



**PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED  
NATIONS AND OTHER INTERNATIONAL ORGANISATIONS**

**MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS INTERNATIONALES**

**No. 344/2015 (MMG/HR/28/3)**

The Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's Note dated 11 August 2015 has the honour to submit the response of the Government of the Republic of Mauritius relating to the issues raised by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the human rights of migrants.

The Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



*WAB*  
Geneva, 9 December 2015

**Office of the High Commissioner for Human Rights  
Special Procedures Branch  
Palais des Nations  
CH-1211 Geneva**

## OHCHR – JOINT COMMISSION FROM SPECIAL PROCEDURES

Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the human rights of migrants.

### CASE OF MS [REDACTED]

1. Please provide any additional information and/or comment(s) you may have on the above mentioned allegations.

On 16 December 2014, Miss [REDACTED], national of [REDACTED] born on [REDACTED], was granted provisional student visa for three months to come to Mauritius to follow [REDACTED] in [REDACTED] at [REDACTED] on the following conditions:-

- She should produce within one month of her arrival a medical certificate from a laboratory, clinic or hospital in Mauritius certifying that she is not suffering from HIV, Hepatitis B and Chest Infection; and
- In case the medical certificate would reveal that she is suffering from any of the abovementioned diseases, the provisional entry permit would be cancelled and she would have to leave Mauritius within a period of two weeks.

The above conditions are applicable to all foreign students in line with section 8(1) (b) of the Immigration Act, whereby foreigners afflicted with any infectious or contagious disease are deemed to be Prohibited Immigrants and should not be admitted into the country. In this regard, guidelines for the application of student visa are readily accessible from the website of the Passport and Immigration Office.

On 27 January 2015, Miss [REDACTED] came to Mauritius. On 03 March 2015, she submitted her medical certificate which revealed that she is [REDACTED]. However, prior to the submission of her medical certificate to the Passport and Immigration Office, she had contacted Prevention Information Lutte contre le Sida (PILS), a non-governmental organisation and the latter had on 23 February 2015 made a request to the Prime Minister's Office to grant an exceptional permission to Miss [REDACTED] to complete her studies at [REDACTED].

On 04 March 2015, the Passport and Immigration Office of Mauritius informed [REDACTED] by way of a letter that Miss [REDACTED]'s provisional student visa was cancelled and she should have to leave the country within two weeks.

Subsequently, on 17 March 2015, the request made by PILS to allow Miss [REDACTED] to stay in Mauritius until **January 2016 to complete her course at [REDACTED]** was turned down by the Prime Minister's Office. Thereafter, the Passport and Immigration Office informed [REDACTED], Miss [REDACTED] and PILS accordingly.

PILS submitted an **appeal** to the Passport and Immigration Office to reconsider its decision as regards the application for residence permit in favour of Miss [REDACTED] given that the non-citizen was admitted to government hospital. However, the decision not to grant residence permit to Miss [REDACTED] was maintained.

The Passport and Immigration Office again informed Miss [REDACTED] by way of a letter that her request for a residence permit to allow her to follow the course "level 4 Diploma in Hospitality Management at [REDACTED]" was turned down and requested her to leave the country forthwith. In practice, two weeks are allowed.

Subsequently, Miss [REDACTED] submitted an application for leave to apply for a judicial review of the decision of the Passport and Immigration Office to cancel her visa permit.

However, on 23 September 2015, Miss [REDACTED] swore an affidavit to the effect that she would complete her course in March 2016 and that she would leave Mauritius upon completion of the course. In the light thereof, the Prime Minister's Office agreed to allow Miss [REDACTED] to remain in Mauritius until the completion of her studies in March 2016 on compassionate ground.

**2. Please provide information on the steps taken by the competent authorities with a view to ensuring Miss [REDACTED]'s rights to the highest attainable standard of health.**

The State provides free health services to the entire population. The public healthcare services delivery includes 135 facilities at local level which provides medical, nursing, dispensary and support services at local level, 5 regional hospitals and 2 district hospitals that can accommodate over 2500 in-patients. In addition, there are several specialist hospitals: a mental hospital with 811 beds, an eye hospital, and ear, nose and throat hospital, a cardiac centre and a chest hospital which together have over 200 beds.

The regional hospitals and primary care centres or facilities benefit from a wide range of clinical and non-clinical support services including pathology laboratories, X-

Ray, CT Scan and MRI, pharmacy, blood collection and transfusion, public health and hygiene, medical records and information services, catering, laundry, transport and cleaning.

Miss [REDACTED] was admitted in one of the government hospitals from 07 to 10 April 2015, where she received all the services and treatment free of charge.

**3. Please provide information on measures taken to ensure the rights to the enjoyment of the highest attainable standard of physical and mental health of international students, in particular of those who are medically vulnerable.**

Mauritius being a welfare State, provides free access to health services. Any person being a citizen or a non-citizen has access to government hospitals free of charge.

Please also see response to question 2 above.

**4. What steps, if any, have been taken to ensure that the Immigration Act, section 8 (1)(b) complies with Mauritius' international obligations to protect and promote the enjoyment of the right to health?**

The very purpose of the section 8(b) of the Immigration Act is to protect and promote the enjoyment of the Rights to Health of inhabitants of Mauritius as it prohibits any person with any infectious or contagious disease to enter the territory of Mauritius. However, if any person, be it a citizen or a non-citizen is ill, he/she has access to medical facilities free of charge in government hospitals.

Moreover, if it happens that a non-citizen with infectious or contagious disease is in Mauritius, due consideration is given on a case to case basis and depending on the merits of the case, the person is allowed to stay in Mauritius. As in the case of Miss [REDACTED] who has been allowed to stay in Mauritius on humanitarian grounds until the completion of her studies.

**5. Please provide the details, and where available the results, of any inquiries or reform proposals that may have been carried out in relation to the allegations. If no enquiries have taken place, or if they have been inconclusive, please explain why.**

The allegations that Miss [REDACTED] was to be deported from Mauritius are unfounded.

As pointed out earlier, Miss [REDACTED] was granted a provisional student visa subject to certain conditions including the need to submit a medical certificate certifying that she is not suffering from HIV, Hepatitis B and Chest Infection. She was clearly informed that if the medical certificate revealed that she was suffering from any of the disease, the provisional entry visa would be cancelled and she would have to leave Mauritius within a period of two weeks. Consequently, on receipt of the medical certificate, she was informed by the Passport and Immigration office that her provisional visa had been cancelled and that she was requested to leave the country within two weeks.

Prime Minister's Office  
08 December 2015