all the newspapers are available at the National Library.

**Mr Mohamed:** I thank the hon. Minister for, obviously, not stating the obvious that yes, they have been damaged, but there are copies available at the National Art Gallery. According to my information - and could he confirm that - back in 2014, there were approximately 2,000 books, out of which from Mauritian authors in various languages, art books of masters such as Vincent Van Gogh, magazines, newsletters, journals of art, etc. So, those documents are no longer in this Documentation Unit and this, not to the benefit obviously, but *au détriment* of all the students who come to use the Documentation Unit as reference. So, what has the hon. Minister done ever since January 2015 - I am sure the rain

has not gone on, but has stopped - and what does he plan to do in order to replenish those very important works of art and those literary documents that have been damaged since then?

**Mr Baboo:** Thank you, hon. Mohamed! Well, Madam Speaker, some 150 books were damaged. It was not 2,000 books. I am confirming, it was 150 books and out of these 150 books, 76 books are available at the National Library. An order has been placed for the remaining books.

Regarding press cuttings, all duplicates are available at the National Library. According to the National Library Act, it is mandatory to have a deposit of six copies there at all times.

**Mr Mohamed:** Could the hon. Minister do two things: consider the possibility- I am just trying to suggest to be constructive – firstly, to have a notice there to inform all those students that those are documents that are available at another place, the National Art Gallery, and secondly, to consider the possibility of simply having copies made and sent to the Documentation Unit instead of having those students and those who want to use those documents as reference run around. Just give them service instead.

**Mr Baboo:** Well, we have got flooding problems. There is a notice that has already been put there where we are informing all the students to move to the National Library, not to the Art Gallery. We have already done the necessary.

#### **MORTGAGE LOANS – DUTY RATE**

**(No. B/539) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Finance and Economic Development whether, in regard to the rate of duty for mortgage loans payable under the Registration Duty Act, he will state if consideration will be given for the extension of the ceiling of exemption to two million rupees and that the taxes be charged on a pro-rata basis above the two million rupees.

**Mr Jugnauth:** Madam Speaker, as this is a tax policy issue, it would not be appropriate at this stage to make any statement on this matter as we are fully engaged in the preparation of the 2016/2017 Budget.

#### **WASTEWATER MANAGEMENT AUTHORITY - WASTEWATER CLAIM**

**(No. B/540) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the

wastewater claim, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to the mode of calculation thereof.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo):** Madam Speaker, I am informed by the Wastewater Management Authority that the wastewater charges for households are based on the volume of water consumed and the fees prescribed by regulations, which are as follows -

- |       |                         |                         |
|-------|-------------------------|-------------------------|
| (i)   | First 10 cubic metres   | Rs7.50 per cubic metre; |
| (ii)  | 11 - 20 cubic metres    | Rs9 per cubic metre;    |
| (iii) | 21 - 50 cubic metres    | Rs20 per cubic metre;   |
| (iv)  | 51 cubic metres or more | Rs45 per cubic metre;   |

Business premises pay Rs27 per cubic metre, and the minimum fee payable is Rs270.

As from 01 January 2016, about 10,000 households using up to 6 cubic metres of water are exempted from payment of wastewater fees. Those who consume 6 to 10 cubic metres pay Rs55 monthly.

**Dr. Sorefan:** Is the hon. Vice-Prime Minister aware that we get a claim for an additional 20% on what water we consumed?

**Mr Collendavelloo:** Well, the fees claimed are as per the regulations contained in Government Notices. Those are public documents. If fees are being claimed which are outside the purview of the regulations, of course, a protest must be lodged and remedial action taken.

**Dr. Sorefan:** The hon. Vice-Prime Minister said that the calculation for the wastewater comes from the water consumed. But how come we pay 20% more than the amount of water we consume.

**Mr Collendavelloo:** This is what I have just replied.

**Mr Mohamed:** All previous Governments have worked according to this very same formula. In spite of that my question is as follows: could he consider the possibility of changing these regulations where it will bring more fairness in the process? Because, clearly, as it stands, the regulation has nothing to do; therefore, someone who is paying for wastewater charges has nothing to do with the volume of water that he is going to waste, but it is a simple equation that is made. The metre cube of water used, therefore, equivalent is in

terms of wastewater. Could the hon. Vice-Prime Minister consider changing those regulations thereby reducing the financial burden upon families who are having difficulties *pour faire joindre les deux bouts*, simply because this equation itself has to be reviewed because many years have gone by since it has been reviewed?

**Mr Collendavello:** The tariff structure was approved as at 13 September 2001, that is, the then Minister of Energy.

*(Interruptions)*

Well, please let me...

*(Interruptions)*

**Madam Speaker:** Hon. Mohamed!

**Mr Collendavello:** Let me continue! The tariff for wastewater - the tariff not the structure - has been reviewed on five occasions after the first 2001 wastewater tariff. These five occasions were in 2003, 2004, 2008, 2012 and 2016. Of course, it seems that my answer does not manifest any sustained interest, so I shall not continue.

**Mr Mohamed:** I would like to reiterate the possibility, I mean I was very much interested in what the hon. Vice-Prime Minister was saying because I think it is a very important issue and this is the very same issue that the hon. Deputy Prime Minister when he was in the Opposition had raised, that he would see to it that the equations, the regulations could be changed in order for it to be fair, which I agree with. Therefore, could he not consider the possibility whatever be the case, whatever be Governments who have maybe been in power, that is not being denied, but could we not consider the possibility of coming back to what the hon. Deputy Prime Minister and many others have said, of ensuring that the way it is charged for wastewater, that there is fairness into it, to alleviate the financial burden. Could he not consider, at least, setting up a Committee on that?

**Madam Speaker:** We have understood your question.

**Mr Collendavello:** I assume that the hon. Member has read his Order Paper for today and therefore is aware that the Utility Regulatory (Amendment) Bill is being passed through, is being read at First Reading today. Now, this is a matter which surely will be within the purview of the URA once it is operational.

**Dr. Sorefan:** In line with hon. Mohamed, all the water that we consume does not go down the sewer and the Wastewater Authority charges as per consumed. That is why I said, I

don't know why they overcharge 20%. Will the hon. Minister consider coming with a Wastewater Abutment Allowance. What I mean by this? People use water to wash their car, wash their house in all religious festivities. We use water for other purposes, gardening, etc. Not all the water that we consume in our pipeline goes to the waste. Will the hon. Minister consider coming with a Wastewater Abutment Allowance?

**Mr Collendavelloo:** I will do no such thing, Madam Speaker.

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn: Nos. B/554, B/556 and B/557. Next question hon. Dr. Sorefan!

***ORGANISATION POUR L'HARMONISATION EN AFRIQUE DU DROIT DES  
AFFAIRES TREATY – MAURITIUS RATIFICATION***

**(No. B/541) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* (OHADA) Treaty, he will state if Mauritius has ratified same and, if not, why not.

**The Attorney General (Mr R. Yerrigadoo):** Madam Speaker, with your permission, I shall reply to this question.

Madam Speaker, Mauritius is not a party to the OHADA Treaty and it is not proposed to ratify the said Treaty because it would not be in the best interest of Mauritius to ratify same. Our existing laws already provide for an appropriate framework to *les droits des affaires* in Mauritius.

**Dr. Sorefan:** Madam Speaker, I am surprised that the Minister says it is not in the advantage of Mauritius. Is the hon. Minister aware that the Commission on Sale By Levy is making recommendations to follow the guidelines of OHADA on this and even the AMC that will be set up by the Bank of Mauritius, they are saying that they are inspired mainly by the rules laid down by OHADA. So, how come that OHADA is good to be taken as recommendation, but is not good for Mauritius. I am surprised that the Minister is going on that line.

**Mr Yerrigadoo:** I have already answered, Madam Speaker.

**LEGACY SOVEREIGN FUND – SETTING UP**

**(No. B/542) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Finance and Economic Development whether, in regard to the



proposed setting up of a Legacy Sovereign Fund, as announced in the 2015-2016 Budget Speech, he will state where matters stand, indicating the amount of funds committed therefor, if any.

**Mr Jugnauth:** Madam Speaker, the setting up of the Legacy Sovereign Fund, as announced in the Budget Speech 2015-2016, would require the injection of a significant amount of funds from the Consolidated Fund. This would inevitably increase the borrowing requirements of Government, resulting in a further increase of public sector debt.

I have carefully looked into the matter and I have decided that it would not be wise, at this juncture, to set up the Legacy Sovereign Fund and consequently, we have not committed any funds for that purpose.

#### **MAURITIAN DIASPORA SCHEME - EXCISE DUTY EXEMPTION - BENEFICIARIES**

**(No. B/543) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Finance and Economic Development whether, in regard to the Mauritian Diaspora Scheme, he will state the number of members of the Mauritian diaspora who have registered thereunder and who have benefitted therefrom as at to date, indicating the quantum of income tax, custom duties and Value Added Tax exemptions granted in relation thereto.

**Mr Jugnauth:** Madam Speaker, I am informed by the Board of Investment that 36 persons have been registered as members under the Mauritius Diaspora Scheme as at 31 May 2016. Of these 36 members, 24 are registered as professionals and 12 as self-employed.

With regard to the quantum of income tax exemption granted, I wish to inform the House that the Scheme, which started in October 2015, is in its first year of operation, and that the information will only be available by the end of September 2016 when the members will have to submit a statement of their income to the Mauritius Revenue Authority.

I am further informed that eight members have benefitted from excise duty exemption totalling Rs7.3 m. as concession on motor cars.

Moreover, only five members have brought in household and personal effects for a total CIF value of Rs656,000. The estimated VAT exemption is Rs98,400.

**Mr Ramano:** Est-ce que je pourrais savoir du ministre s'il compte éventuellement alléger les conditions pour que d'autres mauriciens qui sont à l'étranger puissent bénéficier de ces exemptions?

**Mr Jugnauth:** Well, if there are any proposals, of course, we can consider and see if they are likely to be in the interests of those who are abroad.

**Mr Mohamed:** Same question on the issue of the Diaspora Scheme. Could the hon. Minister of Finance and Economic Development tell us...

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

**Mr Mohamed:** ... whether, at any stage, ever since the implementation of this scheme, there has been any database that has been put up? How many Members of the Mauritian Diaspora there are worldwide and who would be those Mauritians whom we could attract to Mauritius in order to come and be at the service of their country? So, does that database exist and, if it does not exist, what has been done in order to be able to try to set up such a database? I would like just to remind the hon. Minister that it is the international organisation for migration with its Head Officers in Geneva that has drafted a beautiful book which is entitled 'The Road Map on Attracting Diaspora for Member Countries'.

**Mr Jugnauth:** Well, to have a database, there must be a mechanism under which we are able to identify the Mauritian Diaspora living abroad. Now, if we, Government or any institution, has to undertake such an exercise, everyone will understand that we will have to commit resources in order to be able to carry out a survey and we can imagine that the survey has to be carried out worldwide. So, I believe that this is, maybe, the starting point where anybody who is interested in, of course, coming to Mauritius, whether as a professional or self-employed, will have to make an application and this is where we can have an initial, if I can say, a database. But that will be far from probably what the hon. Member has in mind, I mean, having a list of all Mauritians or those who are born of Mauritian parents living in other countries.

#### **NATIONAL OCEAN COUNCIL – SETTING UP**

**(No. B/544) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer

Islands whether, in regard to the development of the Ocean Economy as announced in the 2015-2016 Budget Speech, he will state where matters stand as to the proposed –

- (a) introduction of a Petroleum Bill in the House, and
- (b) setting up of a -
  - (i) National Ocean Council, and
  - (ii) new Faculty of Ocean Studies.

**Mr Koonjoo:** Madam Speaker, as regards part (a) of the question, I am informed by the Prime Minister's Office that Government has on 21 August 2015, agreed to the elaboration of a regulatory framework for the exploration and exploitation of natural resources in the Exclusive Economic Zone of Mauritius and the Extended Continental Shelf, except that part under the joint jurisdiction of and jointly managed by Mauritius and Seychelles.

In this respect, the assistance of the Commonwealth Secretariat was sought by the Prime Minister's Office for the drafting of an offshore Petroleum Bill for Mauritius. The Commonwealth Secretariat has already submitted a first draft of the Bill and drafting instructions have been given to the Attorney General's Office for the finalisation of the draft Petroleum Bill.

I am further informed by the Prime Minister's Office that a Technical Committee chaired by the Director-General, Department of Continental Shelf, Maritime Zones Administration and Exploration is provided technical inputs to the Attorney General's Office for the timely finalisation of the legislation.

Madam Speaker, regarding part (b) (i) of the question, the National Ocean Council (NOC) has been administratively set up on 26 June 2015 with the following main objectives -

- (i) to co-ordinate technical cooperation and assistance between Government and international institutions and foreign experts;
- (ii) to set up and drive a Government-private sector working group to assess and promote economic activities, capacity building and good governance in all sectors of the Ocean Economy, and
- (iii) to assess the provision of a modern logistics infrastructure and services for the development of the maritime and shipping industry.

The Council has already set up seven working Groups, namely –

- (i) Business Facilitation in the Ocean Industry;
- (ii) Regulatory Institution;
- (iii) Fisheries and Aquaculture Development;
- (iv) Port and Shipping Development;
- (v) Marine Research and Seabed Explorations;
- (vi) Training, Employment Generation and capacity building, and
- (vii) Environment Protection, Governance and Sustainable Development.

Madam Speaker, as regards part (b) (ii) of the question, I am informed that in 2014 the University of Mauritius has established a new Faculty dedicated to build capacity and undertake research in the field of ocean and ocean-related areas.

The Faculty of Ocean Studies consists of three Departments, namely -

- (i) Department of Marine and Ocean Science, Fisheries & Mariculture;
- (ii) Department of Ocean Engineering and ICT, and
- (iii) Department of Marine Trade and Finance.

**Madam Speaker:** Hon. Ramano!

**Mr Ramano:** Madame la présidente, en ce qui concerne la partie (i), est-ce que je peux savoir du ministre si le pays est en présence d'une demande d'un pays ami pour l'exploration des fonds marins dans notre *Exclusive Economic Zone*?

**Mr Koonjoo:** I am afraid, Madam Speaker, I don't have the information.

**Madam Speaker:** The Table has been advised that PQ No. B/547 has been withdrawn. Next question, hon. Ganoo!

#### **MEDINE SUGAR ESTATE - VRS - PLOT OF LAND**

**(No. B/545) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Agro-Industry and Food Security whether, in regard to the former employees of the Medine Sugar Estate who obtained their Voluntary Retirement Scheme years back and who have not been granted a plot of land behind the State Secondary School of Palma as per the package agreed upon by the employer prior to their retirement, he will state the reasons for the inordinate delay therefor, indicating if -

- (a) the Mauritius Sugar Cane Authority has recently held a meeting therewith to discuss same, and

- (b) urgent remedial measures will be taken in relation thereto and, if so, give details thereof.

**Mr Seeruttun:** Madam Speaker, in 2012, Medine Sugar Estate implemented the Voluntary Retirement Scheme (VRS) in respect of 289 employees. According to that scheme, each employee benefitted from a cash compensation as well as a plot of land of an extent of seven perches.

The employees have opted for land on three sites, namely Chebel, Bambous and Palma.

As I indicated in my reply to PQ B/42, I have chaired a Monitoring Committee on VRS last year to ensure that all bottlenecks are removed so that all outstanding cases could be cleared as soon as possible. The three sites of Chebel, Bambous and Palma are on the agenda of the Monitoring Committee and discussions are ongoing with the relevant stakeholders to expedite matters.

The main constraints that are preventing development on the site at Palma is the request made by Road Development Authority to Medine Ltd to shift and improve the geometry of the Palma Roundabout whilst the TMRSU has asked that the junction near Palma State Secondary School be re-designed to cater for the safe movement of buses.

Madam Speaker, with regard to part (a) of the Question, a meeting was held under the chairmanship of my colleague, the Minister of Public Infrastructure and Land Transport to address the above issue. I was present at the meeting together with representatives of the MCIA, Medine Ltd, the RDA, the TMRSU and officers of the two Ministries. With a view to look at the constraints being faced by the stakeholders, a site visit has been scheduled for Thursday next.

As regards part (b) of the Question, remedial measures can only be decided after the site visit and/or other meetings that may be held subsequently.

**Mr Ganoo:** May I inform the hon. Minister that this is another sad case where the ex-employees of a Sugar Estate are still waiting for their package, in this case their land entitlement of seven perches. But since the problem is a technical one, it is a question of *agrandir le rondpoint de Palma*, I understand costs are involved, of course, the Minister of Public Infrastructure and Land Transport is on board. This is a VRS which dates back to 2012 - four years ago - and ten ex-employees have already died among these people who mostly reside in Palma, Bassin and Bambous. Can I, therefore, make an appeal to the hon.

Minister of Agro-Industry and Food Security and to the hon. Minister of Public Infrastructure and Land Transport to see to it that funds are disbursed and that this roundabout, once for all, is reconstructed so that the access can be provided to the users of this *morcellement* which will take place, which will be near Palma SSS?

**Mr Seeruttun:** Madam Speaker, it is true that this problem has been dragging on for a long time now. Since 2012, they have been waiting for their land and that is why I have - since I have been appointed Minister of Agro-Industry and Food Security - set up a Monitoring Committee to look at all the problems to, at least, clear out those bottlenecks so that these people are awarded their land title deeds at the earliest.

With regard to that particular problem, like I said, we have met only some ten days back and we are looking at it personally so that some solutions could be found and the infrastructure be put in place and these people be awarded their land title deeds soon.

**Mr Ganoo:** I don't know the total cost implications of changing the roundabout, but can I ask the hon. Minister whether it is not possible also, in case Government does not find the necessary funds, to have a cost sharing exercise with the Sugar Estate?

**Mr Seeruttun:** Madam Speaker, last time, we had a meeting with all the stakeholders whereby Medine was present and I must say that they are very willing to share the costs. So, I don't see any problem that would pose once we find the solution which is going to be at the satisfaction of all parties concerned.

**Madam Speaker:** Next question, hon. Ganoo!

#### **UN GENERAL ASSEMBLY SPECIAL SESSION ON DRUGS - RESOLUTION**

(No. B/546) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to the recent United Nations General Assembly Special Session held on Drugs in New York in April last to review the drug control system and to assess and debate the world's drug control priorities, he will state

—

- (a) if the Republic of Mauritius was represented thereat and, if so, by whom;
- (b) why no official of his Ministry attended thereto, and
- (c) if any resolution was adopted thereat to promote the value and urgency of modernising drug policies and programmes and for implementing new approaches and reforms in the 'war on drugs'.

**Mr Gayan:** Madam Speaker, I am very grateful to the hon. Member for having asked this question as it shows that he is really in tune with issues that dominate international relations. The hon. Member understands the role of the State in modern International Diplomacy. Unlike others who keep criticising Ministers who travel overseas on mission, the hon. Member knows that Ministers are required to travel whenever issues of direct relevance and interests of the country are being debated in international conferences.

I am also happy that the hon. Member understands that, in international fora, the level of representation matters a lot.

Madam Speaker, as far as the UN General Assembly Special Session on drugs (UNGASS) is concerned, I am informed that a Note was received from UNODC (United Nations Office on Drugs and Crime) informing that the UNGASS was to meet in New York from 19 to 21 April 2016.

The Note also made mention that Member States envisaging participation should do so at the highest possible level.

Unfortunately, at the time the meeting was being held in New York, the NATReSA Repeal Bill was being debated in the House and I did mention that in my statement at the Second Reading.

I am informed that the UNGASS adopted a resolution A/RES/S-30/1 entitled "our joint commitment to effectively addressing and countering the world drug problem" by consensus on 19 April 2016. I am going to table a copy of that Resolution.

The House may wish to note that the Resolution is very far-reaching and it reaffirms the commitment of Member States to, *inter alia* -

- (a) counter the world drug problem in a holistic manner and to actively promote a society free from drug abuse;
- (b) enhance national efforts and international cooperation to address the problem of availability and accessibility of international controlled drugs for medical and scientific purposes;
- (c) design and implement national drug policies according to their priorities and needs, consistent with the principle of common and shared responsibility and applicable international law;

- (d) prevent illicit cultivation of and eradicate plants containing narcotic and psychotropic substances;
- (e) respect fundamental human rights;
- (f) protect the environment, and
- (g) enhance cooperation and collaboration with specialised agencies dealing with drugs and narcotic issues.

The Resolution does not make any specific mention regarding the modernising of drug policies or implementation of new approaches and reforms in the war on drugs.

**Madam Speaker:** Yes, hon. Ganoo!

**Mr Ganoo:** Madam Speaker, I don't want to play politics with the drug issue, but certainly the hon. Minister should know that, in fact, a special session of the United Nations on the drug issue was held in April last after 18 years. This is what I have been told. So, the reason given by the hon. Minister does not stand - because the NATReSA Bill was being adopted in the House this is why the Ministry could not send one of its officers to this high-level meeting especially in view of the fact that all the drug policies were being reviewed. The question of programme substitution, prevention mechanism and all the strategies were being reviewed and everybody is saying that we have lost the battle on drugs in the world today.

**Madam Speaker:** Yes. What is your question!

**Mr Ganoo:** In fact, there was a NGO which was present there from Mauritius. Can I ask the hon. Minister whether the Ministry can liaise so that the Minister can, besides circulating the document which he had just promised, make a statement on what took place at this Conference to the House?

**Mr Gayan:** Madam Speaker, in fact, at the WHA, the World Health Assembly which I just attended in Geneva, there was an item on this issue and, if necessary, I will make a statement in the House. So, this matter was raised at the WHA.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** The hon. Minister has given us in his reply, Madam Speaker, exactly what is available on the Internet as far as the outcome document is concerned. However, we thank him for having summarised it for us in his answer. Could the hon. Minister come and



explain why is it that not even a single member - we understood the answer, which we don't agree with, that there was the NATReSA Bill and therefore could not send anyone from Mauritius, but how about our diplomatic mission – not even a member from a diplomatic mission from Mauritius was present at that meeting and is there any explanation for having left our seat? Sorry, we didn't have a seat because we didn't even tell them we are coming! We were not there!

**Madam Speaker:** Okay.

**Mr Mohamed:** Worse still it was an empty seat.

**Mr Gayan:** Madam Speaker, for the information of the House, I must say that there are hundreds of meetings taking place every day in the United Nations in New York, and, at a special session, the seat of Mauritius always has the nameplate. So, it is not possible for the country not to be present. But we are a small country; we have lots of other priorities. I cannot say why there was no one at that particular point in time present, but there is a follow-up that takes place by our mission and all the information is relayed to the Ministry and to the Prime Minister's Office.

**Mr Ganoo:** For the information of the hon. Minister, I have checked and at no point in time during this special session was anybody occupying any one of the chairs reserved for the Mauritian delegation.

**Mr Gayan:** Well, next time we'll make sure that somebody is there at the highest level.

*(Interruptions)*

**Madam Speaker:** Time is over!

*(Interruptions)*

Order!

## MOTION

### SUSPENSION OF S.O. 10(2)

**The Prime Minister:** Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

### **STATEMENT BY MINISTER**

(4.11 p.m.)

#### **DR. A. G. JEETOO HOSPITAL - SIX-YEAR OLD CHILD - DEATH**

**The Minister of Health and Quality of Life ((Mr A. Gayan):** Madam Speaker, with your permission, I wish to make a statement on a matter that was raised at Adjournment Time last Tuesday on the issue of the death of a six-year old child at Dr. A. G. Jeetoo Hospital.

I have to inform the House that, from reports received at my Ministry, the SAMU received a phone call on 27 May 2016 at 20.47 hours from one, Mr P. who was conveying the child to the Sir Seewoosagur Ramgoolam National Hospital as the child was unwell. He informed that he was using his own means of transport and was coming from Bambous, and that he was already on his way to the SSRN Hospital. He further informed that he had reached Petite Rivière and requested for SAMU services. He was informed by the SAMU services that the SAMU vehicle had just left and was busy with another case, and since he was already transporting the child, it would be better to attend the closest hospital which is the Dr. A. G. Jeetoo Hospital for a first line of treatment to the child. He agreed, and accordingly brought the latter to the Dr. A. G. Jeetoo Hospital.

From reports at Dr. A. G. Jeetoo Hospital, the late patient L. A. was brought to the hospital at 21.00 hours and was seen by the Casualty Officer with a history of cough, shortness of breath, diarrhea and vomiting for the past two days. It was also found that the late patient was pale, dehydrated and in respiratory distress.

According to the history obtained from the parents, late patient has been operated in the past at the Trust Fund for Specialised Medical Care and was followed for congenital disease and was not under medication. Same was confirmed with the Trust Fund for Specialised Medical Care to the fact that late patient had been successfully operated on 22 March 2014 for patent *ductus arteriosus* and was on follow-up treatment. Patient had last been seen on 14 March 2016.

The late patient had also attended Bambous Area Health Centre on 19 May 2016 for a history of sore throat and had been given appropriate treatment.

At 21.15 hours, the late patient was admitted in the Medical Intensive Care Unit with a provisional diagnosis of hypovolemic shock. At 21.30 hours, the late patient was seen by the paediatrician and was shifted to the Surgical Intensive Care Unit with a provisional diagnosis of pneumonia, acute gastroenteritis and heart failure. The poor prognosis was explained to the parents. Thereafter, the late patient was also seen by a cardiologist and anaesthetist at 22.15 hours. A cardiac echography was carried out and treatment was continued as per paediatrician instructions. The late patient was re-assessed by the specialised paediatrician at 22.30 hours, 23.00 hours and 23.30 hours.

On 28 May 2016, the late patient was reassessed at 02.00 hours and 04.30 hours. At 05.10 hrs patient collapsed. Cardiopulmonary resuscitation was started and the patient was put on artificial respiration. The patient recovered, but at 5.50 hrs she collapsed again and cardiopulmonary resuscitation was started anew, but was unsuccessful. The patient was declared dead at 6.25 hrs. The cause of death was attributed to pneumonia, congenital heart disease and heart failure.

Madam Speaker, I know it is very hard for any parent to lose a child at such a tender age and we can all understand their pain. On behalf of my Ministry, and I believe in the name of all our colleagues here, we can express our deepest sympathy to the family, but I can reassure the House that all necessary treatment was given to the late patient and action was taken as appropriate.

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded the following Bills were read a first time -*

- (a) The President's Emoluments and Pension (Amendment) Bill (No. X of 2016)
- (b) The National Assembly Allowances (Amendment) Bill (No. XI of 2016)
- (c) The Utility Regulatory Authority (Amendment) Bill (No. XII of 2016)
- (d) The Supplementary Appropriation (2015) (No. 2) Bill (No. XIII of 2016)

## **MOTION**

### **STANDING ORDERS COMMITTEE**

#### **- BROADCASTING COMMITTEE – SETTING UP**

**The Prime Minister:** Madam Speaker, I beg leave to move the Motion standing in my name and which reads as follows -

*“This Assembly resolves that the Report of the Standing Orders Committee in regard to the amendments to the Standing Orders and Rules of the National Assembly (1995), presently in force, more specifically Standing Order 69, which was laid on the Table of the National Assembly on Tuesday 31 May 2016 be approved, and that the amendments contained therein come into operation forthwith”.*

Madam Speaker, the House will recall that on 29 March 2016, I presented the Motion for the Standing Orders Committee to be empowered to look into the Standing Orders and Rules of the National Assembly presently in force, more specifically Standing Order 69 to make recommendations for the setting up of a “Broadcasting Committee” for the monitoring of the live broadcasting of the proceedings and debates of the House and matters ancillary thereto.

While presenting the motion to the House, I explained that the proposed amendments to Standing Order 69 constitute one of the important requirements for the realisation of the project for the live broadcasting of the proceedings of the National Assembly.

As the House is already aware, the Standing Orders Committee has completed its assignment and submitted its report which was tabled on 31 May 2016. The Committee held three meetings and, with the assistance of the Solicitor-General and of his Deputy, reviewed the draft of the proposed amendments to the Standing Orders which had been circulated to hon. Members together with the Notice of Motion.

The Standing Orders Committee has recommended that Standing Order 69 be amended by adding a new paragraph providing for a “*Broadcasting Committee*” as follows -

- (a) *There shall be a Committee to be known as the “Broadcasting Committee” to consist of a Chairperson and eight Members to be nominated by the Committee of Selection at the beginning of every session.*
- (b) *It shall be the duty of the Committee to consider and report on all matters relating to the Live Broadcasting of the Proceedings of the House and matters ancillary thereto, including, recommending to the Speaker, who shall prescribe same –*
  - (i) *the Rules of Coverage,*

- (ii) *the Guidelines for the Use of Signal and Footage, and*
  - (iii) *the Rules and Guidelines to use Parliamentary proceedings from the National Assembly on the Internet;*
- (c) *the Committee shall monitor compliance with those Rules and Guidelines, hear any complaint for breach thereof and impose such sanctions as it deems appropriate, including censure, restriction of access to the press gallery, suspension or cancellation of licence to broadcast audio and video signal and/or footage and recordings or to use such audio or video signal and/or footage and recordings on the internet.*

Madam Speaker, the Standing Orders Committee has further recommended that the words “Mr Speaker” be deleted and be replaced by the gender-neutral words “the Speaker”, wherever they appear in the Standing Orders and Rules of the National Assembly 1995.

Madam Speaker, I would like to emphasise that the proposal of the Standing Orders Committee in regard to the mode of appointment of the Chairperson and members of the Broadcasting Committee is in line with the appointing procedure for the existing Sessional Select Committees like the Public Accounts Committee, the Standing Orders Committee and the House Committee on which the Members are equally nominated by the Committee of Selection.

Madam Speaker, as I stated earlier, this amendment is but one important step in the realisation of the live telecast project. Other legislative, administrative and technical arrangements will have to be completed before the Assembly can go live. I understand these are being attended to by the Office of the Clerk.

Before ending, I would like to thank the Standing Orders Committee for having diligently completed the task assigned to it.

With these words, Madam Speaker, I commend the Motion to the House.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

### *Third Reading*

*On motion made and seconded, the Supplementary Appropriation (2015-2016) Bill (No. VII of 2016) was read a third time and passed.*

**Madam Speaker:** I suspend the sitting for half an hour.

*At 4.24 p.m. the sitting was suspended.*

*On resuming at 5.05 p.m. with Madam Speaker in the Chair*

*Second Reading*

**THE PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT) BILL**

**(NO. IX OF 2016)**

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. A. Perraud):** Madam Speaker, I move that the Protection from Domestic Violence (Amendment) Bill (No. IX of 2016) be read a second time.

Madame la présidente, Rose, séquestrée, sodomisée, violée par son mari pendant quatre mois...

Lila, battue, insultée, humiliée, agressée au caustique soda par son compagnon...

Violette, enceinte, battue par son mari, perd son bébé à l'hôpital...

Pâquerette, maltraitée et battue par son mari, qui déferle aussi sa colère sur ses trois filles...

Marguerite, agressée à coups de sabre par son mari, en pleine rue, en plein jour...

Hibiscus, brûlée vive par son mari, devant les yeux de son fils...

Trochetia, étranglée dans son sommeil, ensuite brûlée dans un champ par son époux...

Arome poignardé par sa femme...

L'oiseau du paradis, rué de coups, séquestré par sa femme, ridiculisé par la police...

Glaïeul, humilié, griffé, battu par sa femme...

Madame la présidente, ces noms sont fictifs mais leurs drames sont bien réels. Les victimes de violence domestique sont-elles des fleurs qui n'ont pas pu s'épanouir mais qui ont été violentées, meurtries et sont fanées.

Malheureusement, nous sommes trop souvent témoins de drames humains, liés à la violence domestique et il est décourageant, révoltant d'entendre ces tragédies. Certaines victimes trouvent la mort, d'autres victimes vivent dans la terreur, d'autres victimes encore sont entièrement détruites, physiquement, mentalement, émotionnellement. Sans compter ces

enfants, souvent témoins de scènes de violences atroces, qui sont eux-mêmes abandonnés, déracinés, traumatisés à vie. La violence familiale sous n'importe quelle forme et à n'importe quel niveau est complètement, absolument, totalement, inacceptable!

La violence intrafamiliale est un phénomène mondial qui dépasse toutes frontières: frontières physiques, culturelles, sociales, économiques. Elle détruit des familles, des communautés entières et renforce d'autres formes d'inégalités et de violences à travers les sociétés. Je l'ai dit et je le redis: la violence domestique est aujourd'hui "le mal du siècle"! Faites le tour des continents, des pays, des sociétés, des cultures, ce mal gangrène. Ce n'est pas une question d'éducation, de richesse, de statut social, de drogue, ou toute autre explication qu'on pourrait donner pour la violence domestique. Le mal est partout.

Je suis convaincu que nous sommes tous ensemble dans ce combat, que ce soit les Membres des deux côtés de l'hémicycle, - malheureusement je tiens à déplorer l'absence du MMM - ceux qui sont en dehors, les *stakeholders*, les travailleurs sociaux, les victimes, nous venons aujourd'hui à travers ce projet de loi ériger un mur contre les bourreaux, qu'ils soient hommes ou femmes!

Mon constat, depuis mon arrivée au ministère de l'Égalité du Genre, du Développement de l'Enfant et du Bien-être de la Famille, est désolant. Madame la présidente, 1,626 cas rapportés au *Family Support Bureau* de mon ministère en 2015, 4,277 cas rapportés à la police, toujours pour la même année en 2015. Les ONGs sont unanimes, ces chiffres ne sont que le sommet de l'iceberg! Dans une étude publiée en 2013 intitulée « *War at home* », *Gender Links Mauritius* estime que la réalité est 15 fois supérieure; 15 fois supérieure aux statistiques de la police! La même étude affirme qu'une femme sur quatre a été victime de violence.

Parmi les 1,626 cas de 2015, les plus fréquents restent les agressions physiques, 845 cas, 357 cas d'agressions verbales, 310 cas de harcèlement, 297 cas de menaces d'agressions physiques, toutes ces formes de violence perpétrées par le conjoint ou le partenaire, comme vous le voyez, d'autres formes de violence occupent des places importantes dans les statistiques.

Le gouvernement est très conscient du problème et en a fait une préoccupation nationale, comme clairement stipulé dans le programme gouvernemental 2015-2019, et soutenu par l'initiative du Premier ministre de mettre sur pied la coalition nationale contre la violence domestique.

Les membres de la Chambre seront d'accord avec moi; il est grand temps de passer à la vitesse supérieure, d'apporter des changements majeurs pour aborder cette question urgente. La loi protégeant la population contre la violence domestique existe depuis 1997; elle a été amendée en 2004, puis 2007, et encore en 2011, mais comme nous le savons tous, cela ne suffit pas. Nous devons faire beaucoup plus pour répondre aux cris pour la justice. Trop de victimes ont souffert, souffrent et continueront à souffrir si nous ne prenons pas les devants pour donner un signal fort contre la violence familiale.

Nous devons faire beaucoup plus pour en finir avec ces abus horribles et l'impunité qui permet à ces violations de droits de l'homme de continuer. Chacun d'entre nous a un rôle urgent et crucial à jouer aujourd'hui, pour mettre un frein aux crimes terrifiants contre les victimes de violence familiale.

En tant que ministre de l'Égalité du Genre, du Développement de L'enfant et du Bien-être de la Famille, la violence familiale est devenue une de mes plus grandes préoccupations et priorités car elle ruine hommes, femmes et enfants. Les conséquences de la violence domestique sont énormes, pour la victime elle-même: lésions physiques, handicap, pathologies psychiques, dépression, état suicidaire, et bien d'autres, mais la violence domestique impacte aussi sur les enfants et la famille.

La famille est la première cellule de base de la société. Si cette cellule de base est déstabilisée, nous ne pourrons pas avoir une société stable, un pays stable. Il est de mon devoir, non notre devoir, d'accroître la protection des familles, et le soutien aux victimes, de même que leurs chances de réhabilitation et de réinsertion pour les aider à reconstruire leur vie.

Madame la présidente, mon ministère est aujourd'hui en possession de deux outils importants pour adresser le problème de violence domestique. Le premier est le rapport du comité consultatif connu comme le Rapport Domingue, rendu public en août 2015, c'est à dire l'année dernière et le second, le rapport du comité de la coalition nationale sur la violence domestique, rendu public en avril 2016, cette année-ci.

Madame la présidente, les mots sont importants, mais finalement seulement les actions comptent et je tiens à souligner que mon ministère a déjà mis au point un plan stratégique aligné sur le Rapport Domingue et qui rejoint les recommandations du rapport de la coalition nationale sur la violence domestique.



Ces deux rapports sont unanimes à souligner les faiblesses et les lacunes du cadre législatif existant. C'est pourquoi j'ai décidé de m'embarquer sur des processus de réforme pour apporter des changements à la *Protection From Domestic Violence Act*, (la PDVA) pour la rendre plus conforme avec des conditions de droits de l'homme et en conformité avec les meilleures pratiques internationales combattant la violence familiale.

Je tiens avant tout à attirer l'attention de la Chambre que les amendements à la *Protection From Domestic Violence Act* viennent agrandir l'éventail de protection des victimes. Une victime peut être le conjoint, l'enfant du conjoint ou une autre personne vivant sous le même toit. La nouvelle définition du terme « *spouse* » prend d'ailleurs en considération l'évolution et les nouvelles relations de la société. Cette définition en trois catégories, de l'alinéa 3(b), vient adresser les faiblesses de la loi à protéger un plus grand nombre de victimes. Et nous voulons assurer et rassurer les victimes, cette loi vous protégera, que vous soyez une femme ou un homme, les yeux fermés, sans distinction aucune, de la même manière.

Nous savons qu'il y a une appréhension de ce côté-là. D'ailleurs, lors de la préparation des amendements au projet de loi, j'ai personnellement rencontré l'ONG SOS Papas qui se fait la porte-parole des hommes qui sentent leurs droits lésés sur la question de violence domestique pour les écouter et les rassurer que c'est une loi qui est *gender neutral*.

Madame la présidente, je suis convaincue que les membres de la Chambre, du gouvernement, comme de l'opposition, soutiendront la motion de traiter des cas de violence familiale comme un délit grave.

Les propositions de la *Protection from Domestic Violence (Amendment) Bill* pour accroître la protection des victimes, sont basées sur quatre objectifs principaux -

- (a) augmenter le pouvoir des *Enforcement Officers* ;
- (b) élargir la définition du terme « violence domestique » ;
- (c) renforcer les mesures pour que les auteurs des actes de violence domestique contre le conjoint ou un de ses enfants ou autre personne vivant sous le même toit soit érigé en infraction pénale, et
- (d) autoriser un policier, à partir du grade d'*Assistant Surintendant*, à procéder à l'arrestation d'une personne ayant infligé des blessures physiques, dans un cadre de violence domestique.

Madame la présidente, je propose d'élaborer sur les amendements de la Section 2 de la loi concernant la définition de la violence domestique. Les actes d'intimidation et d'harcèlement, ainsi que les menaces, seront désormais considérés comme une forme de violence domestique. La définition de violence domestique comprend donc désormais au total huit nouveaux paramètres. L'acte de donner des coups ou de blesser en font partie. Placer son conjoint ou un de ses enfants sous la menace d'une blessure corporelle y figure également. L'intimidation, le harcèlement, la traque, la maltraitance, les insultes et les actes de brutalités seront également condamnés.

J'attire l'attention de la Chambre que je compte apporter d'autres amendements au *Committee Stage* - les amendements que j'ai fait circuler plus tôt.

Madame la présidente, contraindre l'autre à un acte sexuel ou un acte de tout autre nature, de force ou sous le coup de la menace, est également mentionné. La séquestration, faire du mal ou menacer de faire du mal à l'enfant du conjoint, endommager ou menacer d'endommager ses biens, le priver de ressources auxquelles il ou elle a droit, ou du loyer partagé, figurent aussi dans cette nouvelle définition étendue. La violence psychologique, économique, verbale, sexuelle, Madame la présidente, j'estime que les définitions sont suffisamment élargies à travers ces amendements.

Une petite note concernant le viol conjugal, il est succinctement compris dans l'alinéa 3,a,d, même s'il s'insère dans un contexte plus élargie de violence sexuelle, qui insiste sur le fait que le conjoint ou le partenaire a le droit de refus. Je suis en faveur de la criminalisation du viol conjugal, mais cela va se faire dans un contexte différent car nous procédons à un exercice en profondeur sur les offenses sexuelles. Je demanderais à mes collègues des deux côtés de la Chambre, que nous procédions par étape, afin de bien cerner le problème. Nous franchissons déjà une étape importante avec l'introduction de ces amendements aujourd'hui.

Madame la présidente, j'ai écouté les propositions faites par l'opposition. L'opposition a attiré notre attention sur le fait que le Code pénal Section 242 stipule que le crime de sang est excusable lorsqu'on surprend le conjoint en flagrant délit d'adultère. Mais comme cette clause fait partie du Code pénal, je tiens à informer la Chambre que mon ministère travaille avec le *State Law Office*, pour que cette provision du Code pénal soit amendée subséquemment.

Actuellement, en l'absence d'une définition très élargie de violence domestique, particulièrement les violences psychologiques et économiques, causées sur les victimes, les

coupables ont recours à des omissions dans la loi pour se défendre des infractions commises. Les amendements proposés donnent donc droit aux victimes d'avoir recours à l'ordonnance de la Cour pour rendre responsable les auteurs des violences domestiques.

Autre tournant décisif à travers ces amendements: le rôle des *Enforcement Officers*. Madame la présidente, avoir des textes de loi est une chose, les traduire dans la pratique en est une autre. Vu la réalité des victimes, il était important de permettre aux *Enforcement Officers* d'intervenir directement, pour venir en aide aux victimes. Donc, ils seront autorisés –

- (i) à enquêter et rapporter à la police n'importe quel cas où il y a soupçon qu'une personne est, a été ou pourrait être victime de violence familiale;
- (ii) pour faire une demande de *Protection Order*, *Occupancy Order* ou *Tenancy Order*; au nom de la victime, avec le consentement de la victime, d'une part, et sans le consentement de la victime.

Je voudrais préciser à la Chambre que dorénavant, quand un *Enforcement Officer* soupçonne raisonnablement qu'une personne soit ou ait été ou serait susceptible d'être victime d'un acte de violence familiale, il aura le devoir d'étudier le cas le plus vite possible et de le rapporter au poste de police le plus proche. Il incombe à la police d'enquêter et de prendre des mesures nécessaires avec diligence, basées sur les arguments avancés par l'*Enforcement Officer*. Cet amendement vient répondre aux nombreuses doléances des victimes qui rapportent les cas dans les postes de police et ne sont pas prises au sérieux.

L'intervention de l'*Enforcement Officer* vis-à-vis du judiciaire est un amendement remarquable proposé, surtout dans le cas où la victime est blessée, la demande d'une décision judiciaire pourra se faire sans le consentement de la victime, le but étant d'agir rapidement pour assurer la protection des victimes.

Madame la présidente, les amendements vont encore plus loin, en habilitant le *Enforcement Officer* à rechercher des « *Probation Reports of Compliance* », devant les magistrats, dépendant de la gravité des cas. Ce qui occasionnerait l'intervention d'un *Probation Officer* pour des enquêtes plus approfondies et serait un sérieux moyen de dissuasion pour ceux qui ne se plient pas aux *Probation Orders*. Cette mesure, Madame la présidente, est très appréciée sur le terrain. Souvent les *Protection Orders* ne sont pas respectées, surtout quand les deux protagonistes vivent sous le même toit.

Madame la présidente, le manque de proactivité des policiers qui reçoivent les victimes de violence domestique a été déploré à de nombreuses reprises. C'est un fait que

dans les situations graves, la première interface d'une victime et de son bourreau est le policier. Ce premier contact est d'une importance capitale pour diverses raisons. Il nous a été souvent rapporté que l'aide appropriée n'est pas fournie, des victimes sont encore plus victimisées et les auteurs continuent à perpétrer les actes de violence dans leurs zones de confort.

L'expérience des années précédentes a mis en lumière les lacunes du système et la nécessité d'adopter une approche concertée en matière de violence domestique. Cette expérience montre également la nécessité de rassembler dans une politique consolidée tous les éléments de l'action gouvernementale et d'adopter les ajustements qui s'imposent. De ce fait, comme les victimes de violence domestique ont recours en premier à la police, la modification de l'alinéa 11A de la loi permet à la police d'être proactive et d'assurer une protection immédiate de la victime de violence domestique. Une enquête peut être initiée ; la victime peut avoir recours à l'accompagnement médical ou psychologique, et le policier peut même procéder à l'arrestation de l'agresseur.

La clause 11A est ajoutée à la clause 11, faisant provision que pour tout cas de violence domestique rapporté au poste de police, l'officier de police en charge doit faire une enquête. Si après enquête, il est établi que la personne est blessée suite à l'acte d'une violence domestique, la police peut procéder à l'arrestation de l'auteur de violence.

Les amendements que nous proposons vont changer de manière drastique cette injustice. Les policiers, à partir du grade d'Assistant Surintendant, seront habilités à arrêter une personne en cas d'acte de violence familiale qui est susceptible d'être commis contre la victime, quand une blessure physique a été causée, ou lorsqu'il soupçonne que la personne a omis de se conformer à un *Domestic Violence Order*. Ainsi, il pourra l'amener à être traduite devant un magistrat le plus tôt possible.

Madame la présidente, je parlais plus tôt de signal fort. Il est important de dissuader les auteurs des actes de violence domestique, pour qui avoir le recours à la violence est devenu trop facile. Des auteurs devraient être jugés responsables de leurs actes, parce que la violence familiale affecte non seulement la victime mais également leurs enfants et la famille entière. Pendant des années, des décennies, des auteurs impunis n'ont fait que rajouter au drame.

Les victimes, les familles - le peuple perd confiance en la justice. Les victimes continuent à souffrir, les bourreaux continuent à torturer leurs victimes. Est-ce-que c'est cela, la justice que nous voulons pour le pays?

Non. Que ce soit le gouvernement, les ONGs, tous les *stakeholders*, nous sommes tous soudés dans cette bataille.

Madame la présidente, dans cet exercice d'amendement, des dispositions ont été prises pour des pénalités plus dures en cas de non-conformité à n'importe quel Ordre, sous la *Protection Against Domestic Violence Act*:

- (i) au premier délit: une amende de R 25,000 à R 50,000;
- (ii) au deuxième délit: une amende de R 50,000 à R 100,000, et une peine d'emprisonnement ne dépassant pas 2 ans;
- (iii) au troisième délit, et toute culpabilité subséquente; une peine d'emprisonnement ne dépassant pas 5 ans.

Madame la présidente, nous avons voulu passer à une étape supérieure en criminalisant l'acte de violence domestique. Oui, la violence domestique est un crime, pas un droit dont certaines personnes pensent disposer envers certains membres de leur famille. Il est temps de le faire comprendre à la population! Les amendements prévoient les dispositions suivantes pour tout acte de violence domestique -

- (i) une amende ne dépassant pas R 50,000 sur le premier délit, ainsi de suite.

Madame la présidente, ce sont des réformes juridiques que mon ministère propose mais nous avons pris les devants, en attendant que l'arsenal légal se renforce et s'actualise avec une série de décisions politiques, pour adresser le problème de violence domestique sous toutes ses facettes. Les membres de la Chambre seront d'accord avec moi que la législation et les décisions politiques devraient aller de paire pour de meilleurs résultats.

Madame la présidente, comme mentionné dans ma réponse au PNQ de novembre 2015, mon ministère a décidé d'entreprendre une étude sur la prédominance, les causes, les conséquences et le coût de la violence entre partenaires intimes sur l'économie mauricienne. Comprendre les causes de la violence conjugale est crucial pour déterminer des stratégies appropriées pour résoudre le problème.

Un de mes collègues du gouvernement m'avait adressé une correspondance l'année dernière sur le fait que l'adultère et l'alcoolisme seraient deux principaux facteurs causant la

violence domestique. Je comprends son inquiétude sur cette question délicate, mais je suis également d'avis qu'une étude approfondie viendra nous éclairer sur les autres grandes causes qui méritent notre attention.

Madame la présidente, plus que jamais, nous avons besoin de fournir des réponses efficaces au problème de violence domestique et une approche multisectorielle est essentielle pour y arriver à commencer par cette première interface que représente le policier. Le policier intervient quand une victime, à bout de force et de patience, vient chercher secours à la police. La manière de gérer le cas est crucial. Le policier peut, à cet instant précis, détruire ou réparer le couple, et qui dit couple, dit souvent enfants, famille. Il peut réparer cette famille, Madame la présidente.

Le commissaire de police est très conscient des doléances en ce qu'il s'agit du comportement des policiers face aux victimes et il a sollicité l'aide de mon ministère pour former les policiers. Nous avons voulu équiper les policiers à travers une formation spécialisée pour qu'ils puissent mieux gérer les cas de violence domestique, qu'ils prennent conscience de leur rôle, des enjeux de leur position, de l'impact de la violence domestique, entre autres.

De mars à mai 2016, 268 policiers de différentes catégories ont déjà tiré bénéfice du programme de formation qui va continuer jusqu'à ce que dans chaque poste de police du pays il y ait un policier formé pour gérer les cas de violence domestique. Il faut souligner, Madame la présidente, que la police a fait un effort spécial pour assurer la présence d'un élément féminin dans chaque poste de police.

Le renforcement des capacités dans les hôpitaux est également en cours. Cette initiative vient en fait compléter un service de *fast track*, adopté par le Ministère de la santé et de la qualité de la vie pour aider les victimes de violence familiale dans les hôpitaux. Je dois souligner que c'est sur les recommandations de la coalition nationale contre la violence domestique que ce service de voie rapide est opérationnel dans les 5 hôpitaux régionaux.

Mon ministère a également demandé un financement à hauteur de 5 millions de roupies dans le budget 2016-2017 pour la mise en place d'un centre de commandement pour la violence domestique. Le centre de commandement fonctionne grâce à une *hotline* dans le but de fournir des soins immédiats et des conseils aux victimes de violence domestique. Les technologies modernes seront utilisées pour localiser les victimes et dépêcher les

*Enforcement Officers* de la localité sur les lieux. A la demande de mon ministère, la Haute Commission sud-africaine est en liaison avec les autorités concernées en Afrique du Sud pour nous donner une formation sur le fonctionnement du centre de commandement sud-africain, qui est un modèle réussi.

Comme recommandé par le Rapport consultatif et celui du comité de la Coalition nationale, mon ministère a déjà demandé au bureau du Premier ministre de déclarer la *hotline* 139 comme une ligne d'urgence gratuite, dédiée aux victimes de violence domestique. Cette initiative sera d'un grand secours aux victimes de violence conjugale, comme nous pouvons tous l'imaginer.

Dans le prochain budget, je demande aussi au ministère des Finances et du Développement économique de soutenir mon ministère en faisant provision pour le recrutement de coordinateurs additionnels, et augmenter le nombre d'officiers en charge de la protection et du bien-être de la famille, pour mieux gérer le problème de violence domestique.

Le personnel supplémentaire viendra renforcer le *Family Welfare and Protection Unit* dans le but de mettre en place le guichet unique pour toutes les questions relatives à la violence domestique et de soutien à tous les membres de la famille, comme recommandé par le rapport de la coalition nationale sur la violence domestique.

La coalition nationale contre la violence domestique a également fait appel à une collaboration supplémentaire des ONGs pour fournir un hébergement temporaire aux victimes de violence conjugale et à leurs enfants. Nous travaillons déjà sur les mesures dans ce sens, et cela sous-entend les victimes femmes et hommes.

Je voudrais profiter de l'occasion qui m'est offerte aujourd'hui pour remercier l'ONG SOS Femmes qui est une ONG pionnière dans ce domaine et qui fait un travail formidable dans l'encadrement et la réhabilitation des victimes de violence domestique. Je remercie également Chrysalide, Kinouete et Passerelle qui ont répondu favorablement à notre appel et qui vont ouvrir leurs portes pour accueillir les victimes de violence domestique.

Madame la présidente, mon ministère a déjà entamé des discussions avec une personne-ressource pour développer un programme d'autonomisation des victimes de violence domestique. Une base de données sur les victimes prêtes à participer à un tel programme est disponible et une fois que les détails concernant le programme seront finalisés, mon ministère envisage de démarrer avec la formation de ces victimes, à partir du

mois d'août, de cette année-ci, 2016. Cet aspect est crucial pour assurer la réhabilitation des victimes et leur réintégration dans la société ; ensuite, l'éducation et la sensibilisation en vue de prévenir plutôt que de réparer les dégâts de violence causés.

Madame la présidente, toutes les initiatives de mon ministère fonctionnent comme un ensemble d'éléments pour sensibiliser et éduquer la population. *Madam Speaker, we are building the society of the future!* Le mur des valeurs et la Charte des valeurs familiales que nous avons lancés le mois dernier, pour faire revivre les valeurs, qui sont en pleine érosion. Nous avons aussi lancé l'an dernier, un répertoire des services entourant le support à la famille et un fascicule très pratique pour éduquer la population.

Les chiffres démontrent que la majorité des victimes sont des femmes. Nous avons démarré une vaste campagne d'autonomisation des femmes et des filles, ciblant divers publics, basés sur le SDG5, le 5<sup>ème</sup> objectif de Développement Durable des Nations Unies. La mentalité est une profonde racine, qui prendra des décennies à changer, mais nous devons accélérer ce processus, pour donner à la femme sa juste valeur dans la société.

La nouvelle loi sera accompagnée d'une campagne d'information et de sensibilisation dans les médias et les réseaux sociaux, sur le terrain, au sein des *Women Centres*, dans la population en général, avec l'aide de support visuel. Nous sommes conscients que cette loi ne sera utile que si elle est vulgarisée parmi les victimes potentielles et nous prendrons toutes les dispositions pour qu'elle soit médiatisée.

Et, bien sûr, la protection ; la protection avec des nouveaux outils informatiques, comme le DOVIS, le Domestic Violence Information System, qui a déjà été mis au point pour une intervention rapide, une meilleure gestion des cas grâce à un historique accessible instantanément. Ce système permettra aussi d'éviter des *double counting*.

Mon ministère va aussi développer un site web dédié à la violence domestique.

Comme vous pouvez le constater, Madame la présidente, nous faisons tout pour mettre toutes les chances de notre côté, pour réussir cette guerre contre la violence domestique.

Madame la présidente, je suis convaincue que les amendements que nous proposons, d'une part, et les autres mesures que nous apportons aux politiques et aux services, d'autre part, aideront à combattre ce mal du siècle. Cette initiative du gouvernement démontre clairement la volonté et la capacité de l'état à renverser la vapeur pour un monde plus juste, envers les victimes de violence familiale.



Pour conclure, je voudrais rappeler que la violence domestique est une des violations des droits de l'homme les plus dominantes au monde, un des pires crimes les moins condamnés, et une des plus grandes menaces pour la paix et le développement durable.

Madame la présidente, les *stakeholders* sont unanimes, la majorité silencieuse est trop fragile, trop meurtrie, trop brisée, pour sortir du noir. Il est critique que tous les acteurs concernés travaillent ensemble pour assurer l'application de la nouvelle législation et pour développer des mécanismes de soutien viables, à tous les niveaux pour mieux protéger les victimes (la police, le judiciaire, la santé, les ONGs, le ministère). Madame la présidente, nous sommes témoins d'un moment fort de notre histoire, quand enfin, la violence domestique sera reconnue comme un crime, un délit grave. Je prie pour que ce grand pas en avant ne fasse plus souffrir aucune autre victime.

Merci beaucoup

**The Deputy Prime Minister rose and seconded.**

**Madam Speaker:** Hon. Mrs Jeewa-Daureeawoo!

(5.37 p.m.)

**The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo):** The amendment to the Protection from Domestic Violence Act 1997 is indeed timely. Today, Mauritius is facing a plethora of domestic violence cases. I have listened carefully to the intervention of the hon. Minister of Gender Equality, Child Development and Family Welfare, she has cited a few cases of domestic violence and, Madam Speaker, all the cases cited by the hon. Minister defy, if I may say, human reasoning. Such macabre, Madam Speaker, represents the tip of the iceberg. We, hon. Members of the House, are best posed and have the duty to bring about changes in our law and we do hope that the changes which will be brought today in this Assembly will better protect men and women from domestic violence and at the same time help to curb cases of domestic violence.

We cannot deny that the figures for the number of cases reported and the number of protection orders issued have constantly soared up year by year. However, if my memory serves me right, the last amendment brought to the Protection from Domestic Violence Act 1997 dates back to 2011, almost five years from now. This has been the case despite we consider gender violence as a critical area of concern and national priority.

The Protection from Domestic Violence Act 1997 has certainly been a powerful weapon in the hands of the enforcement officers -

- (i) to assist victims of all sorts of domestic violence, and
- (ii) to obtain remedies such as protection orders, occupation orders and tenancy orders.

All these remedies, Madam Speaker, available under the Protection from Domestic Violence Act 1997 are civil in nature. The only offence created under the Protection from Domestic Violence Act 1997 is indeed section 13 - failure to comply with an order of the Court. Therefore, it appears that the Protection from Domestic Violence Act 1997 only caters for the safety of the victims of domestic violence. It did not really provide for the punishment of the perpetrators. True, we do have the Criminal Code Act 1838 which makes provisions for the different kinds of offences including assaults, wounds and blows causing death and so on.

However, the Criminal Code Act 1838 does not create specific offences for domestic violence cases.

We all know how victims of domestic violence cases back off from the Court arena when it is time to depone for different reasons, for instance, some women fear for their own lives; some do not want family reputation to be tarnished; others prefer to keep silent in the best interest of their children. What I want to emphasise here is that this 2016 amendment to the Protection from Domestic Violence Act 1997 rightly incorporates those missing elements in the domestic violence legislation.

One of the objects of this Bill is to provide that a person committing an act of domestic violence against his spouse living under the same roof will, henceforth, be considered to commit an offence under the Protection from Domestic Violence Act 1997. The perpetrator will be prosecuted for this offence in addition to the civil remedies provided in favour of the victim.

I should also applaud the initiative of the hon. Minister of Gender Equality, Child Development and Family Welfare for having come up with a more refined and all-inclusive definition of domestic violence. In 2004, section 2 of the Protection from Domestic Violence Act 1997 was amended to include a definition of domestic violence. However, it has been felt that the definition was not adequate to cover all the circumstances that crop up in practice in such cases. This Bill adds acts such as stalking to the existing definition of 'domestic

violence'. The definition includes the act of depriving, without any reasonable excuse, the spouse of resources which the spouse is entitled to or requires, or of rent for shared residence. This widening definition of 'domestic violence' will ensure that genuine cases fall within the ambit of the Protection from Domestic Violence Act 1997.

Of particular importance is also the clarification brought by this Bill to the definition of 'spouse'. We all know that the majority of known domestic violence cases concerned spouses. However, in practice, a major impediment in the implication of the provisions of the Protection from Domestic Violence Act 1997 has been *locus standi*. There are cases before the Courts which risk being set aside on the ground that the applicant does not qualify as spouse as per the definition provided under the said Act.

As our law stands, it appears that in order to qualify as spouse, a man and a woman who are living or have lived together as husband and wife would equally need to be the parents of a common child. The purpose of this Bill is to bring a significant amendment to the definition of 'spouse' as it clarifies the position of persons who have lived or are living together without having a common child. It is now clear that two persons of opposite sex who are living or have lived together as husband and wife would still qualify as spouse even if they do not have a common child. It is worth stressing on the fact that the Enforcement Officers of the Ministry of Gender Equality, Child Development and Family Welfare do play an active and central role in the protection of victims from domestic violence. Their powers are being stretched by this Bill with a view to enable them to, effectively, discharge their functions and to exercise their powers within the framework of the law. So many times have the Enforcement Officers found themselves in the face of cases where their powers have been restricted.

I would like to draw the attention of the House to the new section 8A of the Bill. In the current Protection from Domestic Violence Act 1997, only the Court was empowered to cause a Probation Report to be made to determine Court Order has been complied with or not. However, this Bill now extends such power to the Enforcement Officers who can now apply to the Court for such a Protection Order. This will ensure that the obtention of an order under the Protection from Domestic Violence Act 1997 by the victim is not the end of the matter. The Enforcement Officers will now be in a position to ensure appropriate follow-up with a view to, ultimately, provide effective protection to the victims of domestic violence.

The new clause 11 of the Protection from Domestic Violence Act 1997 also makes a significant addition to the powers of the Enforcement Officers when it comes to making application for orders under the Protection from Domestic Violence Act 1997 on behalf of victims of domestic violence.

This Bill correctly entitles the Enforcement Officers to apply for orders, on behalf of victims, where they are unable to consent to same as a result of being injured. The benefits of the amendments contemplated by this Bill are also far-reaching as they also increase the duties and the powers of the Police Officers in domestic violence cases.

In addition to their general powers under the Police Act, the Police Officers will now be endowed with further powers under the new clause 11A. With the coming into force of these amendments, a Police Officer not below the rank of Assistant Superintendent will be in a position to arrest a person who has committed an act of domestic violence on a victim and physical injury has ensued.

We also have to consider that the amendments to section 13 of the Protection from Domestic Violence Act 1997 provides for more stringent sentences on the commission of an offence under the said Act. A person, who fails to comply with an order issued under the Protection from Domestic Violence Act 1997, will now on a third or subsequent conviction, be liable to imprisonment for a term not exceeding 5 years.

Furthermore, a person, who does an act of domestic violence, will now be liable on conviction to sentences as described under the new clause 13(2) of this Bill. These measures, Madam Speaker, are intended to instil in the mind of a Mauritian citizen the seriousness of domestic violence offences and the amendments to the Protection from Domestic Violence Act 1997 are aimed at bringing a curb on the domestic violence cases.

These amendments, Madam Speaker, have a laudable purpose. I fully support the Bill. I commend and thank the hon. Minister of Gender Equality, Child Development and Family Welfare for bringing forward this Bill at a time when we realise it is highly required.

Thank you.

**Madam Speaker:** Hon. Ms Sewocksingh!

(5.49 p.m.)

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** Madame la presidente, comme Madame la ministre, je deplore l'attitude du MMM. C'est dommage de

voir que leurs sièges sont vides, surtout lorsqu'on parle de quelque chose de très important pour le pays.

Madam Speaker, hearing the words 'domestic violence' gives me goosebumps. According to Wikipedia: "Domestic violence is a pattern of behaviour which involves violence or any other abuse by one person against another in a domestic setting, such as in marriage or cohabitation."

Madam Speaker, allow me to go directly to the subject. Domestic violence can happen at any time, any place, to anyone. It occurs in all societies, it knows no age or ethnic boundaries. I am sure all of us must have known or witnessed someone who has been a victim of domestic violence. It comes in many forms, such as physical violence, mental, verbal abuse, sexual abuse, marital rape, economic, financial abuse and sometimes even spiritual abuse.

When we talk about domestic violence, Madam Speaker, we talk about the spouse who seeks to assert power or control over her or his partner. Yes, Madam Speaker, I say 'her or his', but till now, I, personally, have never come across a man who is or has been a victim of domestic violence. I know there are some cases where men are victims of domestic violence, but there are very less compared to women. I have known only cases where women have been victims, even figures, Madam Speaker, say that women are more victims than men. I have known women who have gone through hell of abuses, name it, Madam Speaker, physical, mental, sexual. Not later than yesterday, day before yesterday, a case has been filed. Last week, we heard the same.

Madam Speaker, we all know the terms 'domestic violence', but let us, for a minute, allow us to be in the place of that person who is being physically abused. I would like to give a picture of what I am saying so that we all understand what goes through. That is why, Madam Speaker, for a minute I will use the term 'she'. As I said earlier, I have come across women only. That is why for some minutes, I will use the word 'she' with due respect to all my male counterparts.

Madam Speaker, when she is in the hands of her partner. The partner who is in full control of the situation, the partner for whom she has left everything behind, her parents, her family, her relatives, her friends, her house, even gives up her name to take the name of her partner, suddenly, sees her world falling apart. She is being beaten so cruelly that she is no more a human being, she becomes an object in the hands of the partner, Madam Speaker,

who is being slapped, kicked, pushed, shaken, thrown, choked, burnt. Sometimes, Madam Speaker, when hands and feet are not enough to the satisfaction of the partner, he takes a weapon, an iron rod, a rope, a knife, sometimes even a gun and what not.

Madam Speaker, just for a second, let us imagine what goes on in the mind of that woman at that moment, who is facing death, who sees death in front of her. A helpless, without defence woman who just does not understand how the person for whom she has left everything for, suddenly, turns into a monster, turns into a *bourreau*, just like *Madame la ministre vient de dire*. She comes out with wounds, blows, broken bones, burns, and if she is less fortunate, she loses her life. And, if by chance, she is spared, the next day, she is expected to wake up, do her daily chores, go to work, give her best of herself at office, be the best wife, best daughter-in-law, best mother, etc.

Mental and verbal abuse is no less, Madam Speaker. The partner abuses to an extent with harsh words, comments, behaviour that it becomes an emotional abuse. The feeling is as if someone is using a drill, a drill in the body, who keeps on drilling, drilling, screwing, making holes in the flesh every day, every minute, every hour that she loses her self-esteem. She gets anxiety attacks, she faces depression, in other words, she loses her identity, she is no more herself.

Madam Speaker, very often, this happens in front of children. It is said that a child who lives in a household with violence often shows psychological problems. They can be traumatised throughout their lives. They can face lots of problems in their adulthood. They can have very strange behaviours and sometimes we even see it in our society. Here, Madam Speaker, I have a thought for the parents of the victims of domestic violence.

Madam Speaker, parents' dream is to see their child happy. Parents go through a lot of sacrifices in their own lives to give a better living to their child. It is said that parents raise their child like a flower - *Madame la ministre* has given examples of flowers when she was referring to women - but the day they find out that their child is in the hands of an abuser, their dream turns into a nightmare. I have known a mother who, after seeing her daughter being physically abused by her spouse, got a stroke. That unfortunate mother passed away with a cancer some years later. Though it is said that there is little chance that stress can cause cancer, let's hope that the mother did not die out of sadness.

Apart from physical and moral abuses, I earlier mentioned other types of violence, Madam Speaker. Sexual and economic violence and so on do exist. I am not going into

details to gain time, but we all know that these forms of violence exist and there are other forms also that do exist. But why so much of violence, Madam Speaker? Why so much of violence in our society? We are living in a fast developing country. Our lifestyles have changed, we are more empowered. Both men and women are working, which may lead to a stressful life. We see in many cases domestic violence happens once, twice and then becomes repetitive. The violence becomes worst over time.

It is important to keep in mind that the main cause of domestic violence is abuse of power and control. There are other causes of domestic violence such as alcoholism, drugs, financial problems and unemployment. There are also rich people who are abused by their spouse. There is also lack of confidence, lack of trust and lack of control where anger turns into aggressiveness, intervention of relatives and so on. But, Madam Speaker, we still find in many cases that the spouse does not end the relationship and this also might have several reasons, maybe out of love; when you love someone you can give your life to him or to her. Very often, we easily forget and forgive out of love.

Society is another reason where a partner does not leave. The society tags you. Children can be a reason. Finance can be another issue. The spouse can be financially dependent on the other one. Culture may encourage the spouse to stay, etc. Domestic violence is a highly sensitive matter that should be dealt with a lot of sensitiveness.

Madam Speaker, we are here today to discuss about the amendments that are in the Protection from Domestic Violence (Amendment) Bill which the hon. Minister is bringing forward. Though it is the fourth time that this Act is being amended, I have no doubt that we are moving a step ahead. This Government is very much concerned about the protection of its citizens. In view to provide better protection to victims of domestic violence, proposals to the amendment to the Protection from Violence Domestic Act of 1997 have been made. This Government strongly believes that it should try to prevent, investigate and punish acts of violence against a spouse with sufficient diligence. Madam Speaker, here, I would humbly like to thank the hon. Minister for the outstanding work that she is doing to give women, children and families a better living. Knowing her determination, her strength, I am sure she will go till the end to make things happen.

Also, Madam Speaker, on behalf of so many victims who are suffering in silence, those who are broken, those who are *sans voix* out there, I would like to pay my sincere gratitude to the Rt. hon. Prime Minister who is leaving no stone unturned and he is paying a

lot of attention to this amendment to make the lives of each and every one in our Republic a safe and secure place to live in. As a Member of the Pan-African Parliament, I have the opportunity to share the experiences of my country and listen to some on my African colleagues. Believe me, Madam Speaker, we should say that we are blessed to live in a peaceful and stable country. There are still countries that do not even have a specific law on domestic violence and if they have, many of them find that their biggest challenge is to implement the law. Madam Speaker, here, we are talking about amendments and for sure these amendments will bring more harmony to our living.

Madam Speaker, this is the time where we have to do much more to respond to the cries for justice, to respond to the cries of women, children, families who have suffered violence. We have to do much more to end these horrible abuses and the impunity that allows this human rights violence to continue. I think we can all agree that the time for excuses is long gone and has passed and belongs to another era. The silence on violence against the spouse has broken and now it is the time for stronger action. When it comes to providing services, strong actions to improve the quality and accessibility of services should be taken into consideration so that women have prompt access to services regardless of their location, race, age or income. These include healthcare services, immediate and effective police responses, psychological support, counselling, legal advice, protection orders, telephone hotlines, websites and even social assistance, all these in a conducive environment.

A victim must have a place to go with the children, which is safe, clean and secure. We need more shelters, Madam Speaker, to welcome these victims. They should not feel that they are a burden of the society. Adolescents in schools should learn about health and sexuality and must be taught that coercion, violence and discrimination against gender are unacceptable. When it comes to the prosecution of offenders, we know that ending impunity means that the law must be enforced. There is also need of reforms in the Police Department and Judicial processes which play constraint on the spouse from accessing justice. Courts and justice system must be accessible and responsive to criminal and civil matters relating to domestic violence.

Ending domestic violence is one of the Government's key priorities, Madam Speaker, but we can still bring a lot of reforms, amendments, changes in our Acts. The Minister, the Ministry, the Government, NGOs, social workers will do their parts, but this is a matter of concern for each and every one. It is the mindset that has to be changed once for all. Too often, we say it is a private matter or he or she deserves it. No one deserves this sort of



treatment, Madam Speaker. There is no reason to express anger through violence. We need to be able to provide a zero-tolerance attitude. We need to set the example in the African Continent.

Today, Madam Speaker, I have the opportunity to stand up in this august Assembly to voice out for those who cannot, those who have been abused daily either physically, mentally, sexually or in any other forms. Maybe now someone somewhere is being abused or is suffering in silence, Madam Speaker. Many of these victims live with a wish that they will have a better tomorrow. And who would like to die in the hands of an abuser? Here, Madam Speaker, I have a special thought for all those who have lost their lives through domestic violence. May their soul rest in peace! There is no excuse for domestic violence, Madam Speaker. We are all equal. We are all human beings. We are all made of blood and flesh. There are many ways where we can avoid violence. It needs some understanding, commitment, compromise and all blended with some love.

I would like to end up by referring to a beautiful saying, Madam Speaker. It is said: 'Educate a woman, you educate the nation.' In the same way, I would say, Madam Speaker, 'Make a woman suffer, it's the whole nation that suffers'. Food for thought! Thank you, Madam Speaker.

**Madam Speaker:** Hon. Mrs Selvon!

(6.04 p.m.)

**Mrs D. Selvon (Second Member for GRNW & Port Louis West):** Madame la présidente, j'accueille favorablement le projet d'amendement qui nous est proposé aujourd'hui par Madame la ministre de l'Égalité du Genre, du Développement de l'Enfant et du Bien-Etre de la Famille, pour renforcer la loi contre la violence familiale.

Je saisis l'occasion pour demander aux membres de cette Chambre d'avoir une pensée spéciale et de prier pour ces centaines de femmes et enfants qui ont été tués, blessés et mutilés depuis toujours et continuent de l'être. Mais nous devons aussi sympathiser bien qu'ils soient moins nombreux avec les hommes qui subissent le même sort. Le désespoir des victimes de violences familiales est immense et conduit souvent à des actes désespérés et à des formes de criminalité des plus affreuses. Ce type de criminalité est malheureusement très prévalant à Maurice dans les familles et fait les grands titres de la presse chaque semaine. La violence familiale est plus fréquente contre les femmes et les enfants mais il y a aussi d'autres victimes de violence familiale.

Maurice n'est pas encore arrivée à une démocratie élargie qui reconnaît officiellement tous les genres qui composent la nation afin de mieux les protéger et leur assurer un traitement équitable à tous les niveaux. Dans les grands pays démocratiques, il y a de grandes communautés religieuses souvent conservatrices mais contrairement à Maurice elles sont bien séparées de l'État et donc les autres genres sont formellement reconnus sur le plan légal indépendamment des lobbys religieux car la loi c'est pour tout le monde.

Toutefois, je constate que, dans le présent amendement qu'on nous demande de voter, il y a la notion de *'any other person living under the same roof'*, dans la Section 2 de l'amendement ce qui d'une certaine manière peut inclure les couples composés de genres autre que les deux seuls qui sont reconnus dans notre législation. Je souhaite que dans l'application de cette loi, la police et le judiciaire interprètent cette expression dans le sens le plus large comme dans les grandes démocraties.

L'appellation du ministère est un ministère de l'égalité des genres, il faut que tous les genres soient traités sur un pied d'égalité dans les cas de violence domestique. Concernant l'expression *'living under the same roof'*, on aurait pu préciser plutôt *'entertaining'* ou *'having entertained an intimate relationship and living or not living under the same roof'* et cela afin de renforcer le droit des autorités à intervenir dans le cas des violences familiales lorsque le conjoint et/ou les enfants ne vivent pas sous le même toit pour une raison quelconque.

Un autre point que je veux soulever concerne la notion de *'protection order'*. J'aurais été favorable à l'inclusion des deux types – l'un *'protection order'* normale et l'autre *'an urgent protection order'* pour les cas de violence très sévères qui risquent de basculer vers un meurtre, une agression d'une violence inouïe comme cela est trop souvent le cas. Il faudrait que la police puisse obtenir des ordres de protection des victimes dont les vies sont très menacées dans tel ou tel contexte spécifique.

Pour conclure, je laisse le soin à Madame la ministre de réfléchir aux points que j'ai soulevés dans le souci de renforcer la portée de son projet d'amendement et de décider d'apporter les changements suggérés. La raison en est que je pense que le gouvernement a une majorité massive qui est suffisante pour lui permettre d'opter pour une démocratie élargie, plus inclusive des minorités au sein de la nation.

Merci.

**Madam Speaker:** Hon. Fowdar !

(6.08 p.m.)

**Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or):** Thank you, Madam Speaker. Let me first of all congratulate the hon. Minister for bringing this Bill to the House and I have no doubt that the hon. Minister is doing a great job and is leaving no stone unturned to improve family life in Mauritius.

Madam Speaker, this Bill brings changes to the law and put more weight to severely punish those who commit domestic violence. A tough law acts as a deterrent and discourages abuses in their acts. Bottom line, Madam Speaker, the aim is to protect the victims from the abuses and there are a number of ways to do so. Ideally, we should target to avoid domestic violence rather than punish abuses of domestic violence as a last resort. The Bill is mostly punitive rightly so, but we need to be preventive as well. Madam Speaker, there are different stages in domestic violence before it culminates to physical violence and in many cases leading to death.

Efforts must be made to stop matters at an early stage rather than intervention at the late stage of physical violence or death. The main problem is: the victims usually take much time before they denounce the abuses and this in the hope that things will settle with their spouse, but, in the meantime, they are severely abused. The law does not provide Police intervention without any complaint on behalf of the victims and the victims are already weak and scared to depone against the abuses.

Therefore, Madam Speaker, just like we have neighbourhood watch to track down burglars, we must initiate and allow similar forums to track down domestic violence. People including neighbours must be allowed to report any suspicious case of domestic violence whether officially or anonymously. This must be acceptable and this must be without any cumbersome procedures. We have seen many cases of domestic violence resulting in serious physical injury or death where the neighbours and friends were well aware and did not or were not allowed to report the cases. I know that people are allowed to do so in the UK and elsewhere; so, why not in Mauritius? So, I would kindly request the hon. Minister to look into this possibility of introducing whistle-blowers to minimise cases of domestic violence.

The other issue, Madam Speaker, is that, it is important to note that domestic violence does not always manifest as physical abuse. Emotional, psychological and financial abuse can often be just as extreme as physical violence. The tendency in Mauritius is to consider only physical violence as domestic violence. Physical violence is only a culmination of the other

types of domestic violence. Many abuses and victims and the public at large are not aware of the other aspects of domestic violence and it is important that an awareness campaign be launched. I am glad to see all those terms included in the Bill now. Both the potential victims and abusers must be made aware of what is domestic violence; this may deter many cases right at an early stage.

Therefore, Madam Speaker, it is important to define the terms found in the Bill such as harassment, stalking, intimidation, emotional, psychological and financial abuse by giving examples for each one of them. I have chosen stalking behaviours to give a few examples which could have been spelt out in the Bill. Stalking may be spelt out as repeated phone calls, text messages, voice messages, notes, gift, followed by either walking or in a vehicle. This will clarify matters for both the victims and the Police. The Police must be given clear guidelines on where their actions are needed. There should be no ambiguity and the guidelines must help the Police to take actions promptly. They must not wait for the Court to rule out as far as possible before taking action. Arrest and detention must be easy matters for them.

Thirdly, it is not clear whether abuses after a breaking relation such as a divorce are punishable in the same manner as for domestic violence. Such relationship may not be covered under the same roof definition. It is known that after a break of relation, there is more tension between the ex-partners and the tendency of abuse is more pronounced. This is because the dominating partner loses control and is therefore more frustrated. It will be good if the hon. Minister, in her summing up, would clarify this matter.

Lastly, Madam Speaker, I believe that the Commissioner of Police needs to build up a dedicated team within the Police Department to handle domestic violence. This team - as rightly mentioned by the hon. Minister, I was not aware that they are training already and that is a very good thing - Madam Speaker, must be thoroughly trained both in identifying domestic violence and also in dealing with victims and abusers. Domestic violence is an epidemic affecting individuals in every community regardless of age, economic status, sexual orientation, religious belongings, cultures and educational standings. Therefore, it is highly important to have a dedicated and well-trained team of Police officers to deal with cases of domestic violence.

Madam Speaker, it has also been reported on many occasions that the Police were late in taking actions or in intervening in cases of domestic violence. This can only add up to

make the situation worse. Domestic violence must be given its due importance by the Police and must not be considered as less important than other crimes. The Police must take prompt actions and must intervene promptly and, more importantly, they should not make a joke out of it.

Lastly, Madam Speaker, in most cases, we learn that victims of domestic violence become victims of some Police officers who find it an opportunity to take advantage of the weak victims. It is also reported by some victims that they are verbally abused by some Police officers; this discourages the victims to report their cases to the Police and helps to aggravate the cases further. Madam Speaker, it is therefore very important that cases of domestic violence are treated diligently and with caution by the Police. I, again, congratulate the hon. Minister for bringing this Bill to the House and I fully support the Bill.

Thank you, Madam Speaker.

**Madam Speaker:** I will now request the Deputy Speaker to take the Chair.

*At this stage, the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Hon. Lepoigneur!

(6.19 p.m.)

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** M. le président, j'accueille favorablement les amendements de l'honorable Mme. Aurore Perraud, ministre de l'Égalité des genres, du Développement de l'enfant et du Bien-être de la famille, que je félicite pour le bon travail qu'elle est en train d'accomplir et qu'elle a déjà accompli dans son ministère. Mais, permettez-moi, M. le président, d'élaborer un peu sur la violence domestique.

M. le président, les violences faites aux femmes ne sont pas des problèmes individuels mais une question de société. Les inégalités entre hommes et femmes en sont le moteur. Les politiques publiques qui envisagent pour prévenir et combattre la violence faite aux femmes peuvent se diviser en quatre catégories : police et justice, santé, éducation, approche multisectorielle, services sociaux et développement économique. Le système policier et judiciaire peut contribuer à la prévention et la réduction de la violence contre les femmes de différents façons : en sanctionnant les agresseurs, en faisant entendre à la société que la violence physique ou sexuelle contre les femmes est un crime, en renforçant leurs droits, en améliorant l'accès des femmes au système légal, en élargissant la gamme des problèmes de

procédure de preuve lors des poursuites criminelles, réduisant les mauvais traitements dont souffrent parfois les victimes de la part des propres institutions qui composent de système policier et judiciaire.

En Amérique latine et dans les Caraïbes, les efforts pour améliorer les lois politiques relatives à la violence contre les femmes se sont concentrés sur l'élaboration de la ratification des conventions internationales qui fournissent un cadre légal pour appuyer les législations nationales et sur la promulgation des nouvelles législations spécifiques conçues pour lutter contre la violence contre les femmes et sous la réforme des codes nationaux et civils et pénaux. Ces réformes législatives consistent en général en des révisions du cadre légal familial et civil pour réduire les discriminations contre les femmes et améliorer leurs droits en termes de mariage, divorce, propriété, héritage et garde des enfants et en des révisions de la pénale visant à durcir les sanctions dans le cas de violence domestique et enfin, des nouvelles législations en termes de procédures criminelles.

Évidemment, M. le président, on aurait tort de l'oublier, ces réformes législatives ne constituent qu'une première étape, il faut ensuite les mettre en œuvre et pour le moment, peu a été fait dans ce sens. Les obstacles sont nombreux : manque de coordination entre les tribunaux dédiés aux affaires familiales et ceux dédiés aux affaires criminelles, réticences de la police ou des juges à enquêter sur des cas de violence domestique ou à protéger des femmes en danger, manque de volonté ou incapacité du système judiciaire dans ce second cas en général, par manque de ressources ou de méconnaissance de ce question, à appliquer les lois.

Il faut ajouter que certaines mesures légales pensées pour lutter contre la violence contre les femmes peuvent s'avérer contre-productives. Ce fut, par exemple, le cas aux États-Unis où les lois établissant l'arrestation obligatoire de l'agresseur, dans le cas de violence domestique il a été établi que les lois conduises à une augmentation d'environ 60% du nombre des meurtres des femmes par leur compagnon. Ces résultats, en première vue, s'expliqueraient la diminution du nombre de plaintes déposées par les victimes des violences qui auraient suivi l'approbation de ces lois. Les raisons pour lesquelles ces lois d'arrestation obligatoire conduiraient à une diminution du nombre de plaintes ne sont pas encore bien connues. Il est possible que les agresseurs punissent leur victime encore une fois durement après une fois libérée, si c'est le cas il faudrait probablement durcir les procédures judiciaires et pénales. Il se peut également qu'il soit plus difficile pour les victimes de porter plainte lorsque cette plainte implique une peine plus dure. Dans tous les cas, obligatoirement une

arrestation pour l'agresseur en raison de ses liens intimes qui les unissent à l'inverse des mesures légales qui obligent le procureur à maintenir l'accusation même lorsque la victime préfère se rétracter, se traduirait par une augmentation du nombre de plaintes.

Il faudrait donc prêter une attention particulière non seulement à l'effet dissuasif en incapacitant de produire une nouvelle peine pour l'agresseur mais aussi au manque d'incitation portée plainte qu'elle peut susciter parmi les victimes. Une solution serait de mettre en place les politiques qui cherchent à redonner du pouvoir aux victimes, des programmes qui leur proposent des services sur mesure en fonction de la personnalité de la femme battue ou du contexte familial. En ce lieu de place des politiques de l'inéluctabilité est finalement problématique. Dans tous les cas, ce résultat démontre que si besoin s'en fallait que toute mise en place d'une nouvelle politique publique devrait être accompagnée systématiquement de son évaluation.

M. le président, par ailleurs, on cherche à améliorer la réforme du système policière et judiciaire à la violence faite aux femmes en améliorant la formation des personnels, en sensibilisant cette problématique et en réorganisant les services de police, par exemple, avec la création d'unité spécialisée qui s'occupe exclusivement de ce type de cas et composé de femmes policières spécialement formées à cet effet.

Enfin, certaines études suggèrent que la collaboration et l'appui de la communauté constitue un élément essentiel de la réponse judiciaire face à la violence contre les femmes. D'autres éléments revêtent une importance toute particulière; d'un côté faire savoir aux femmes qu'elles ont le droit à une vie libre de violence que c'est un droit, et d'un autre côté favoriser le soutien de la communauté aux femmes qui ont le courage de saisir la justice.

M. le président, dans le domaine de la santé également, on cherche à améliorer la réponse du secteur de la santé à la violence faite aux femmes en termes de détection, d'orientation, de documentation et de conseils de détection aux victimes. Un autre objectif est de garantir l'accès des victimes au service de santé. On peut citer parmi l'initiative visant à atteindre ces objectifs, des réformes égales destinées à réguler le système médico-légal, par exemple, la multiplication des emplois d'infirmières légistes et spécialisées dans la collecte de preuves de préparation des cas légaux et des obligations personnelles de santé vis-à-vis des victimes de violences domestiques, des protocoles de santé nationaux, des lois pour réguler la médecine légale, on cherche également à renforcer la réforme de l'institution de santé à la violence de ce genre en développant l'information statistique hospitalière sur ce type de

violence, en approfondissant les connaissances de son personnel sur les liens contre violence et santé, en élaborant des procédures de détection et de dérivation des victimes, en améliorant la qualité de l'attention des soins appropriés aux victimes, par exemple, via la création des services spécialisés en renforçant la coordination des organisations non-gouvernementales et les différents acteurs institutionnels au premier rang desquels la police et le système judiciaire.

M. le président, en éducation on recherche également à améliorer la réforme du secteur éducatif à cette problématique. Cela passe, par exemple, par la sensibilisation de son personnel à ces questions et à sa formation adéquate. La modification du contenu académique de façon à intégrer les problématiques de la violence du genre et des droits de l'homme. La mise en place de programme de prévention de la violence dans les écoles, la création des services spécialisés destinés à accueillir, conseiller et orienter, s'il le faut, les victimes de violence, ou encore le remplacement des manuels scolaires qui véhiculent ces stéréotypes sur le genre.

Une approche multisectorielle est aussi importante. Ce dernier type d'interventions englobe les lois de politiques publiques qui cherchent à élargir les droits économiques des femmes relatifs aux questions de propriété et d'héritage et de réduire les discriminations dont elles sont victimes, les plans nationaux et multisectoriels de lutte contre la violence faite aux femmes, l'intégration de la prévention de la violence domestique lors de la conception des projets de développement économique et social; programmes de microcrédit ou de rénovation de l'habitat, par exemple. Les efforts faits pour entendre, améliorer, coordonner les services d'aide aux victimes, par exemple, les refuges, les services d'aide psychologique et légale, les lignes de téléphones spécifiques; le développement des réseaux locaux et nationaux d'organisations travaillant pour les droits, la sécurité et le bien-être des femmes en général et des victimes de violence en particulier. Les programmes de développement économique qui cherchent à renforcer les pouvoirs des décisions des femmes – les programmes de microcrédit, d'aide aux développements des petits commerces, par exemple.

Il faut associer à ces différentes interventions des stratégies de communication ou des ateliers organisés dans les communautés qui cherchent à changer les normes culturelles en vigueur et les comportements individuels qui ont contribué à façonner.

M. le président, la violence envers les enfants fait aussi partie de la violence domestique et qui nous blesse tous. Quoi de plus naturel pour tout enfant d'avoir quelqu'un



qui prend soin de lui et assurer sa sécurité. Selon les recherches, les données relèvent que près de deux tiers des voies de fait et des infractions sexuelles sur les enfants et des jeunes étaient perpétrées par un membre de leur famille, plus de la moitié de ces voies de fait et des infractions dans la famille étaient commises par les parents. Les dommages peuvent durer toute une vie. Un enfant qui a été victime de mauvais traitement est plus susceptible de vivre des relations violentes une fois parvenu à l'âge adulte. Et le cycle de destruction se poursuit.

Nous devons tous prendre soin des enfants. Aujourd'hui, nous assumons davantage la responsabilité d'intervenir dans la violence familiale et de prévenir la violence envers les enfants, parce qu'elle doit cesser.

Le mauvais traitement des enfants renvoie aux mauvais traitements physiques, psychologiques, sociaux ou sexuels commis envers un enfant. Il blesse et met en danger la survie, la sécurité, l'estime de soi, la croissance et le développement de l'enfant. Il peut impliquer un seul incident ou une série d'incidents.

La violence physique est l'usage délibéré de la force contre l'enfant, d'une manière telle que l'enfant subit un préjudice corporel au risque de subir un. La violence physique englobe des comportements tels que secouer, étouffer, mordre, donner des coups de pied, brûler, empoisonner, tenir l'enfant sous l'eau ou tout autre usage dangereux et nocif de la punition.

La violence psychologique renvoie aux actes et les omissions qui nuisent à l'estime personnelle de l'enfant de façon à causer ou à risquer de causer des troubles comportementaux, cognitifs, émotionnels. Par exemple, la violence psychologique peut comprendre des menaces verbales et le dénigrement; forcer un enfant à isolement social, l'intimidation, l'exploitation, le fait de terroriser un enfant ou d'avoir couramment des exigences déraisonnables à son endroit.

La violence sexuelle englobe à la fois le harcèlement sexuel et l'activité sexuelle. Elle comprend des relations sexuelles et les tentatives de relations sexuelles ; inviter un enfant à toucher ou à être touché sexuellement; l'exhibitionnisme, l'exploitation sexuelle, le harcèlement sexuel et le voyeurisme.

Il y a négligence lorsque les besoins fondamentaux de l'enfant ne sont pas satisfaits. La négligence physique peut comprendre de ne pas assurer la nourriture de l'enfant, des vêtements, l'abri, la propreté, les soins médicaux et la protection adéquate contre le préjudice.

Il y a négligence émotionnelle lorsque les besoins d'amour, d'acceptation, de sécurité et d'estime de soi d'un l'enfant ne sont pas satisfaits.

Les enfants se trompent et mentent rarement à ce sujet. La majorité des cas de violence physique comprennent une punition inappropriée, ce qui signifie que les autres cas sont de nature plus grave. La forme la plus répandue de violence sexuelle consiste à toucher ou à caresser les parties génitales de l'enfant, mais dans certains cas, il y a relation sexuelle complète ou tentative de relation sexuelle.

Dans bon nombre de cas, les acteurs présumés sont des membres de la famille ou d'autres personnes apparentées. La majorité des cas de violence physique impliquent le père ou la mère, mais la violence sexuelle est habituellement faite par d'autres personnes apparentées ou des personnes non apparentées.

Les parents qui maltraitent leurs enfants ont souvent eux-mêmes eu une enfance difficile ou il y avait mauvais traitement des enfants. Ils ont souvent peu de soutien et ne savent pas comment jouer leur rôle parental de manière adéquate. La famille fonctionne souvent mal pour ce qui est de la résolution de problèmes, de la communication et du contrôle du comportement.

Souvent, lorsqu'il y a violence conjugale, il y a aussi mauvais traitement des enfants. L'exposition à la violence familiale est la forme la plus répandue de violence psychologique envers les enfants.

Les études sur la violence familiale révèlent que même dans les cas où les enfants ne sont pas directement ciblés par la violence dans le foyer, le fait d'en être témoin peut leur faire du tort. Les enfants qui vivent des situations de violence familiale peuvent encourir des dommages corporels immédiats et permanents et même être tués. Ils peuvent aussi connaître des problèmes émotionnels, comportementaux ainsi que des problèmes de développement à court et à long termes, notamment une névrose post-traumatique.

Dans certains cas de violence physique ou sexuelle, les victimes ont de gros problèmes de comportement, des relations perturbées avec leurs camarades, ils souffrent de dépression et d'angoisse, sont violents envers les autres, leur développement a du retard, leur fréquentation scolaire n'est pas assidue et leur comportement sexuel est inapproprié.

M. le président, c'est connu le fait d'être témoin de violence familiale est aussi nocif que de l'avoir vécue directement. Souvent, les parents croient avoir protégé leurs enfants contre la violence conjugale, mais les recherches montrent que les enfants voient ou

entendent de nombreux incidents de violence. Les enfants qui sont témoins de violence familiale souffrent des mêmes conséquences que ceux qui ont été directement victimes de violence. En d'autres termes, un enfant qui est témoin de violence conjugale vit une forme de mauvais traitement des enfants.

Les effets du mauvais traitement des enfants et de la violence familiale se manifestent de bien des façons. Voici quelques-uns des signes de mauvais traitements, surtout lorsqu'ils se manifestent ensemble ou qu'ils représentent un changement de comportement - blâme de soi, sentiments de culpabilité et de honte, attitude très dépendante, timidité extrême, cauchemars intenses à répétition, solitude, accès de tristesse prolongée, retrait social, trouble d'angoisse de séparation, crainte des dangers, crainte des personnes qui sont du même sexe que l'agresseur, appréhension générale, anxiété et phobies, retards dans le développement, maux de tête, maux de ventre, incontinence d'urine nocturne, troubles de l'alimentation, automutilations ou brûlures, pensées suicidaires, dissociation mentale, comportement sexuel inapproprié; estime de soi extrêmement faible, difficulté à faire confiance aux autres, difficulté à résoudre des problèmes, problèmes relationnels, hauts niveaux de colère et d'agression, colères violentes, victime ou auteur de violence dans les fréquentations.

Il est généralement très difficile pour des enfants qui sont victimes de violence ou de négligence de signaler le problème à quelqu'un. C'est pourquoi il importe de connaître les signes de mauvais traitements et de savoir quoi faire à ce sujet. Nous avons tous l'obligation de signaler les cas de mauvais traitement des enfants, que ce soit l'enfant qui se confie à nous ou que nous ayons des doutes raisonnables à ce sujet. C'est la loi.

Si un enfant vous dit qu'il est victime de violence -

- croyez-le;
- écoutez-le ouvertement et calmement;
- rassurez l'enfant et donnez-lui du soutien;
- dites à l'enfant tout ce qui s'est passé n'est pas de sa faute.
- écrivez ce que l'enfant vous dit, en utilisant les mêmes mots que l'enfant;
- communiquez à votre service de police local ou un organisme de services à l'enfance et à la famille.

Il y a aussi des moyens d'aider les enfants victimes de violence à guérir -

- permettez-leur de briser le silence qui entoure la violence dans leur vie;

- renforcez leur capacité à se protéger physiquement et psychologiquement;
- renforcez leur estime de soi;
- offrez un milieu sain et agréable où ils pourront vivre des expériences positives.

Si vous êtes un parent, un membre de la famille ou un fournisseur de soins qui maltraite un enfant, vous pouvez obtenir de l'aide pour vous-même et pour l'enfant. Il n'est jamais trop tard pour faire cesser la violence familiale. Commencez dès aujourd'hui!

Pour terminer, M. le président, je voterai avec l'amendement de cette loi afin que chaque mauricien assume sa part de responsabilité en dénonçant toutes formes de violences domestiques dont ils sont témoins afin de réduire les nombres de victimes.

Je vous remercie, M. le président.

**The Deputy Speaker:** Hon. Mrs Dookun-Luchoomun!

(6.34 p.m.)

**The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun):** M. le président, je voudrais, en premier lieu, féliciter ma collègue, l'honorable ministre de l'Égalité de genre, du Développement de l'enfant et du Bien-être de la famille d'être venue de l'avant avec ce projet de loi portant sur les amendements à *the Protection from Domestic Violence Act*.

M. le président, comme l'a si bien souligné ma collègue, l'honorable ministre, il est malheureux de constater qu'en dépit de l'existence des lois cadres, la violence domestique continue toujours à faire des victimes et cela plus de 20 ans après Beijing. Les chiffres officiels, Madame la ministre vient de le dire, 1,626 cas de violence domestique enregistrés par le *Family Support Bureau* du ministère, plus de 4,000 cas par la police. Les études menées par la société civile démontrent qu'une femme sur trois a, au moins une fois, connu une forme de violence domestique, que ce soit physique, sexuelle, économique ou psychologique. Il est certain que plusieurs cas ne sont jamais rapportés et le nombre peut-être dépasserait le nombre des chiffres officiels des cas de victimes. Pourquoi ? Par peur de représailles ? Certainement ! Et quels sont les conséquences ? Autant de personnes qui vivent dans la peur, dans la souffrance au quotidien, et aussi, combien de personnes perdent la vie !

A Maurice, depuis le début de l'année, il y a eu trois cas de femmes battues à mort par leurs partenaires intimes. Et cela n'est pas le cas qu'à Maurice, à travers le monde, nous

notons la même chose. En France, en 2015, 134 femmes sont décédées en une année et les décès occasionnés par la violence domestique, perpétrés par leurs partenaires intimes. 84,000 cas de viols répertoriés, 37% de ces cas commis par le conjoint et 17% des cas par d'autres membres de la famille.

Pour l'année 2012, l'ONU chiffre le pourcentage de femmes victimes d'homicide par un partenaire intime à 50%. L'Australie va plus loin encore, on parle là-bas carrément de violence domestique comme un *silent killer* avec 78 cas de mortalité rien qu'en 2015 et une personne décédant par semaine, précisément, due à la violence domestique.

The situation becomes even more alarming, Mr Deputy Speaker, Sir, when we consider the psychological price that has to be paid by a spouse or any other inmate of the household where domestic violence is rampant. This psychological violence can be seen even in situations where there is repeated, unceasing upbraiding and negative commenting on an action carried out by a member of the family.

Et c'est là, M. le président, que je viens féliciter Madame la ministre pour avoir inclus dans ce projet de loi une définition plus élargie pour le terme *domestic violence* et prenant en compte maintenant même l'effet des menaces. C'est très difficile pour une femme ou un conjoint d'aller à la police, faire comprendre qu'il/qu'elle a été menacé(e) et expliquer qu'elle a été l'impact de cette menace sur lui/elle, sur ses proches, sur ses enfants. Et là, je dois souligner, c'est vrai que la violence domestique n'est pas seulement un cas qui affecte les femmes, mais, bien sûr, à moindre mesure, même les hommes. N'empêche, la violence ne peut être acceptée ! Et tous les différents points avancés par Madame la ministre dans le projet de loi, tous les amendements apportés, bien sûr, nous aideront à revoir l'aspect, la façon dont on traite les cas de violence domestique.

Il est clair que la violence domestique est un phénomène qui touche tous les pays, quel que soit la classe sociale, la race ou le niveau d'éducation des personnes concernées. Mais, bien sûr, M. le président, on ne peut aspirer à une société où prime le respect et la sécurité si on laisse perdurer cette situation. Il nous faut, donc, agir car nous avons tous une contribution à apporter. Et nos actions doivent se situer, bien sûr, à plusieurs niveaux, mais à précisément deux niveaux. Il y en a d'autres, comme je vous l'ai dit, mais je m'attarderai seulement sur deux.

En premier lieu, la législation. Madame la ministre a parlé en détails des différents aspects des amendements qu'elle apporte. Il y a aussi des législations dans à peu près 119

pays et 125 pays où ils ont des lois sur le *sexual harrassment* ; 52 pays où ils ont des lois sur le *marital rape*, etc. Mais, ce que nous avons noté, c'est que très souvent, malgré les lois, malgré la législation, la violence domestique continue à perdurer. Et là, je ne parle pas des différentes formes de *stalking*, de *threatening* et tous les autres aspects. Mais, ce qui est important, c'est qu'on arrive à nous assurer que les jeunes dans un pays, les enfants sont préparés de telle sorte à ce qu'ils puissent faire face et résister à n'importe quelle forme de violence, que ce soit l'intimidation, le harcèlement, le trac, le mauvais traitement, les menaces, les insultes, les actes de brutalité. Tout cela, on doit prévenir pour empêcher à ce que nos enfants soient victimes de ces types de violence. Mais le plus important, comme je l'ai dit tout à l'heure, c'est la préparation. Comment est-ce qu'on prépare nos jeunes ? Comme est-ce qu'on s'assure que la génération qui monte ne soit pas victime de la violence et ne soit pas elle-même le *perpetrator* ? Alors, tout cela, bien sûr, dépendra de l'éducation que nous donnons à nos jeunes. Alors, que faisons-nous ? Je profite là d'une petite parenthèse pour dire que c'est très important d'apprendre à nos jeunes comment gérer leurs émotions, comment s'exprimer, comment démontrer leur colère, leur joie, leur excitation, parce que, très souvent, si on n'apprend pas à nos jeunes comment gérer les émotions, ils n'arrivent pas à savoir qu'elle est la meilleure façon de s'exprimer.

Au niveau des écoles, nous avons commencé à travailler de sorte à ce qu'il y ait un *change in mindset*. Il va falloir, bien sûr, qu'il y ait ce qu'on appelle un *shift in mentality*, an *attitudinal shift*. Comment changer les attitudes ?

We, in Mauritius, are labouring under the fallacious notion of gender inequality. Our children need to be properly educated such that the concept of gender equality becomes part of the DNA.

Très souvent, on a tendance à dire aux garçons: 'On ne frappe pas une fille!' Mais ce qu'il nous faut dire à nos enfants, c'est que la violence n'est pas une solution. Ce n'est pas seulement la fille qu'on ne doit pas frapper, on ne doit pas utiliser la violence, peu importe dans quelle situation.

Both men and women have the same rights. They are born equal and mutual respect should be the major principle guiding the relation between them. Women have to be treated on equal grounds and no crime, injustice or discrimination towards them should be tolerated.

Et cela, on doit le faire au niveau de l'école. Les enfants en grandissant doivent savoir que filles et garçons sont égaux et qu'il n'y a pas de discrimination à faire et il faut

comprendre que l'autre est aussi bon dans n'importe quel domaine que ce soit. Et c'est là que je viens ouvrir une parenthèse et dire aux personnes qui pensent que la mixité à l'école n'est pas une bonne chose, qu'au contraire, la mixité à l'école apprendra à ces jeunes de respecter l'autre et de savoir comment se comporter en présence de l'autre, que ce soit la fille ou le garçon.

M. le président, avec votre permission, je voudrais faire une petite parenthèse sur d'autres actions prises par mon ministère. Je viens de vous parler de la gestion des émotions, mais il y a aussi l'introduction de l'enseignement des droits humains au secondaire et cette initiative a été très bien accueillie.

Mr Deputy Speaker, Sir, the fact is that we are in the process of making our youth realise that they need to adopt and use other skills and competencies that will facilitate their entry into adulthood. But, as importantly, we have to inculcate the mindset in our youth that they should not take any form of domestic violence lying down and keep quiet about it. We have to educate them. So, how do we educate them?

First of all, we have to let the youth know what are the various forms of domestic violence. Very often, some people think it is normal to be insulted, it is normal to be called names, it is normal to be bullied and this is the sad story! Very many people, may it be a man or a woman, let's put it this way, tend to accept being ill-treated, they think that it is normal and they do not realise that they are equal to others and they should have no inferiority complex no matter in what situation. So, this is where we need to make sure that educating people starts at home, in school, but should also be done at the level of the community, in social centres. Therefore, we need to invest in training resource persons who would be in a better position to teach our young people and inculcate in them the values that are required for a serene nation.

Mr Deputy Speaker, Sir, domestic violence is an emotive issue, a very complex one. It will be critical that resource persons, as I have said, maybe at schools or in community centres, bring about the proper change in mentality. I was telling you about the increase in education on domestic violence and abuse and to encourage people to denounce it and to disclose violence whether it is at home or elsewhere.

It is also interesting to note that my colleague, the hon. Minister, has talked about spouses and has enlarged the definition of spouses to include former partners because very

often we hear of cases where after a divorce we find that the former partner is still coming and perpetrating violence on the ex-partner.

Now, Mr Deputy Speaker, Sir, I think that the more we talk about it, the more we will be saying that we all are against all forms of violence. So, I won't take more time of this august Assembly and I will end by saying that I congratulate the hon. Minister. I am sure that we will have the support of one and all. I'll invite all Members of the National Assembly to vote without any hesitation for this amendment Bill.

Il y va de l'intérêt premier de notre pays et du bien-être de toutes les cellules familiales.

Merci, M. le président.

**The Deputy Speaker:** Hon. Leopold!

(6.46 p.m.)

**Mr J. Leopold (Second Member for Rodrigues):** First of all, I have to thank the hon. Minister for bringing this piece of law and right at the beginning, I am telling you that I will give full support to this amendment. I think the hon. Minister has said it all in her opening speech, but I will need to give my contribution to this law. I won't be long. I will talk on the complexity of domestic violence and how it is complex to apply this law.

As you may know, in democracy, laws are made to protect people contrary to an authoritarian system where laws are made to repress. Amendment to the existing law on the protection from domestic violence is being made tonight surely because victims are not fully protected and abusers get away too easily when the actual law is applied.

Before going further, we have to understand that any form of abuse between intimate partners, be it physical, sexual, psychological and emotional is domestic violence. With this law, Mr Deputy Speaker, Sir, victims in their hard times will have more support from the Enforcement Officers whereby officers will no longer treat those forms of violence as just domestic dispute. Now, it will be considered as a crime when one person attacks another person.

However, Mr Deputy Speaker, Sir, dealing with domestic violence is such a complex issue as I have told you. I am sure that the Police, Judges and other people are already confronted with numerous challenges while dealing with domestic violence. By trying to understand why victims stay, it is very puzzling to Enforcement Officers and Judges. In most



cases, victims do not want their relationship to end and that is where it is complex. What they want is that the abuse and the battering stop. Therefore, by giving more powers to Enforcement Officers, will this address the issue of protecting victims from violence? One has to understand that victims know their abusers better than anyone else. Victims are usually trapped by the threats that the abusers use like, for example, if she leaves, he will kill the pet; win custody of children or hurt the children. So, how do we address those issues? What I am trying to say here, Mr Deputy Speaker, Sir, is to highlight the complex nature of domestic violence. Making tougher laws is good. It is a very good step by the hon. Minister, but that is not enough. We should not just give more power to arrest and then to punish abusers; we also need in parallel appropriate setting to protect victims from threats other than battering as a result of them reporting their abusers. How are we going to do that? This law is meant to deal with abusers. Now, having dealt with the abusers, what needs to be done then to prevent victims, mostly battered women, from feeling ashamed, isolated, embarrassed and threatened? What kind of support we need to give them? Now, the partner is in prison, what kind of support will they have to cope with single parenting and low household income? How will they get access to safety and support? There is a real fear that the abusers will become more violent if the victims attempt to leave. So, as a consequence, all those involved in dealing with piloting domestic violence are needed to be fully equipped to address those complex issues.

Rodrigues is not spared from this scourge. If you would look at some figures, we have approximately 10,000 families in Rodrigues, a small island, but, in 2012, there have been 222 reported cases of domestic violence. That makes approximately 19 cases every month. So, this is such an important issue to be addressed.

I have spoken this morning to the Deputy Chief Commissioner who is responsible in the areas of Gender, Family Welfare and Child Development and she shares the same view with regard to that problem. She has told me that she is working on an Action Plan to fight domestic violence in Rodrigues and she welcomes this law. In addition to that, she told me that legislation and prosecution is a good idea, but we need to go further than that, as said by the hon. Minister, that is, capacity building - to be with the Police and other people.

She also told me that we need to focus on prevention and awareness so as to sensitise the public on domestic violence; to make them more aware so that they can report those cases and to increase as well the visibility on domestic violence in the educational curriculum. She told me: we need to put the media on board so that they can report most of the cases of

domestic violence. We need to have a very good coordination, research, monitoring and evaluation as well.

So, having said that, Mr Deputy Speaker, Sir, all I want to do is to raise my concern on the complexity in dealing with domestic violence. If the victims want to end the relationship, it is very easy to apply this law, but if the victims do not want to end their relationship but just to palliate the abusers, then it becomes more difficult. That is what I wanted to raise tonight. I am sure that the hon. Minister is a very able Minister and I think if she comes with another law, people will start calling her 'iron lady'. I am sure that she will be able because she looks after welfare of family as well. I am sure she is not here to destroy family and I am sure she will get the right balance and fine-tune so as to deal with such problems.

I thank you for your attention.

**The Deputy Speaker:** Hon. Mrs Monty!

(6.55 p.m.)

**Mrs J. Monty (Third Member for Port Louis North & Montagne Longue):** M. le président, soyez d'abord remercié de me permettre d'intervenir sur cette loi dont les amendements sont attendus par toutes les victimes de violence de ce pays mais que redoutent certainement ceux chez qui la violence est une seconde nature. Il était temps, M. le président, d'aérer une nouvelle fois le *Domestic Violence Act* de 1997, car il est un fait indéniable que la violence ait atteint son paroxysme et que notre chère île Maurice couve en son sein de nombreux violeurs de la paix et de l'harmonie familiale.

Il était donc grand temps, M. le président, que provision soit faite pour des sanctions plus sévères qui viendraient stopper ces grands élans de violence qui, chez nous, ont pris ces derniers temps, des proportions plus qu'alarmantes. M. le président, ces amendements viennent démontrer la volonté de la ministre de tutelle traduisant ainsi le souhait de ce gouvernement de venir rétablir ce qui a pris, de nos jours, un pli de barbarie, se manifestant par des crimes de plus en plus atroces. Il va sans dire que la cible préférée des agresseurs demeure la femme, l'épouse, la concubine.

M. le président, la violence chez nous a atteint des proportions démesurées : femme saucisson, coupée au *grinder*, violentée, violée, assassinée, balancée dans la nature dans des sacs-poubelles, disposée dans des bouches d'égout, étranglée, ébouillantée, défigurée au *cutter* comme à l'acide, brûlée vive et j'en passe, car les recettes de barbarie horrifient et

horripilent. L'horreur est à son comble, M. le président. Il était plus que temps qu'une ministre responsable et sensible à la cause humaine et plus précisément à la cause de la femme, de l'enfant et de la famille vienne rétablir ce qui manquait au bien-être des familles mauriciennes où sévit la violence et qu'un gouvernement ayant à cœur le développement sain des enfants de l'île Maurice, vienne leur permettre, dans une certaine mesure, de ne plus subir autant de violence, en durcissant les lois envers les transgresseurs de la paix et du respect d'autrui.

On me dira peut-être, M. le président, que la violence n'est pas perpétrée contre les femmes uniquement et que les cas d'hommes battus existent aussi. Mais vous conviendrez, M. le président, que le nombre de ces cas est nettement inférieur et que parmi les cas jusqu'ici rapportés ne figurent aucun cas d'homme battu, tué, balancé au milieu des ordures, ou coupé entièrement au *grinder* ou encore réduit en pièces détachées. Non, M. le président, pas encore, toutefois ...

*(Interruptions)*

Pas encore, pas encore! Attendons voir!

*(Interruptions)*

Toutefois, ceci ne vient en aucun cas excuser les femmes violentes qui seront aussi passibles d'amende ou d'emprisonnement quand et si elles le méritent.

Venons-en maintenant à l'interprétation du mot 'violence' ayant pour racine le mot 'viol' qui implique usurpation, non-respect, et qui comprend aussi violer et par extension violenter. Est prévu dans ces nouveaux amendements le fait d'infliger volontairement coups et blessures à toute personne vivant sous le même toit et même de menacer ou de frapper. Même la menace sera sanctionnée si, bien sûr, le cas est rapporté. On ose à peine imaginer, M. le président, ce voyage rapide d'une main leste devant trouver où se nicher quand l'agresseur pense à ce qui l'attend : l'image des barreaux arrêterait bien des violents invétérés. Cela ferait rire les oiseaux ou chanter les abeilles comme dit la chanson et les mains lestes devront en prendre le reste : amende, poursuite, prison.

M. le président, je me garderai de commenter les différentes clauses apportées à ce projet de loi, mes honorables collègues ayant longuement commenté sur le sujet. Cependant, M. le président, si la loi vient punir l'acte, donc l'action même d'agir violemment, il n'en demeure pas moins qu'on ne pourrait éradiquer la violence en tant que telle. Les violeurs de la société ayant agi tellement de façon criminelle que les choses se sont dégradées. Faut-il

encore que la victime choisisse de se mettre sous l'ombrelle de la loi ? Pour ce faire, M. le président, je suis convaincue ...

*(Interruptions)*

...qu'il faut vulgariser les clauses les plus importantes de cette loi : exposer, marteler les esprits, conscientiser. Nul besoin de rappeler ce que le visuel a de particulier, c'est un rappel constant qui oblige à voir même si on refuse de regarder et d'en faire sienne. La conscience générale, j'en suis convaincue, sera éveillée en parallèle. Si un rappel de la loi est enclenché de façon systématique, beaucoup plus explicite et beaucoup plus visible, il serait peut-être bon de suggérer à la Ministre de tutelle la possibilité d'exposer l'essentiel de ces nouveaux amendements à la vue du public en général - à travers des panneaux comme cela a été le cas dans le passé pour le ministère du Tourisme afin de préserver l'environnement et sur lesquels on disait '*to jeter to payer*'.

Il pourrait y avoir, à travers le pays, des panneaux de rappel où le message serait clair, du type '*To bater to tasser*', R 50,000 ou un an de prison. Deuxièmement '*To rebater to tasse plisse*', R 100,000 ou deux ans de prison. Troisièmement '*To rebat encore to tasse nette cinq ans prison pu toi*'. Ce serait, à mon avis, M. le président, un message fort de la loi en vigueur et un rappel constant des risques à encourir si on cède à ses tendances dominatrices à travers toutes les formes de violence comme défini dans les nouvelles dispositions du *Domestic Violence Act 2016*.

M. le président, cela aiderait, j'en suis sûre, les hommes violents à ne pas laisser fleurir leurs germes de violence et à leur rappeler qu'il serait mieux de songer à utiliser leur main autrement et à dicter à leur bras qui se lève d'habitude abruptement et trop facilement – 'ô bras, suspends ton vol' car désormais, ce mouvement rapide, gratuit et violent vers la victime et qui atteint la personne dans sa dignité humaine, sera payant.

M. le président, si les nouvelles dispositions revues vers plus de sévérité pousseraient vers une attitude plus responsable, il n'en demeure pas moins qu'elles invitent l'agresseur à s'amender. Est appelé à naître un homme nouveau, capable de se libérer de son besoin de blesser l'autre physiquement, verbalement ou alors sexuellement.

M. le président, cette loi se veut un rempart de sécurité comme une chance de récupération, un filet de sauvetage pour l'agresseur ou l'agressé. Elle vise à libérer les victimes de violence domestique des horreurs de leur quotidien et permettent aux familles vivant sous la violence de retrouver la paix. Cependant, la question qui demeure est :

l'intensité visible de la violence de nos jours, sera-t-elle freinée avec les nouvelles dispositions légales ou sera-t-il nécessaire d'amender la loi une cinquième fois ou alors carrément criminaliser la violence intra-domestique ou extra-domestique dans le code pénal.

Sur ces interrogations, M. le président, je mets quelques points de suspension à mon intervention en remerciant les honorables membres de l'Assemblée pour leur attention paisible, aimable et pacifique et je félicite la ministre de tutelle pour être venue avec cette loi, brandir le couperet envers tous les violents de notre société mauricienne.

M. le président, sur ce, je vous remercie.

**The Deputy Speaker:** Hon. Rughoobur!

(7.05 p.m.)

**Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or):** Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to say a few words on the Bill. I would like to congratulate the hon. Minister and her team for coming forward with the list of amendments.

Mr Deputy Speaker, Sir, the issue of fight against domestic violence should not be narrowed down to an issue of legislation only. I believe, Mr Deputy Speaker, Sir, that the legal policies should be accompanied also with social policies, and I would like to congratulate the hon. Minister, once again, because, in her speech, I could read she has described her intention, her priorities and we can see clearly that the priorities are not only the legislation. In as far back as, I think, in November 2007, Mr Deputy Speaker, Sir, the former Government came forward with - in collaboration with UNDP, the Ministry of Gender Equality, Child Development and Family Welfare - a decision to work on a National Action Plan on domestic violence. We do not do politics on such issues, but I don't know if the National Action Plan was implemented, but what I have read is that there were, at that time, five strategic objectives which were defined and I believe that it gives, even today, those five strategic objectives. I believe they are tools that still today can be used to define an appropriate action plan for the fight against domestic violence and I am going to quote those five objectives, Mr Deputy Speaker, Sir, that I consider highly valuable -

- (i) improving legislation on domestic violence and strengthening of the justice system and agencies response;
- (ii) appropriate accessible, timely coordinated multiagency responses and support to all victims and children who need it;

- (iii) sensitise and change attitude to prevent domestic violence from happening in the first place;
- (iv) promote responsible reporting, advocacy, sensitisation and a forum by media specialist to encourage the comments at large to discuss domestic violence, and
- (v) undertake research and studies on domestic violence, strengthen capacity building and set up an appropriate mechanism for monitoring and evaluation of National Action Plan to combat domestic violence for the promotion of family welfare.

Mr Deputy Speaker, Sir, when we look at these strategic objectives that were defined, I see the hon. Minister is having these priorities in mind and I think that it is a very good beginning.

The second issue that I wanted to address - first, I want to emphasise on the fact that it is important that social policies as well are taken into consideration side-by-side with legal issues and I have gone through the Bill, Mr Deputy Speaker, Sir, and I have some comments on the Bill, on the definition of 'domestic violence', itself, and I quote -

“(...) “domestic violence” includes any of the following acts committed by a person against his spouse, a child of his spouse or another person living under the same roof – (...).”

We do not have any definition of that 'another person'. We might ask ourselves, somebody living under the same roof, if a tenant is living under the same roof, sometimes you have a tenant in a house, a stranger living under the same roof, do we consider that person to be in a domestic relationship? In the Australian jurisdiction domestic relationship, Mr Deputy Speaker, Sir, has been clearly defined, and I believe that in this Bill as well, we need to clearly define what we mean by 'another person'.

My second comment, Mr Deputy Speaker, Sir, would be on stalking, under section 2, paragraph (c), as pointed out by hon. Fowdar, I believe that it is important that we define 'stalking'. In legislation in South Africa, the House would note that, there as well, stalking is an offence under domestic violence, the Act, but there it is defined clearly as 'repeatedly following, pursuing or accosting the complainant'. Mr Deputy Speaker, Sir, this is a definition from the Act of South Africa. We might not be taking the same definition, but what

is important is that we come with a definition of stalking so that the Courts have, I believe, the possibility of clearly commenting, judging on the offence of stalking.

Still, under this definition of domestic violence, I see an amendment that has been circulated under paragraph (h) where the issue of depriving the spouse or other person of resources; what I wanted to suggest as well, Mr Deputy Speaker, Sir, I believe that depriving the spouse or call the spouse or the other person, the victim, there might be an issue of domestic violence also when you are depriving the victim of property or household effects where that victim has an interest. If you are depriving him of property and household effects where that victim has an interest, I believe, there as well you have got a case for domestic violence and this has be taken into consideration. But we are talking of depriving, we might as well be talking of disposal as well, there might be cases where we call it the respondent spouse might also be involved with the disposal of property or household effects belonging to the victim. I believe these issues will have to be probably taken on board and try to see if it can be included in the Act.

Another concern or rather a proposal that I have, Mr Deputy Speaker, Sir, is on Section 11 where we are giving more powers to Enforcement Officers. I see that there has been actually an amendment to this part where an Enforcement Officer might file an application on behalf of the victim; previously in the amendment it was when 'as a result of an injury'. This was in the amendment that was being proposed, but now, this part has been deleted 'as a result of being injured'. I think it is dangerous to leave this open like this, Mr Deputy Speaker, Sir. I believe that an Enforcement Officer, this bit has to be clarified, 'the Enforcement Officer will act on behalf of the victim', I believe it might be okay if you put 'as a result of being injured', but as the case in the legislation in South Africa maybe we will have to take other cases as well -

- (i) one, is as a result of being injured;
- (ii) second case might be when the victim is a minor;
- (iii) third, when the victim is mentally retarded;
- (iv) fourth, when the victim is unconscious, and
- (v) fifth, when the person, the court is satisfied is unable to provide the required consent.

I believe this is another proposal that I will be having on this section and a final proposal that I have on this Bill, Mr Deputy Speaker, Sir, is when we are giving powers to the Assistant Superintendent to arrest, there are two cases where this is possible. Firstly, when

there is physical injury and, secondly, when he has reason to suspect that a person has failed to comply with any Domestic Violence Order.

I believe that where physical injury has ensured, is not enough, I would suggest that we move a bit further and I also propose: ‘also in a case where physical injury is likely to be ensured’. In that case as well, the Assistant Superintendent should be given the power of arrest.

Again, on the amendments being proposed on this Bill, Mr Deputy Speaker, Sir, I am not agreeable in the case of penalty that on third conviction a person is sentenced to imprisonment, that is, somebody who is convicted three times for stalking goes directly to prison. I am not agreeable to this. I propose that we have to be flexible. I don’t mean to say that we have to be flexible towards the victims, but flexible towards the Court; leave it to the Court to decide. We keep the five years’ imprisonment, but it should be accompanied by either fine and five years’ imprisonment as the case in parts (a) and (b). These are my comments on the amendments being proposed, Mr Deputy Speaker, Sir.

Finally, I have to say a few words on the issue of marital rape. Mr Deputy Speaker, Sir, I think marriage is not a licence for sex. I am fully in favour of the introduction of criminalising marital rape, but I think we have to give ourselves time. I would again congratulate the hon. Minister. I am going to read a statement that she made this Sunday in ‘Weekend’ of 05 June, where she stated –

*“Le problème réside dans le manque de structures. Les abris pour femmes victimes de violence sont bondés et il arrive que faute de place, la victime soit obligée de revenir vivre dans la maison où réside son agresseur. Il faut donc augmenter le nombre de shelters pour les femmes et les enfants victimes de violence. Pour le moment, il existe 20 shelters — 13 gérés par les ONG et 6 par le ministère.”*

I believe we keep on talking about women’s rights, but we forget that there is the issue of protection that has to be taken on board and I believe that we are not prepared yet for criminalising marital rape. It might be coming gradually, but we have to ensure that we have *les encadrements et les ressources nécessaires pour pouvoir passer à cette étape-là.*

Once again, I would like to congratulate the hon. Minister and her team for coming forward with these amendments and, of course, I am going to vote for the Bill.

Thank you very much, Mr Deputy Speaker, Sir.



**The Deputy Speaker:** Hon. Shakeel Mohamed!

(7.19 p.m.)

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**

Thank you very much, Mr Deputy Speaker, Sir. I was looking at the piece of legislation that is being amended and I have listened to only a few of the hon. Members who have intervened. I do apologise to the hon. Minister for not having been here when she made her address because, I think, it was important for me to be here, but, unfortunately, there has been some change in the agenda, provoked by our able hon. Rutnah, I believe. He has managed by some stroke of genius to shorten the proceedings today. In so doing, he has now, on his conscience, me not having been able to complete my prayers and rush to his call. So, I will live with it - I am joking.

Anyway, I thank hon. Rutnah for letting me know that I had to come here, and I thank you also, Mr Deputy Speaker, Sir, for giving me an opportunity to address this Assembly on a very important piece of legislation.

Very often, when a Minister presenting such a piece of legislation, the first thing that comes to her mind, I gather, is, what is the orator going to say; I mean, is he agreeable or not agreeable? So, let me just answer right away and lay her fears to rest. We are, on this side of the House, agreeable with any effort that is made to ensure that we can eradicate to the best of our ability, the serious issues of domestic violence. For that and the effort that is being put in, let me put it very simply: congratulations!

Mr Deputy Speaker, Sir, I will not delve into a long speech. We have heard a lot of congratulations coming from that side of the House, joining me as well in the congratulations. But allow me to say that when reading this piece of legislation, I was quite disturbed because it made me realise something, and maybe we should all, for a minute, stop and start questioning the way of living of our country. For once, it has nothing to do with who is in Government or who is not in Government. There is a serious situation in Mauritius, that is, domestic violence.

Many Governments have tried, over the years, to come and bring in amendments to try to address these issues: how do you address it; how do you ensure that domestic violence goes down. And every Minister who is in charge of this particular issue, I gather, one of the fears that most probably the Minister has is when she looks at the figures every month. She does not want to see it to go up, but she wants to see it go down. She does not want to see

women who are hurt, damaged not only physically but psychologically as well; children; people living as husband-and-wife; concubines. You don't want to see people get injured because of domestic violence. Those are the concerns of a responsible Minister.

Unfortunately, over the years, what we have seen is that all attempts – the intention may be there - have not really worked out to be able to drastically reduce domestic violence. So, what is the solution? And when I look at this piece of legislation, there are certain sections of this law that really disturb me, as I have said. Let me get to the first one: Duties and powers of Police officers.

When I read that legislation now, clause 11A (1) says –

“The Police shall act with diligence in any case where an offence under this Act is reported to it.”

What type of society are we? This is the question we have to ask ourselves. What type of society have we become, for us, as legislators, to have to put in a piece of legislation that the Police have to act diligently? I am not here in anyway being judgemental or criticising the good intent of the hon. Minister in presenting this piece of legislation. But let us, for a minute, pause and wonder not only as legislators, but a lot of us who are here are lawyers. People amongst us have also been on the bench and have a lot of experience in delivering judgements, have listened to evidence, have heard Police officers cross-examining, enquiring officers. Some maybe - if I am not mistaken - have worked for the State Law Office. Now, imagine what type of society we have become if we are to have to put in a legislation that ‘the Police have to act diligently where an offence under this Act is reported’. This is elementary. The Police Act - all laws pertaining to the powers of the Police provide what a police can do and cannot do.

If we have to repeat it here, underline it here, put it in bold, this means somewhere, some place, the Police have not been giving satisfaction, as far as the enforcement of this particular legislation is concerned.

*(Interruptions)*

True! I am, therefore, wondering whether, true is this having evolved in the right direction. No, of course, if we have not evolved because evolution, in fact, means that we are getting better. This is what I understand by ‘evolution’. But here, I call it simply a Police Force that knows what is in the Standing Orders, knows what are in the Police Act, but does not act upon it. And the question is: why? Will a simple piece of legislation, where we underline and

tell the Police: 'Water is wet. The sun is hot. And a desert normally is a place where you die of thirst.' Now, if we have to come and teach *le b.a.-ba à la police*, as far as what acting diligently is concerned and to act with responsibilities is concerned, then we have a serious problem. I am of the view that it will not be a simple piece of legislation, unfortunately, that will change the mentality of those people, who at the Police Force, are doing what they have to do.

Some of us, here, in this august Assembly, have been lawyers. How many times have we not heard, and even Members of Parliament meeting with their constituents, that women going to Police stations are as though given the cold shoulder, as though it is not a serious and important issue, as though it is the problem of a woman with her husband and there is some sort of taboo in there 'I will not enter into the fray. I will not descend among this domestic issue and I will not look into it, so, sort it out.' The first opportunity that a Police Officer - and here I am not generalising, forgive me, Mr Deputy Speaker. Unfortunately, the English language suggests that this is how I should address the issue, but a lot of Police Officers - I underline it - do their duties correctly more so. But there are Police Officers and this happens to be the case that when they receive women or people who have suffered from domestic violence, they do not give this the attention that it deserves, and then, all of a sudden, there is a knee jerk reaction. We realise that we have not done what had to be done, then when they have to react, they overreact. There is not, unfortunately, a proper middle ground which would be a proper responsible way for that Police Force to act in situations like this.

Now, can you imagine a piece of legislation where we have to walk this Policeman down, as though we are walking a baby down a road? We have to tell the Police Officer: 'Where a report is made to the Police station by a victim of a domestic violence, then, you, the Enforcement Officer or another person, the officer-in-charge shall cause the circumstances of the offence to be enquired into.' What have we discovered here? The moon! So, we have to here walk a Police Officer, hold his hand and tell him: "Listen to me, Sir, we are to tell you that if ever you do discover that there is an offence that has happened, you have a duty to enquire into it.' Really! Is that what we are saying? Legislators 2016! So many years after Independence, we have to tell our Police Force this. That is problematic! Now, we cannot just cast this aside and pretend that there isn't a serious problem. If the hon. Minister has thought it fit to put it in this legislation, this is in admission on her part and that I believe is courageous. She has shown this courage to come and tell us that there is a problem

of such magnitude that we have to, basically, put in this legislation what should be normally the obvious.

So, then, we come to other situations where I have seen men wondering where is the safeguard in this legislation and even the previous legislation concerning domestic violence. Where are the safeguards? We have seen in certain specific Statutes, for example, the Prevention of Corruption Act when someone comes and makes a false statement and provokes an enquiry and causes prejudice, arrest, inconvenience to someone, there is specific provision within that legislation for the one who has made a false declaration to pay a serious price for a false complaint. But imagine in our thirst to bring solutions - and true it is, it has to be a priority – to women who are suffering from domestic violence or children, we forget that when we talk about the need to do justice, we have to also remember that justice also means helping the one who is downtrodden, helping the victim, but sometimes, in some cases, we have come across them, there are also women who give false declarations. It has happened! And then, we cannot, therefore, say: ‘Well, the Police will then have to act diligently in this particular (...)’. Why not make provisions in this legislation?

This is what I am saying and this is my humble suggestion that we should also make provision in this legislation for any person who makes a false declaration. We cannot, therefore, solely rely on what are the provisions of the Criminal Code as to a false declaration and what must be done in situations like that and what the Police must do. But since we are to give this a priority - and yes, I commend the hon. Minister for this - then, what I humbly suggest is that a particular clause should be inserted in this legislation that makes provision for a man giving a false declaration or a woman giving a false declaration or someone else who is an informer who gives a wrong declaration and creates havoc within a domestic situation. Because we have seen in this country, certain people thrive on having given false declarations. We have seen in this country that certain people can only exist if they give a false declaration because without this they do not breathe. We have seen that! And, we have seen what damage it can do to people when people act on wrong information and what happens, who is going to come and wipe the mess. So, this is what my humble suggestion is to the hon. Minister and to Government to consider that possibility.

Now, coming back to the Police Officer who has to act diligently - what happens to that particular Police Officer, therefore, who does not act diligently. Let us imagine the scenario. A Police Officer, here, we are imposing it as a duty and power upon the Police Officer to act diligently, therefore, to act responsibly. What happens when a Police does not

comply with that particular clause of the legislation, would that be an offence, according to this legislation? No! So, nothing happens to that Police Officer if he does not act diligently. It is not an offence defined under this particular legislation and nothing can be done to him. Then, if we are to think about something, then we will have to work for disciplinary action, then we are going to wait for him to be suspended, then we are going to wait for him to continue getting his pay while he is suspended, and then – God knows what is going to happen! – but, in the meantime, has the victim obtained redress by a Police Officer having been sanctioned for not having acted diligently. No! In my humble belief, you cannot provide for responsibility, powers and duties and you place it upon the shoulder of that Police Officer to act responsibly and diligently, but failure to do so is not an offence. That does not make sense!

Let us look at all legislations where there is a responsibility and a duty placed upon the shoulders of certain officers who are not Police Officers. If they fail to carry out his duty, it is an offence - company law. Even the Company Law talks about the duty of a Director, the duty of a Company Secretary, the failure to act properly as a Company Director or a Board Member, tantamounts to certain offences in certain circumstances. Why is it, in this particular case - if we are serious and we want to bring the Police Officer to act responsibly - that we give him special treatment and say that he is not liable criminally if he does not act responsibly, according to clause 11A. Why are we creating a special citizen? That is the point I am trying to make.

So, either we keep the clause that talks about *la responsabilité et le devoir de la force policière* and it is accompanied by an offence if he fails to do so or otherwise you remove it purely and simply. Because if he does not today act responsibly and diligently, if it is not an offence, why have it there? It is, therefore, only to show the police. It is a teaching manual for the Police Force how to act because it does not mean more than that. Even if a woman who has been victim, once you take action against the Police officer, he is protected here under the law. Even if an Enforcement Officer does not do his duty properly, he cannot be taken to task. If you want to sue a Police officer civilly, then you are going to have to deal with the Public Officers' Protection Act, an Act within a certain amount of time. So, if we are to really change the whole idea and the vision of trying to raise the awareness, *la conscientisation*, yes, the hon. Minister is right.

I humbly request that those issues that in the old days may have been good, even in the days when I was in Government, Public Officers' Protection Act was not changed. Even

when we are in Government, we did not even do what I think should have been done. There is an opportunity here, in this piece of legislation, to amend the Public Officers' Protection Act, to show that this is high on the agenda of the hon. Minister and Government. We are not going to create a special class of citizens by protecting them even if they fail to act diligently. Otherwise, it would be simply cosmetic amendment and nothing more than that.

I have gone through the statistics, I recall in November last year, the hon. Minister gave very alarming figures to the hon. Leader of the Opposition on the number of people who were reporting cases to her Ministry and to the six officers that she has under her responsibility, over 2,300 in terms of complaints between January and October or November of 2015. Clearly, the figures are on the up, they are increasing. Clearly, without forgetting that there could be duplication in terms of numbers and complaints, I agree with the hon. Minister when she made that reference, herself, in her answer. But it is clear that the total number of cases go clearly around the figure of 3,000 on a yearly basis and those who are convicted, an upholding 228 or 300 on average very year. Does it mean that the 2,700 are false reports or does it simply mean that we do not have enough human resources to tackle those complaints? Because the longer a complaint on matters of domestic violence lasts and not dealt with, the longer it takes to come to some sort of inquiry and prosecution, the longer the trauma for the victim. So, instead of sorting out the trauma by legislation, in actual fact what we are doing is protracting the trauma. If we do not put enough human resources and staff in order to tackle those cases so that we have, at least, 50% of cases reported annually, it should have been tackled on an annual basis. Here, we do not even have 10% of cases reported annually, that are tackled with and there is always conviction. Then, the other possibility is that a huge proportion of those cases do not finally end up in convictions, finally there are reports that are false. If this is the case, then there is another serious issue.

Let us look at the gender statistics! Under the aegis of the Ministry that is occupied by my friend, the hon. Minister, there are statistics about gender. This is how I see Mauritius as a chauvinistic society. I see our public administration as chauvinistic. I see it as such. I see the way statistics are kept in Mauritius; it is a tell-tale. When analysing our statistics, one realises that somewhere, some place there is chauvinism therein. Let us look at the statistics kept by Statistics Mauritius with regard to the number of people who are victims of theft. You will find it on the statistics for crime in Mauritius and offences. How many people have been driving while being drunk, under the influence of alcohol? You will find it under the Statistics Mauritius. How many people have been slapped, assaulted? You will find it there.

Drugs, you will find it there. But there is one statistics here that I will not find on Statistics Mauritius Crime Report, it is domestic violence. How important is, therefore, on the agenda of the public administration, the issue of domestic violence if it is not in our crime statistics?

It finds its place only on one website, the website of the Ministry and the Minister responsible for that particular Ministry, Gender Equality. So, what are we saying? Are we saying that this is a problem that belongs to a particular Ministry? Are we trying to pretend that because we say so, we are saying it is important? One has to think about it. Questions that have to be asked: how much are we really investing moneywise, finance-wise, in order to address this particular issue of domestic violence? If public administration and management is serious about putting domestic violence high on the agenda, then it should not only be at the level of the Ministry of Gender Equality that you find those figures, that you should compile those figures, but it should also be the Police sending it to the Statistics Mauritius and it should be compiled in the figures talking about crimes and offences, the problem of law and order. But for Statistics Mauritius, this is not high on the agenda and that is worrisome.

Mr Deputy Speaker, Sir, having said all that I have said, we are all for - I say it again - efforts that are being made to address this particular issue. I have only tried to put together some of the ideas that have been discussed at our level in order to try to find solutions. But I am also informed - I will let the hon. Minister answer - that there have not been proper or enough consultations. I do not have enough elements on there in order to come and say that there have not been enough. I do not know. If there has been, I am leaving it open to the hon. Minister to come and say there has been and to explain. It is important, I guess, to address this particular issue for civil society to have the answers. I am not going to condemn the hon. Minister in any way since I am not in possession of any element to say otherwise.

Now, I would also leave this to the hon. Minister to think over it. I have heard the previous orator say it is a good start. Very often, there are certain adjustments that must be brought in legislation and we do realise that it is not totally perfect. Governments always say: well, it is a good start. I have been there and I can say it. We also say it is a good start and then, we can change it as we go along. Let me just make suggestions for the future. I would like to suggest here and that is what we have done when we had working sessions at the level of the Labour Party on this particular agenda of the hon. Minister, this piece of legislation that there is a need for all domestic violence cases to be dealt with by one proper constituted Family Court, specialist in the field and not to be sent to District Courts all over Mauritius,

but by a properly constituted Family Court. If you want an example to see whether our judiciary gives importance to domestic violence, I have explained *comment est-ce que la force policière envoie les statistiques au Statistics Mauritius* to show that it is not high on their agenda. Do you know about the judiciary dealing with it and how high it is on their agenda? If it is high on their agenda, why is it that domestic violence cases are not taken at 9.30 in the morning. No domestic violence case is heard at 9.30 in the morning before any Court in this country, it is only heard at 1 o'clock, as from 1 o'clock onwards, why? It is because simply it is not high on the agenda of the administration of justice. It is because they will come up and tell you we have to deal with other priority cases, we have to deal with trial cases, we have to basically hear up evidence, we have to hear civil matters and criminal matters when everything is over in the morning then we are going to deal with domestic violence cases at one.

That is not a proper explanation. If we are to give it high on the agenda, we have to deal with domestic violence cases as from first thing in the morning and what I suggest is that there should be a properly Constituted Family Court that deals with this and nothing else. Then it would be high on the agenda of Government and the administration of justice. Then again, as far as the administration of justice is concerned, they can only do what we give them as tools. They can only use tools that us legislators give them and Government has to see to it that they are empowered in terms of human resource and finance in order to have such specialist teams to deal with this matter.

Now, there is a fear out there that now it is going to be easy for people to get arrested, there is a fear. So, basically what I humbly suggest, what we have seen in the recent past is that this fear could not only be a fear and it could be true. Already what is lacking is that the police do not take enough responsibility as far as their powers of arrest are concerned. So, maybe, what I humbly suggest is also training sessions for Police Officers and the number of law officers attached to each district should be on the up because it is always the case that they do not like taking responsibility because there is this fear in Mauritius, what will the other person think if ever I decided one way or there is someone else who will think badly of me if I have decided the other way.

So, that is why they become paralysed and don't decide at all. Now, the question is, as far as the sentencing issues are concerned, the hon. Member speaking before me, said that he does not agree that we should leave it to the judiciary to decide as to who should go to prison, when they should go to prison. I would tend to agree with what is said, basically is it for us,



legislators, to decide when someone should go to prison, the third time, or should it not be for the judiciary to decide assessing each case on its own merits and deciding whether, maybe on the first case itself, there are such serious circumstances that warrant him going to jail immediately and fine would not be proper.

So, who are we therefore to come and impose it upon the Judiciary? I think that we should give the flexibility, give the possibility to the Judiciary to decide. There is the fear very often on the part of the Rt. hon. Prime Minister and he said it many times in various forums that the magistrates are not acting severely or strictly enough. Maybe he is right or maybe he is wrong, I am not here to judge and I do not believe it should be us legislators who should come and pass value judgements on what magistrates or judges do. What I think we should do is give them the tools, but in no way should we try to take over their powers and I believe that the importance of separation of powers should be high on our agenda.

Those are the few words, the few observations I wanted to make and I thank the hon. Minister, in particular, for her attention. I hope that this can add to the debate if ever there are other amendments that are going to be contemplated some time down the road.

Thank you very much.

**The Deputy Speaker:** Hon. Rutnah!

**Mr Rutnah:** Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

**Mr Hurreeram rose and seconded.**

*Question put and agreed to.*

#### **ADJOURNMENT**

**The Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 14 June 2016 at 11.30 a.m.

**The Deputy Prime Minister rose and seconded.**

**The Deputy Speaker:** The House stands adjourned.

**MATTERS RAISED**

(7.51 p.m.)

**FOND DU SAC COMMUNITY PLANTERS – IRRIGATION EQUIPMENT**

**Mr S. Rughoobur (Second Member for Grand’Baie & Poudre D’Or):** Mr Deputy Speaker, Sir, very quickly, I won’t take much time of the House. This is a request addressed to the Ministry of Agro-Industry and Food Security relating to the issue of community planters in Fond du Sac who are facing problems with the irrigation equipment in the sugar cane fields. I have had the opportunity to talk to the hon. Minister and he is aware of the difficulty, especially with the irrigation equipment that has to be renewed. So, I would humbly suggest and propose that he looks into the matter and tries to see how he can solve the problem in the earliest possible delay.

Thank you.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Mr Deputy Speaker, Sir, I would like to thank the hon. Member for raising these two issues. I am informed that the Northern Plains Irrigation Project, stage one which covers the locality such as Morcellement St André, Plaine des Papayes, Fond du Sac and Triolet became operational in 1982. It is an overhead system of irrigation using high pressure sprinklers connected by portable pipes. This system was upgraded in the year 1999. Part of this project is connected into a drip and the remaining areas are connected into a mix of solid set and centre pivot. Most of the pivots in the Northern Plains Project have been commissioned in 2005. The warranty period for those pivots was for a period of seven years and problems like severe rusting started after five years only.

However, the defect liability was released by the management of the Irrigation Authority in 2013, despite the fact that the rusting problems occurred before the end of the warranty period. The Irrigation Authority is today bearing the consequences of that decision. Normally, pivot should undergo rehabilitation every six years. None of the rehabilitations have been effected whilst they were clearly due as from 2011.

In 2012 and 2013, unused funds for rehabilitation were even returned to the parent Ministry again showing how casually the Irrigation Authority was being managed. The Irrigation Authority has since 2015 awarded tenders for the rehabilitation of 11 pivots, five in a first tender and six in a second one. These works are expected to be completed by November this year; the rehabilitation of the remaining pivots is scheduled for next financial

year. As at to date, eight of the 26 pivots are down, six are under repair and two are awaiting spare parts.

Mr Deputy Speaker, Sir, with regard to the water shortage problems, I am informed that following complaints from some planters of Fond du Sac, a site visit was effected by officers of the Irrigation Authority on 30 May 2016 in the presence of hon. Rughoobur and representatives of the planters. There are two pivots namely A6 in box 3 and P1 in box 3 in the region of .Fond du Sac. Pivot A6 is presently being rehabilitated and is under process, the water supply was disrupted temporarily. The pivot is expected to be operational by next week. As regards pivot P1 in box 3 which is already in operation, it will be rehabilitated by September 2016 and after completion of the works, the situation is expected to be back to normal.

Thank you, Mr Deputy Speaker, Sir.

*At 7.56 p.m., the Assembly was, on its rising, adjourned to Tuesday 14 June 2016 at 11.30 a.m.*

## **WRITTEN ANSWERS TO QUESTIONS**

### **FOREIGNERS – VISA & PERMITS – GRANT**

**(No. B/511) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the foreigners, he will, for the benefit of the House, obtain from the Passport and Immigration Office, a breakdown of the number thereof, by nationality, status/occupation, including the students, who are currently –

- (a) staying and/or working legally in Mauritius, and
- (b) overstaying their visas in Mauritius, indicating in each case, the
  - (i) period in consideration of which the visa was granted, and
  - (ii) measures that will be taken in relation thereto.

**Reply:** Admission of foreign nationals into the territory of Mauritius is administered in accordance with sections 4 and 5 of the Immigration Act. The entry of foreigners is controlled through the issue of permits, and visas depending on the purpose of their stay in Mauritius.

In regard to part (a) of the question, I am informed by the Passport and Immigration Office that, as at 02 June this year, there were 62,584 foreign nationals staying and working or staying, legally in Mauritius. This figure does not include the foreign tourists.

The detailed information asked by the hon. Member is being tabled.

Visas are granted in accordance with regulation 25 of the Passports Regulations and the duration of the visas varies from one day up to a period of six months.

In regard to part (b)(i) of the question, the information requested is being compiled by the Passport and Immigration Office and will be placed in the Library of the National Assembly as soon as possible.

In regard to part (b) (ii) of the question, the Border Control System of the Passport and Immigration Office generates information on those foreigners who have overstayed in the territory and the list of overstayers is updated continually. A Tracing and Tracking Team has been set up at the Passport and Immigration Office to trace out foreigners staying illegally in the country. The team works in close collaboration with other sections of the Police Department and other informers to gather information on such foreigners. The Team carries out regular tracking operations when reliable information is obtained.

Since the beginning of this year, the team has carried out several such operations around the island and some 100 foreign nationals were arrested for illegal stay and action has been taken for their repatriation.

#### **AIR MAURITIUS LTD – BOARD OF DIRECTORS – COMPOSITION**

**(No. B/512) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Air Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board of Directors thereof.

*(Withdrawn)*

#### **DOMESTIC VIOLENCE UNIT – POLICE OFFICERS**

**(No. B/513) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the

number thereof attached to the Domestic Violence Unit, indicating in each case the grades thereof.

**Reply:** I am informed by the Commissioner of Police that the Police Family Protection Unit (PFPU) is responsible for providing support and assistance to any person who is a victim of abuse and domestic violence. The Unit has its Headquarters in Port Louis and 8 Sub-Units in the following regions across Mauritius and Rodrigues –

- (i) Abercrombie;
- (ii) Piton;
- (iii) Flacq;
- (iv) Moka;
- (v) Rose Hill;
- (vi) Vacoas;
- (vii) Rose Belle, and
- (viii) Port Mathurin.

I am further informed that the PFPU is headed by a Woman Superintendent of Police and the personnel comprises two Women Assistant Superintendent of Police, two Women Chief Inspectors of Police, one Inspector of Police, two Women Police Sergeants and 21 Women Police Constables, including two in Rodrigues.

#### **HOSPITALS & CARDIAC CENTRES – CARDIAC PHYSICIANS**

**(No. B/528) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to the Cardiac Centre of Pamplemousses and the public hospitals, he will state –

- (a) the number of Cardiac Physicians with qualifications and expertise in Paediatric Cardiac Intervention currently employed thereat;
- (b) if the name of one Mr R. M. was removed from the list of patients awaiting angioplasty in April 2016 and, if so, indicate
  - (i) the reasons therefor, and
  - (ii) who took the said decision, and
- (c) the number of foreign cardiac surgeons employed on contract thereat, indicating in each case the -

- (i) terms and conditions of employment thereof, and
- (ii) number of open cardiac interventions that they have carried out.

**Reply:** It is with a great deal of diffidence that I am going to reply to this question for three main reasons namely –

- (a) doctor/patient confidentiality;
- (b) ethics, and
- (c) the provisions of the Data Protection Act.

I, however, presume that the hon. First Member for Beau Bassin and Petite Riviere has obtained the consent of the patient to ask this question to which I am going to reply.

I am informed that there is currently a total of 23 Cardiac Physicians in Public Hospitals and in the Trust Fund for Specialised Medical Care. However, none of them possesses a sub-specialist qualification in Paediatric Cardiology. Furthermore, according to my information there has never been any Cardiac Physician with qualification in Paediatric Cardiology Intervention ever registered at the Medical Council.

With regard to part (b) of the question, the Trust Fund for Specialised Medical Care (hereinafter referred to as the Cardiac Centre) is a tertiary level care institution which admits or provides care to patients only the basis of referrals from public hospitals.

As far as the patient R. M. is concerned, he was never on a waiting list for angioplasty. The procedure which prevails for any referred patient is as follows -

- On a referral the patient is seen by a Cardiologist of the Cardiac Centre with a view to confirming the indication for angiography. If the cardiologist decides on an angiography then the patient is given a booking for angiography. It is only when the angiography confirms that there is a need for angioplasty that a booking is made for this procedure.

Patient R. M. came to the Cardiac Centre on 18 April 2016 without any referral. He was however seen by a Cardiologist who asked the Records Department of the Cardiac Centre to book him for an angiography. He was given a booking for 26 April 2016.

On 26 April 2016 he came for angiography and he was seen by the same cardiologist who saw that he was suffering from severe gout with tenderness. I am informed that such a condition is a contra-indication for angiography.

The Cardiologist gave him appropriate treatment for gout (colchicine) and he was rebooked for angiography 3 days later, that is, 29 April 2016.

On 28 April 2016 at 10.45 a.m the Records Department called him on his mobile but there was no answer.

The Records Department called his wife on the latter's mobile. The wife answered the mobile and said that her husband had proceeded to Reunion for his angiography.

With regard to part (c) of the question, I am further informed that two foreign Cardiac Surgeons are currently employed on contract basis. I am tabling a copy of the terms and conditions of their employment. They have carried out 171 Cardiac Interventions from 11 February to 03 June 2016.

### **BANK OF MAURITIUS - OPERATION**

**(No. B/529) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Finance and Economic Development whether, in regard to the Bank of Mauritius, he will state if he proposes to hold discussions with the Governor thereof with a view to restoring public confidence therein, following the recent allegations made in relation to the management of the operations thereof and following the Public Notice issued by the Bank.

**Reply:** I wish to inform the House that, in accordance with section 3(3) of the Bank of Mauritius Act, the Central Bank shall, in the pursuit of its objects, perform its functions independently. The Bank of Mauritius is, therefore, not subject to the direction or control of any other person or authority. Since the matter under reference is an internal management issue of the Bank, it would, therefore, not be appropriate for me to interfere in the management of the Bank.

### **UNIVERSITY OF TECHNOLOGY OF MAURITIUS – DIRECTOR GENERAL – INVESTIGATIONS**

**(No. B/535) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Director General of the University of Technology of Mauritius (UTM), she will, for the benefit of the House, obtain from the UTM, information as to the number of investigations initiated by the Independent Commission against Corruption against the incumbent thereof, indicating the matters to which the investigations relate.

**Reply (Prime Minister):** I am advised that as the Independent Commission against Corruption operates strictly in a confidential manner, the University of Technology is not in a position to know whether or not the Independent Commission against Corruption has initiated any investigation against its Director. Moreover, by virtue of section 81 of the Prevention of Corruption Act (PoCA), no information relating to any investigation being carried out by the Independent Commission against Corruption can be divulged.

#### **STATE LAND - LEASE**

**(No. B/534) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the State lands leased since November 2015 to date, he will give a list thereof, indicating in each case the –

- (a) extent thereof;
- (b) location thereof;
- (c) duration thereof, and
- (d) terms and conditions thereof, including the amount of money payable.

**Reply:** Since November 2015 till date, 337 new leases have been approved and awarded.

During this period, 29 existing leases have been renewed.

As regard parts (a), (b), (c) and (d), I am tabling a copy of the list of the 337 new leases and 29 existing leases that have been renewed.

Amendments to existing leases or to renewed leases, although registered at the Registrar General's Office are, of course, not included in the list.

#### **BELLE ETOILE - ROAD RESURFACING**

**(No. B/547) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to Belle Etoile in Beau Bassin, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if consideration will be given for the complete resurfacing of the roads thereat following the completion of the works carried out thereat to change the water pipes.

*(Withdrawn)*

#### **POINTE AUX SABLES - KENSINGTON PLACE - ROAD REPAIRS**



(No. B/549) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Local Government whether, in regard to Kensington Place at Pointe aux Sables, he will state if he is aware of the bad conditions of the road thereat and, if so, obtain from the Municipal Council of Port Louis, information as to if –

- (a) remedial measures will be taken in relation thereto, and
- (b) consideration will be given for same to be declared public area.

**Reply:** I am informed by the Municipal City Council of Port Louis that a development permit was issued as far back as on 16 February 1995 to “*La Société de Promotion*” for subdivision of land of the extent of 13 A 34 Perches at Petit Verger, Pointe aux Sables with the following conditions –

- the Council shall in no way be responsible for the provision of electricity, sewerage and water as well as construction of any road, drain and gutter, and
- request for taking over of roads in the *morcellement* will not be entertained by the Council.

I am informed that following representations received from the inhabitants of the *morcellement* Kensington place regarding the bad condition of the road thereat, the Municipal City Council of Port Louis conducted a survey which has revealed that the road requires maintenance and complete resurfacing with setting up of curbs on both sides. The cost of these works is estimated at Rs10 m. and the Council has not earmarked any amount for this project under its current budget.

I am further informed that since the *morcellement* is managed by a Syndic, the procedure for handing over of all infrastructures should be initiated by the Syndic to enable the City Council to proceed with declaring public the roads found in Kensington place. As at date, no such action has been taken by the Syndic.

**MINISTRY OF HEALTH AND QUALITY OF LIFE/LUZERNER  
KANTONSSPITAL - MOU**

(No. B/550) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the Memorandum of Understanding signed between the Luzerner Kantonsspital of Luzern, Switzerland, and his Ministry, he will state the –

- (a) criteria used for the choice of the said hospital;
- (b) names of the officials from the said hospital who were involved in the negotiations in relation thereto, and

- (c) scope of involvement in the decisional process as far as strategy, choice of treatment and specific equipment for the management of cancer patients are concerned.

*(Withdrawn)*

### **CANCER - RISK FACTORS**

**(No. B/551) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac)** asked the Minister of Health and Quality of Life whether, in regard to the risk factors of cancer, he will state the strategies developed by his Ministry to create awareness thereof and incidentally the prevention thereof.

*(Withdrawn)*

### **CANCER - MORTALITY RATE**

**(No. B/552) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac)** asked the Minister of Health and Quality of Life whether, in regard to cancer, he will state the latest statistics regarding the –

- (a) incidence thereof, and
- (b) mortality rate by the said disease in Mauritius.

*(Withdrawn)*

### **UTILITY REGULATORY AUTHORITY - OPERATIONAL**

**(No. B/553) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Utility Regulatory Authority, he will, for the benefit of the House, obtain information as to why it is not operational.

**Reply:** The hon. Member may refer to my reply to Parliamentary Question B/116 on 05 April 2016.

I had informed the House that the existing criteria prescribed in Section 10 of the Utility Regulatory Authority Act for the appointment of the Chairperson and Commissioners are highly restrictive and that I intended to consult the Rt. hon. Prime Minister on the amendment of the Act.

As promised, the Utility Regulatory Authority (Amendment) Bill is on the Order Paper of the House today.

After the enactment of this Bill, I intend to make recommendations to the Rt. hon. Prime Minister on the composition of the Board.

### **CEB - WASTE-TO-ENERGY PREQUALIFICATION EXERCISE**

**(No. B/554) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the recent Waste-to-Energy Prequalification Exercise, he will, for the benefit of the House, obtain from the Central Electricity Board, a list of the prequalified companies thereof.

*(Withdrawn)*

#### **RIVIÈRE DES ANGUILLES – SWIMMING POOL - CONSTRUCTION**

**(No. B/555) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Youth and Sports whether, in regard to the project for the construction of a swimming pool at Rivière des Anguilles and following the acquisition of a plot of land of an extent of 8,000m<sup>2</sup> therefor in March 2010, he will state where matters stand.

**Reply:** I wish to inform the House that a plot of land of the extent of 8006.25m<sup>2</sup> or 1A90 at Rivière des Anguilles was vested by the Ministry of Housing and Lands in my Ministry on 09 March 2010 for the construction of a swimming pool at Rivière des Anguilles.

The Ministry of Public Infrastructure, Land Transport and Shipping was requested to prepare the preliminary design, drawings, scope of work and cost estimates to enable the implementation of the project. However, during consultations and after a survey made by the Ministry of Public Infrastructure, Land Transport and Shipping, it was found that additional land would be required to accommodate parking facilities at the swimming pool. A request was made to the Ministry of Housing and Lands for that purpose. As the acquisition of additional land was a lengthy procedure, it was only in September 2014 that the Ministry of Housing and Lands vested the required plot of land of 1500m<sup>2</sup> in my Ministry.

As the present focus is on sites that would be used during the Indian Ocean Islands Games 2019, the construction of the swimming pool at Rivière des Anguilles would be considered at a later stage.

#### **ROAD DECONGESTION PROGRAMME - PROCUREMENT**

**(No. B/556) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to projects implemented under the Road Decongestion Programme, he will state the mode of procurement method used therefor.

*(Withdrawn)*

#### **HERITAGE CITY PROJECT - CONTRACTORS**

**(No. B/557) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Heritage City Project, he will, for the benefit of the House, obtain from the Heritage City Co., information as to where matters stand as to the prequalification of contractors exercise therefor.

*(Withdrawn)*

**GRNW - SRI DEVI KAROUMARI AMMEN KOVIL – SOIL EROSION**

**(No. B/558) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the Sri Devi Karoumari Ammen Kovil at Grand River North West where usually 3,000 to 5,000 pilgrims gather for important pilgrimages and ceremonies, he will state the actions taken, if any, by his Ministry having regard to the dangers represented to those pilgrims due to ground instability and possibility of landslides thereat for which help has been sought since one year and, if not, why not.

**Reply:** I am informed that several coordinated joint site visits have been effected by the National Disaster Risk Reduction and Management Centre (NDRRMC) of my Ministry, the Landslide Management Unit of the Ministry of Public Infrastructure and Land Transport, the City Council of Port Louis and the Local Police. I am also informed that the President and members of the Kovil as well as the hon. Second Member for Grand River North West were present at the site visits.

The aim of the site visits was to investigate into a suspected case of soil erosion causing partial collapse of the floor and make proposal for remedial actions. A number of observations were made during the site visits as follows -

- (i) the Kovil has been built on a dangerous slope, within less than 16 metres of the Grand River North West bank;
- (ii) the platform facing the river was constructed in two different phases without any proper construction plan as stated by the President of the Kovil;
- (iii) the affected part of the platform was constructed during the second phase and posed a risk of collapse in case additional loading was allowed upon;

- (iv) some horizontal beams were found to be sagged and one supporting column appeared to be slightly inclined;
- (v) at one location, some bricks appeared to have sunk due to subsidence of the back filling, and
- (vi) the National Development Unit had constructed a Reinforced Concrete Retaining Wall along part of the width of the land to stabilise the settlement of the paved floor area.

Following these joint site visits, a series of measures have been proposed namely -

- (i) access to the affected part of the platform which posed the risk of collapsing should be restricted to devotees. Only the priest and two of his assistants should be allowed access during the ceremony for the rituals at a small temple located in that area;
- (ii) access to the portion of ground where the subsidence was noted should also be restricted to devotees, and
- (iii) the Police should restrict access in the affected areas by placing metal barriers during special ceremonies and mass gatherings.

It is regretful that some cult places are located at zones which are at risk and buildings erected without the necessary clearances. It has often been observed that over time, such buildings are subject to the effect of natural calamities or become a danger to the public at large due to their location.

Regarding the Sri Devi Karoumari Ammen Kovil at Grand River North West, my Ministry will carry out another joint site visit to determine what can be implemented to stabilise the problem of soil erosion in the short term pending a more holistic approach to the problem in the forthcoming years.

### **GRNW - HOUSING PROJECTS**

**(No. B/559) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Constituency No. 1, Grand River North West and Port Louis West, he will state the -

- (a) housing projects identified, if any, to solve the acute housing problems being faced thereat and, if so, indicate in each case, the -

- (i) estimated cost thereof, and
- (ii) expected start and completion dates thereof.

**Reply:** I am informed by the National Housing Development Co Ltd (NHDC) that, to date, it has implemented eight housing projects in Constituency Number 1, Grand River North West and Port Louis West. 1,623 families have been provided with a NHDC social housing unit in the region.

I wish to inform the House that there is scarcity of suitable plots of State land in Constituency No. 1, Grand River North West and Port Louis West. Hence, applications for a housing unit from the inhabitants of the Constituency are being considered, subject to eligibility by the NHDC for housing projects in the nearby localities such as in Calebasses, Baie du Tombeau and Gros Cailloux. Moreover, the applicants are also offered the possibility to acquire housing units readily available in other localities.

#### **LAND TRIBUNAL - SETTING UP**

**(No. B/560) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to cases of dispossession of land by sugar barons, he will state if consideration will be given for the implementation of the recommendations of the Judiciary for the setting up of a dedicated Land Tribunal.

**Reply (Attorney General):** The Judiciary never recommended the setting up of a dedicated Land Tribunal. It is the Truth and Justice Commission which, in Volume 1 of its report, at pages 351-352, stated the following -

“As regards the numerous cases of land dispossession and the various obstacles to recovering same, the Commission wishes to recommend that a Land Research Monitoring Unit be set up to cater for these obstacles. Further, the Commission recommends that a Land Division of the Supreme Court be set up to expedite matters in relation to land matters.”

The Cabinet had, at its meeting of 06 February 2015, agreed to the setting up of a Ministerial Committee under the Chairmanship of the Deputy Prime Minister, Minister of Tourism and External Communications to reconsider the recommendations contained in the Report of the Truth and Justice Commission.

The Ministerial Committee had its first meeting on 06 August 2015 and took cognizance of the recommendations of the Truth and Justice Commission. The Committee

has also taken note of the report submitted by Mr Mandary on cases of dispossession of land, as highlighted in the Truth and Justice Commission Report.

The Ministerial Committee decided that the report submitted by Mr Mandary be submitted to the Attorney-General's Office for advice on the way forward.

The Attorney-General's Office received the report of Mr Mandary on 07 August 2015 and the Solicitor-General designated 2 law officers to study the recommendations and tender legal advice.

The cases of dispossession of land were studied individually and a conclusion was reached as to the action to be taken in each case.

Advice was tendered on 20 January 2016 to the effect that -

- “3. We have noted that the facts in a number of cases in the report date back to quite some time. Although, there is in principle no prescription period for lodging a criminal prosecution, there is the risk of proceedings being stayed for abuse of process on the grounds of delay. In any event, the decision to prosecute rests with the Director of Public Prosecutions and where it is felt that a criminal offence may have been committed, the matter may be referred to the Police for enquiry and eventual prosecution by the Office of the Director of Public Prosecutions. As far as we are concerned, upon perusing the Report, we have not encountered cases that could be the object of criminal prosecutions.
4. We have not been requested for advice on civil claims. Nonetheless, for the sake of completeness, we observe that the cases relate to land disputes and the prescription time for such matters to be actionable is 30 years. In a number of cases in the Report, the 30-year period has been exceeded. In any event, it will be for an aggrieved party to exercise his rights in a civil claim and enter a case before the appropriate court.”

In view of the recommendation of the Truth and Justice Commission that a Land Division of the Supreme Court be set up, the views of the Judiciary were sought and the former Chief Justice was not in favour of setting up such a Division.

On 17 September 2015, the views of the Judiciary were again sought and on 21 September 2015, the Judiciary replied indicating that it is not presently contemplating the setting up of a Land Division at the Supreme Court. However, my Office has been informed by the Master and Registrar that the Judiciary would welcome the setting up of a dedicated Land Tribunal dealing with land disputes and which would also deal with cases of compulsory acquisition of land by Government in order to avoid the clogging of our Courts.

It is important to note that many of the cases of alleged dispossession of lands date back to more than 100 years and, in most cases, legal challenge to the title of the current owners, whether acquired by prescription or other means, is time-barred under the law as it currently stands.

Land restitution would, in the circumstances, entail various legal and constitutional implications which would have to be carefully looked into. It could also entail major financial implications for the State if the approach to be taken in matters of responsibility for restitution follows, for example, the South African model.

### **MUSEUM OF SLAVERY - SETTING UP**

**(No. B/561) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Minister of Arts and Culture whether, in regard to the proposed setting up of a Museum of Slavery to be located in Port Louis, he will state where matters stand.

**Reply:** Government agreed on 07 April 2016 to the setting up of an Intercontinental Slavery Museum at the Ex-Labourdonnais Military Hospital, Port Louis, following a recommendation made by the Truth and Justice Commission Report.

The building is located on a piece of land of an extent of 6,300 m<sup>2</sup>, belonging to the Mauritius Ports Authority. Arrangements are being made for the vesting of the land in the Ministry of Arts and Culture.

An amount of Rs 2m. has been earmarked in the budget of the Ministry of Arts and Culture for the Financial Year 2016/2017 for the feasibility study. Avenues of cooperation with friendly foreign countries are being explored for the feasibility study of the museum.

### **VICTORIA HOSPITAL - MR J. J. D. - DEATH**

**(No. B/562) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to the late Mr J. J. D. aged 25 years who passed away on 08 April 2016 at the Princess Margaret Orthopedic Centre, at Candos, he will state the –

- (a) cause of the death thereof, and
- (b) treatment administered thereto at the said Centre.

**Reply:** I am informed that late patient J.J.D, aged 25 years, attended the Accident and Emergency Department at the Victoria Hospital on 08 April 2016 at 00.36 hours with a history of headache, vomiting, loose motion and high temperature. He was seen immediately



and appropriate treatment started. He was then admitted to ward with a diagnosis of sepsis dehydration.

The Medical Specialist on call attended to late patient at 08.20 hours and continued same treatment as patient was clinically well and had no vomiting and loose stools. However, at around 18.20 hours, late patient's general condition suddenly deteriorated. Additional investigations were carried out immediately and the chest x-ray showed pneumonia left lower lobe. Treatment was re-adjusted accordingly.

At 21.25 hours, patient suddenly collapsed and despite all resuscitative measures, patient passed away at 22.10 hours.

The case was referred to the Police Medical Officer for post-mortem. According to the report of Chief Police Medical Officer, the cause of death was septicemia.

### **SAVANNE & BLACK RIVER - RESIDENCE BASSIN - FOOTBALL GROUND**

**(No. A/15) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government whether, in regard to the football ground at Residence Bassin in Constituency No. 14, Savanne and Black River, he will state if same is vested in the Municipal Council of Quatre Bornes and, if so, obtain therefrom, information as to if any project for the lighting thereof has been worked out and, if not, why not.

**Reply:** With regard to part (a) of the question, I am informed by the Municipal Council of Quatre Bornes that the football ground at Residence Bassin in Constituency No. 14 is not its property, but that of the Sugar Industry Labour Welfare Fund.

As far as part (b) of the question is concerned, I am informed that there is no project for provision of lighting facilities in the football ground. However, only trimming and mowing works at the football ground are carried out by the Council.

### **MAHEBOURG - STREET LIGHTING**

**(No. A/16) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Mahebourg, he will state if he is aware of the lack of several street lanterns in the street lighting system found on the main road thereof and, if so, will he, for the benefit of the House, obtain from the Road Development Authority, information as to if consideration will be given for a review of the said lighting system and installation of additional street lanterns thereat and, if so, when and, if not, why not.

**Reply:** As stated in the reply to Parliamentary Question No. B/466 at the Parliamentary Session on 24 May 2016, the Street Lighting System concerns several Public Bodies, namely the Road Development Authority (RDA), the Local Authorities and the Central Electricity Board (CEB).

As far as the RDA is concerned, it has the responsibility to install street lighting on all classified roads, that is, main roads and motorways, at the initial stage of a road construction project, that is, at the time of construction of new roads falling under its purview. Maintenance of the network is catered for under these construction contracts for a period of one year only.

After the construction of the road, the RDA hands over the street lighting network to the Local Authority concerned, which has the responsibility for its maintenance all throughout the island, as per existing legislation. The involvement of the CEB is mainly to provide electricity for the street lightings.

However, on 07 April 2016, Government decided that the responsibility for the lighting of Motorways be entrusted to the CEB while Local Authorities would be responsible for the lighting of other classified and non-classified roads. A Technical Committee at the level of the Ministry of Energy and Public Utilities is examining the legal and technical implications of the project.

According to information obtained from the District Council of Grand Port, a survey was carried out on 22 April 2016 to identify the deficiencies in the street lighting network at Mahebourg and to examine the need and the possibility of extending that network. During the survey, it was observed that -

- (i) there are 97 poles which are spaced at an average interval of 30m;
- (ii) 96 street lanterns have been provided;
- (iii) 1 pole is not equipped with street lantern as the switch pole accommodates a transformer;
- (iv) 7 decorative lamps are not functional along Cavendish Bridge. The Council has several times replaced/repared these lamps but they have been repeatedly damaged by vandals. Procurement procedures have been initiated for the purchase of materials and spare parts. The works are scheduled to be completed by mid-June 2016, and
- (v) there are several stretches along the main road where no street lighting network exists over a total estimated length of 1634m as detailed hereunder -

a) From Kong supermarket to Hong Kong Bank	260 mts
b) Caunhye Plaza to filling Station Total	80 mts
c) Shiva Photo Express to Steven Hills	105 mts
d) End of Gavendish Bridge to Bus stop	124 mts
e) End of Grand Bel Air to beginning of Morcellement VRS Ville Noire	255 mts
f) End of Morcellement Délices to NHDC	810 mts
<b>Total</b>	<b>1634 mts</b>

The cost of providing street lighting thereat (poles, conductors, lamps and processing fees) over a cumulative length of 1634m has been estimated by the District Council at Rs1.3m. However, the CEB is being consulted for the exact costing.

The project is being envisaged for implementation by the District Council, subject to availability of funds in the next budget.

#### **LE BOUCHON PUBLIC BEACH - AMENITIES**

(No. A/17) **Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to Le Bouchon Public Beach, he will state if consideration will be given for the rehabilitation/upgrading/uplifting thereof, including the provision thereat of –

- (a) adequate parking facilities;
- (b) installation of kiosks and benches, and
- (c) installation of lighting system and, if so, when and if not, why not.

**Reply:** Basic amenities are already available at Le Bouchon public beach and include toilet facilities, lighting system, benches and a kiosk.

However, consideration will be given to implement a project to uplift the existing amenities and facilities at the public beach during the next financial year. I am informed that a designated area for parking has already been identified and provision has already been made for the installation of 10 additional solar lamps. The uplifting works will take into consideration the fact that bathing is strictly prohibited at Le Bouchon public beach.

#### **TROIS BOUTIQUES - WATER PIPES - ASBESTOS**

**(No. A/18) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to Trois Boutiques and Cité Trois Boutiques in Constituency No. 12, Mahebourg and Plaine Magnien, he will state if he has been made aware that the old water pipes contain asbestos, thus representing hazards to the inhabitants thereat, and, if so, will he, for the benefit of the House, obtain from the Central Water Authority, information as to if consideration will be given for the urgent replacement thereof and, if so, when and if not, why not.

**Reply:** I am informed by the Central Water Authority that the water supply network at Royal Road, Trois Boutiques and Cité Trois Boutiques consists of 500m and 1500m of asbestos cement pipes respectively.

I am informed by the Central Water Authority that the pipe network in Cité Trois Boutiques will be renewed during the next financial year at the estimated cost of Rs25 m.

#### **MAHEBOURG HOSPITAL – SERVICES & RENOVATION**

**(No. A/19) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Quality of Life whether, in regard to the Mahebourg Hospital, he will state –

- (a) the services provided thereat, indicating if consideration will be given for additional specialised services to be provided round the clock thereat, and
- (b) if consideration will be given for the complete renovation/upgrading of the building, since it is old and in a derelict state.

**Reply:** With regard to part (a) of the question, Mahebourg hospital provides the following services on a 24-hour basis –

- Accident & Emergency Department;
- Pharmacy services;
- Laboratory services (HB, FBS, RBS, Pregnancy test, Urine for microscopy and stools for microscopy);
- One female ward with attached Labour Ward for deliveries;
- One Male Ward;
- One Male Ward (for rehabilitation for alcohol abuse – 6 beds), and
- One Detox and Rehabilitation Centre for drug addicts (Treatment of Opioid Addiction) under the case of Harm Reduction Unit.

**Other services provided during the day time (9.00 a.m to 4.00 p.m) are –**

- Unsorted OPD;

- Dental Services;
- Non-Communicable Diseases clinic;
- Dietitian clinic;
- X-Ray services;
- Physiotherapy;
- Community-Based Rehabilitation Services;
- Ante Natal Clinic/Family Planning/Cash gift;
- Well baby clinic/Vaccination, and
- Foot care clinic.

#### **Specialised Clinics**

- Obstetrics/Gynaecology;
- Paediatrics;
- Psychiatry;
- Dermatology;
- Ophthalmology;
- ENT;
- Occupational Health, and
- Specialist NCD clinic by Diabetologist.

It is not envisaged to provide additional specialised services round the clock thereat because of low attendances at the hospital and there is no demand for additional specialised services.

Given the limited resources and that the services provided are adequate, there is no need at this stage to renovate/upgrade the hospital. However, the Ministry for Public Infrastructure and Land Transport would be requested to advise on the way forward after carrying out a comprehensive survey, in consultation with the National Heritage Fund as the building is a colonial one.