

Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: OL MUS 1/2026

(Please use this reference in your reply)

21 May 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolution 52/7.

I write in response to a request for advice addressed to me regarding the best institutional design of police oversight mechanisms, dated 20 February 2026. Specifically, your Excellency's Government has sought guidance on whether international research and practice support the merger of Mauritius' Independent Police Complaints Commission (*IPCC*) with the National Human Rights Commission (*NHRC*), and whether a police complaints mechanism embedded within a national human rights institution would be better suited to ensuring a human-rights-based approach to police accountability.

This request arises in the context of concerns, also noted by your Excellency's Government that, notwithstanding the establishment of the IPCC under the Independent Police Complaints Commission Act 2016, the current framework remains primarily investigatory and case-driven, has not adopted a holistic human rights and victim-centred approach, and its present "advisory function" (article 4 IPCC Act) may be insufficient to address structural or more deep-rooted patterns of police misconduct or to fulfil Mauritius' full range of international human rights obligations including those to prevent and prohibit torture and other cruel, inhuman or degrading treatment or punishment, or to investigate complaints of the same.

Against this background, your Excellency's Government is considering institutional reform, including the possible integration of police oversight functions within the NHRC.

At the outset, it is important to emphasize that torture is a crime under international law and a State is under an obligation to investigate, prosecute and punish those responsible, independently, impartially, promptly, transparently and effectively, such that any specific body that is established or reformed must acknowledge that torture is a criminal offence, rather than an administrative or disciplinary matter. Forms of ill-treatment may however not always rise to such a level as to justify a criminal complaint, but each case must be investigated on its own merits.

Relations with the criminal arms of the State – the prosecutor, magistrates and courts, and the attorney-general – must therefore also be taken into account in any institutional redesign. This also distinguishes police-perpetrated torture and abuse from other human rights violations, which may not be of a criminal nature; and this may also guide your decision-making on whether to keep the IPCC as stand-alone or merge it under the NHRC.

While global norms do not prescribe a single institutional model but insist on certain core attributes and powers, any reform undertaken by Your Excellency's Government should ensure that – whatever the framework adopted – the relevant body follows a holistic, rights-based approach and has political, financial, functional and hierarchical independence from those it is investigating, adequate resourcing to pursue individual complaints to completion and/or referral for criminal prosecution, and/or provide compensation and/or rehabilitation, as well as the ability to propose broader reforms to improve policing standards. As part of this letter and to help inform your Excellency's Government's decision-making, I am pleased to provide a survey of State practices with respect to police oversight entities, which also sets out the main factors to consider in terms of best institutional structure. From this survey, I offer an analysis of the proposed reform of the Mauritius' police oversight model by reference to international standards and comparative practice in relation to protection of human rights and prevention of torture and provide factors for consideration in your deliberations.

Survey of State practices on independent police oversight entities

I. Trends arising from State practice

There is no single internationally prescribed model for police oversight. A survey of State practice reveals that both merged and separate structures are widely adopted across different legal traditions and regions (see to the present). It is considered that the choice of model appears to be shaped primarily by legal heritage, historical context and the institutional capacity of existing human rights bodies, rather than by any binding international standard mandating one approach over the other.

Three principal trends emerge from this comparative survey:

- a. **First, a civil law versus common law divide.** Common law jurisdictions, particularly those within the Commonwealth, generally demonstrate a preference for standalone, specialised police oversight bodies.¹ By contrast, civil law jurisdictions, particularly in Northern and Western Europe, more commonly adopt merged Ombudsman-type models.² However, this observation reflects a general trend rather than a universal rule, and there are notable exceptions in both directions.³
- b. **Second, a trend toward increased specialisation and independence in transitional contexts.** Several States, particularly in Africa and the Caribbean, initially relied on merged or general human rights bodies for police oversight and have subsequently moved to standalone, specialised models in response to documented failures of independence or capacity.

¹ Examples include Independent Office for Police Conduct (**IOPC**) (England and Wales); Police Investigations and Review Commissioner (**PIRC**) (Scotland); Police Ombudsman for Northern Ireland (**PONI**); Independent Police Conduct Authority (**IPCA**) (New Zealand); Law Enforcement Conduct Commission (**LECC**) (Australia).

² See for example, Parliamentary Ombudsman (Finland); Chancellor of Justice (Estonia); Defender of Rights (France); Ombudsman (Croatia); Greek Ombudsman (Greece); National Ombudsman (Netherlands); Defensor del Pueblo (Spain).

³ For example, civil law jurisdictions such as Belgium and Cyprus have established standalone police oversight bodies. On the other hand, certain common law jurisdictions, such as India, have integrated police oversight within a broader national human rights body. For further detail regarding the two approaches, see Annex A.

South Africa, Kenya and Jamaica each illustrate this trajectory. The African Commission on Human and Peoples' Rights' 2006 Resolution on Police Reform expressed specific concern about oversight mechanisms "directly under the police authorities" and urged State Parties to establish independent civilian oversight mechanisms⁴ – a formulation that neither mandates nor prohibits a merged model but emphasises the primacy of independence in practice.

c. **Third, model-neutrality in international standards, subject to functional independence and adequate resourcing requirements.**

The comparative analysis from available research suggests that a variety of factors beyond institutional structure, including political, financial and functional independence and adequate resourcing, the degree of police cooperation, the availability of qualified civilian investigators, political commitment and public trust, are important to assessing the effectiveness of police oversight bodies, and that both merged and standalone models can function effectively if these criteria are met. For instance, the UNODC Handbook identifies a set of independence criteria applicable to any model, and cautions specifically that in merged bodies, "resources may not be primarily allocated to police oversight,"⁵ potentially diluting the effectiveness of the police accountability function. Relatedly, the POLDEM comparative study of 25 police oversight agencies across 20 European and North American jurisdictions found that bodies with the highest degree of formal independence from government (typically the generalist Ombudsman-type bodies in civil law States) tend to have fewer dedicated resources for police oversight, while bodies with greater resources tend to have less formal independence from government.⁶ Both merged and standalone models can suffer from this trade-off between independence and resourcing. Any institutional design exercise should aim to strike the right balance between the two.

d. **Fourth, standalone bodies tend to have more direct and robust criminal investigative powers.** Standalone bodies are more likely to be afforded direct investigative (and, less frequently, prosecutorial) powers that overlap with the criminal justice system than merged bodies, which enables them to conduct investigations and gather evidence capable of supporting criminal prosecution.⁷ This can be contrasted with some merged models which tend to have mandates which are confined to the civil sphere, with criminal matters being passed to

⁴ African Commission on Human and Peoples' Rights, Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa, ACHPR/Res.103a(XXXX)06, November 2006.

⁵ United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, p 55.

⁶ S Roché, S Varaine and N Castagné, *External Police Oversight Agencies: Emergence and Consolidation – A Comparative Study of 25 Agencies in 20 Countries* (Synthesis), December 2022.

⁷ For instance, the Norwegian Bureau for the Investigation of Police Affairs (Norway), IOPC (England and Wales), Garda Síochána Ombudsman Commission (**GSOC**) (Ireland), the Police Ombudsman for Northern Ireland (Northern Ireland) and IPCA (New Zealand) are standalone bodies which are vested with powers enabling them to conduct investigations into criminal matters. In the case of Norway, the Bureau for the Investigation of Police Affairs has both investigative and prosecuting powers.

prosecutors rather than investigated by the oversight body itself.⁸ However, it is noted that the available research suggests that most institutions, irrespective of whether they are standalone or merged bodies, can make recommendations to government or referrals to prosecutorial authorities, and the majority possess broad investigative powers, but very few oversight agencies have direct decision-making powers (whether that be disciplinary or prosecutorial).⁹

⁸ Examples include Le Défenseur des droits (France) and Raonador del Ciutadà (Andorra), which must pass investigations into any criminal matters to the Public Prosecutor's office. However, there are notable exceptions. For instance, the Swedish Parliamentary Ombudsman, a merged body, holds the power of “extraordinary prosecutor,” allowing it not only to conduct investigations but also to initiate legal proceedings against police officers who commit criminal misconduct.

⁹ See S Roché, S Varaine and N Castagné, *External Police Oversight Agencies: Emergence and Consolidation – A Comparative Study of 25 Agencies in 20 Countries* (Synthesis), December 2022, p 3; S Roché and S Varaine, “Les agences de contrôle de la police et l'État de droit: la diversité des formes organisationnelles de l'impartialité en France et en Europe” (2024) No 185 *Revue française d'administration publique* 65, pp 76-77.

II. Which model is better in terms of a human-rights approach?

In your request, you asked whether any research has examined whether embedding a police oversight body within a national human rights commission would be “*better in terms of human-rights approach*”. This entails an assessment of the specific human rights at stake, as well as an analysis of how the establishment of a police oversight body should be structured to ensure compliance with those rights. It would also be necessary to determine the expected goals, as human rights bodies tend to stay within the civil space rather than lead to criminal prosecutions, although this also depends on the powers granted to the NHRC.

a. Applicable human rights framework

As you are aware, and by way of context to my analysis below, it is noted that Mauritius is bound by the following international human rights obligations:

No.	Treaty	Provision	Substance of Requirement
1.	International Covenant on Civil and Political	Article 2(3) (Right to effective remedy)	Every State Party must ensure that any person whose rights are violated has an effective remedy determined by competent authorities, and that such remedies are enforced when granted.
2.	Rights (ICCPR)	Article 6 (Right to life)	States must take all necessary measures to prevent arbitrary deprivation of life by law enforcement, including appropriate legislation, operational planning and mandatory investigation of lethal incidents. General comment No. 36 requires that investigations into potentially unlawful deaths “must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity” and investigations “should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates”. States “must generally refrain from addressing violations of Article 6 merely through administrative or disciplinary measures, and a criminal investigation is normally required” (paragraph 27). Investigations into violations of article 6 must be “independent, impartial, prompt, thorough, effective, credible and

			transparent” (paragraph 28).
3.		Article 7 (Prohibition of torture and cruel, inhuman or degrading treatment)	States must protect individuals from torture or cruel, inhuman or degrading treatment by officials through legislative and administrative measures. General comment No. 20 clarifies that States are required not only to criminalise torture, but also to take all legislative, administrative, judicial and other measures to “prevent and punish” acts of torture and cruel, inhuman or degrading treatment or punishment (para. 8); that “the right to lodge complaints against maltreatment prohibited by article 7 must be recognised in the domestic law. Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective.” (para. 14); and that “States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible” (para. 15).
4.		Article 9 (Liberty and security of person)	States must protect against arbitrary arrest and detention, ensuring prompt notification of reasons for arrest, access to legal counsel, and judicial review of detention. General Comment No. 35 requires independent and impartial mechanisms to inspect detention facilities.
5.	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)	Article 2	Article 2 establishes the general obligation for each State Party “to take effective preventive measures against torture.” Article 2(3) – no defences of superior order or public authority.
6.		Article 4	Article 4(1) – Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Article 4(2) – Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.
7.		Article 12	Each State Party shall ensure that its competent authorities proceed to a prompt and impartial

			investigation wherever there is reasonable ground to believe that an act of torture has been committed.
8.		Article 13	Each State Party shall ensure that any individual alleging torture has the right to complain to, and have his case promptly and impartially examined by, its competent authorities. The complainant and witnesses must be protected against ill-treatment or intimidation as a consequence of their complaint.
9.		Article 14	Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. CAT General comment No. 3 states that “impartial and effective complaints mechanisms are established” and that “prompt, effective and impartial investigations” must be conducted” (paragraph 23). “Undue delays in initiating or concluding legal investigations into complaints of torture or ill-treatment compromise victims’ rights under article 14” (paragraph 25).
10.	African Charter on Human and Peoples’ Rights (ACHPR)	Article 7 (Right to a fair hearing), read with the Luanda Guidelines (Guideline 41) and Guidelines for the Policing of Assemblies (2017)	Every individual shall have the right to have his [or her] cause heard, including the right to appeal to competent national organs against acts violating fundamental rights. The ACHPR’s Luanda Guidelines on Arrest, Police Custody and Pre-Trial Detention require that “States shall establish, and make known, oversight mechanisms for authorities responsible for arrest and detention. These mechanisms shall be provided with the necessary legal mandate, independence, resources and safeguards to ensure transparency and reporting, to ensure the thorough, prompt, impartial and fair exercise of their mandate” (guideline 41). The Guidelines for the Policing of Assemblies establishes that State Parties should establish effective internal accountability mechanisms and “an adequately resourced police civilian oversight body, in the absence of which an Ombudsman or National Human Rights Institution should fulfil this external oversight function” (paragraph 8.1). Oversight mechanisms must be empowered to receive complaints, conduct thorough investigations, compel cooperation, and “make and enforce orders of restitution, compensation, rehabilitation or satisfaction” (paragraph 8.2.6).

11.	2006 Resolution African Commission on Human and Peoples' Rights, Abdel Hadi, Ali Radi v. Sudan, communication No. 368/09, 2014, para. 45 Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines)	ACHPR's 2006 Resolution on Police Reform urges State Parties to "establish independent civilian policing oversight mechanisms" where they do not exist and expresses concern about mechanisms "directly under police authorities." The African Commission has held that "allegations of torture against public officials impose an immediate duty on the State to initiate a prompt, impartial and effective investigation [...]"; and states that by failing to take measures to investigate allegations, in spite of being notified of them, they "forfeit its prerogative to deal with a case domestically [...]". States are to criminalize torture in line with article 1 of the Convention against Torture, ensuring that those responsible for torture are subjected to a legal process and to establish readily accessible and fully independent mechanisms.
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12.	Special Rapporteur on torture	A/HRC/52/30	The Special Rapporteur's report on "Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture" explains that "The 'duty to investigate' every act of torture and other cruel, inhuman or degrading treatment or punishment starts with foundational legislation establishing that all acts of torture are offences under national law, and continues through stages of complaint and investigation, and concludes with either the prosecution, final judgment and sentencing of alleged offenders or the dismissal of the case based on sound judicial reasoning; or extradition of the accused to be tried in another jurisdiction. Effective investigations and prosecutions acknowledge suffering and bring justice and peace to victims and communities. The duty is closely connected to the right of victims and survivors to a remedy and reparation." (para. 13). "There can be no effective torture prevention if the same authorities against whom allegations are being made are themselves investigating their peers, subordinates or superiors. If investigators are not hierarchically, administratively and financially independent of the authorities they are investigating there is an irreconcilable conflict of interest. The principle of impartiality applies to all persons involved in investigating incidents or in taking decisions in reference to incidents, including the investigative body, forensic medical practitioners engaged to document the incident, prosecutors, lawyers, judges and special bodies." (para. 63) "[-] investigations must be pursued with rigor so as to be capable of leading to the truth and, where appropriate, the prosecution of suspects." (para. 68) The Special Rapporteur recommends inter alia: "Establish or designate investigation authorities with independent statutory authority and competence to investigate acts of torture or other ill-treatment, in line with minimum standards of: impartiality; promptness; effectiveness; and public scrutiny through periodic public reporting on complaints received, ongoing investigations and outcomes; and ensure the hierarchical, financial and administrative independence of investigative bodies and officials". (para. 74(b)).
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b. Requirements for a human-rights-compliant police oversight body

From my survey of the literature, I have identified four main requirements for a police oversight body to comply with the above-mentioned human rights obligations:

1. **Independence (including impartiality and transparency):** the police oversight body must be independent from the police and political interference.¹⁰ This generally requires:

- a. statutory underpinning;¹¹
- b. parliamentary accountability;¹²
- c. ring-fenced legislative funding;¹³ and
- d. transparent appointment and removal procedures insulated from the Minister responsible for police.¹⁴

2. **Broad investigative powers (including to ensure effectiveness and promptness):** to be effective, the police oversight body must be endowed with extensive investigatory powers. Ideally, the body should:

- a. have the capacity to start investigations of its own initiative;¹⁵
- b. have sufficient investigative powers to make an assessment of the case (including requesting a hearing, conducting searches, forensic expertise, etc);¹⁶
- c. have the power to recommend further criminal or disciplinary action;¹⁷

¹⁰ See J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 5; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74. See also *Ramsahai v The Netherlands*, European Court of Human Rights (52391/99), Judgment, 15 May 2007; *Bati v Turkey*, European Court of Human Rights (33097/96 and 57834/00), Judgment, 3 June 2004; *Halat v Turkey*, European Court of Human Rights (23607/08), Judgment, 8 November 2011; *Mocanu and others v Romania*, European Court of Human Rights (10865/09, 45886/07 and 32431/08), Judgment, 17 September 2014; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023, para 63.

¹¹ See United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 59-60; UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement, HR/PUB/17/6, 2017, pp 173-174; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023, para 74(b).

¹² See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74; UNODC, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 59-60.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ See UNODC, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, p 53; ACHPR, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, 2017, para 8.2.3.

¹⁶ General Comment No 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para 15; ACHPR, Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines), Guideline 41; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74.

¹⁷ See General Comment No 36, article 6 (the right to life), CCPR/C/GC/36, 3 September 2019, para 27; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture,

- d. have the capacity to make recommendations for structural change and to follow up on its recommendations (eg by publishing its findings and recommendations, compelling the police to disclose the reasons for not following up on the recommendations, etc);¹⁸
- e. have the power to compel accused and witnesses from the police, with appropriate legal avenues should such cooperation not be forthcoming.

This does not necessarily entail having the power to prosecute, sentence or discipline the subject of the investigation, but the body should have the obligation to refer a case for criminal prosecution.¹⁹ This is particularly important in light of States' obligations under articles 4 and 12 of the CAT to ensure that acts of torture are criminalised and effectively investigated.

3. **Individual and systemic mandates:** police oversight bodies are primarily designed to investigate complaints on a case-by-case basis or to investigate injuries and deaths in custody, and carry out an evidentiary investigation for disciplinary and/or criminal action, and to grant remedies to victims and survivors. However, without a systemic, pattern-based mandate, they are less effective at preventing or deterring future misconduct (including potential acts of torture) and producing institutional reform.²⁰ The police oversight body should therefore not just address individual cases, but also be able to identify systemic problems and recommend broader reforms in policing,²¹ as case-by-case approaches often result in repeat violations; while cases inform systemic problems. Once again, this is particularly important in light of States' obligation under article 2 of the CAT to take effective preventive measures against torture.
4. **Victim-centeredness:** structural barriers (e.g. evidentiary thresholds, limitation periods, absence of legal support, lack of confidentiality) can render an otherwise independent police oversight body inaccessible in practice. The procedural framework should ensure respect of the essential rights of, and protections for, victims and witnesses in line with the recommendations included in the Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²² In particular, victims and witnesses should be: (a) able

A/HRC/52/30, 13 March 2023, para 68.

¹⁸ See UNODC, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 53-54; ACHPR, *Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa*, 2017, para 8.2.6.

¹⁹ See General Comment No 36, Article 6 (the right to life), CCPR/C/GC/36, 3 September 2019, para 27; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74.

²⁰ See APCOF, Policy Brief No 8, *Monitoring the Performance of Police Oversight Agencies (A Faill)*, 2013, p 2; see also *Zentveld v New Zealand*, Committee Against Torture, CAT/C/68/D/852/2017, 4 December 2019, para 9.8; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, *Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture*, A/HRC/52/30, 13 March 2023, para 13.

²¹ See General Comment No 36, CCPR/C/GC/36, 3 September 2019, para 28; see also *Vanchev v Bulgaria*, Human Rights Committee, CCPR/C/130/D/2820/2016, 6 November 2020, para 9.

²² Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, *Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading*

to file complaints and/or testify easily and without fear of reprisals;²³ (b) kept informed of the investigation process;²⁴ and (c) provided with information about the support resources available to them,²⁵ as well as with appropriate reparation for the harm they have suffered.²⁶

Importantly, the literature surveyed does not argue for or against embedding a police oversight body within a national human rights commission. Rather, the decisive factor is compliance with the four requirements outlined above.

If an option is taken for a distinct and independent police investigative body, the statutory basis of the body should ensure that human rights approaches, especially victim-centred approaches, are required.

Furthermore, the application of the United Nations Manual on Effective Investigation and Documentation (the Istanbul Protocol, 2002), the United Nations Manual on the Investigation of Potentially Unlawful Death (Minnesota Protocol, 2016), and the Principles on Effective Interviewing for Investigations and Information Gathering (Mendez Principles, as [A/RES/80/198](#), 2026, para. 17).

Treatment or Punishment, A/HRC/61/42, 2 January 2026.

²³ See Committee against Torture, General Comment No 3, Implementation of article 14 by States Parties, CAT/C/GC/3, 13 December 2012, para 5; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art 13; Committee against Torture, Concluding Observations on the Fifth Periodic Report of Mauritius, CAT/C/MUS/CO/5, 4 June 2025, para 18; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026, Art 4(2)(a), Art 5(1)(b) and 5(1)(f).

²⁴ See The Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, CommDH(2009)4, 12 March 2009, paras 77-79; J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 5; UNODC, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 34-37; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026, art 4(2)(b).

²⁵ See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026, art 4(2)(c).

²⁶ *Ibid.*, art 4(2)(d) and art 6(2).

c. Human-rights-based comparison of the two proposed institutional models for police oversight – relating to Mauritius

The table below compares the two institutional options under consideration in Mauritius against the four human-rights-based requirements outlined above:

- **Option 1:** keeping Mauritius’ IPCC as an independent body, separate from the National Human Rights Commission (*NHRC*), as has been the case since the enactment of the Independent Police Complaints Commission Act 2016, which established the IPCC as a standalone body corporate.
- **Option 2:** merging the IPCC into the NHRC, similar to the institutional model adopted in 2012, when the Police Complaints Act 2012 and the Protection of Human Rights (Amendment) Act 2012 created a Police Complaints Division (*PCD*) within the NHRC.

Human-rights-based requirement	Option 1: IPCC as a standalone body	Option 2: IPCC merged with the NHRC, but as a distinct body within it
Ensuring independence	There are already several provisions in the IPCC Act that aim at ensuring the independence of the IPCC: • The IPCC is established by statute as a body corporate which “shall not, in the discharge of its functions and exercise of its powers, be subject to the direction or control of any person or authority”.²⁷ • The mandate of the body is to investigate any complaint of an act, conduct or omission of a police officer, other than those relating to corruption or money laundering; to investigate deaths in police custody; advise on ways in which police misconduct may be addressed or eliminated; promote better relations between the police and the public; and perform other such tasks assigned	The NHRC, which was created by the Protection of Human Rights Act 1998, has been granted a “Status A” accreditation by the Global Alliance of National Human Rights Institutions (<i>GANHRI</i>) since 2002. This means that it is considered to be compliant with the Paris Principles – namely, the minimum standards that NHRIs must meet in order to be considered credible and to operate effectively, the key pillars of which are pluralism, independence and effectiveness. However, in its 2021 accreditation review, GANHRI raised concerns about the NHRC’s independence due to its reliance on government secondees for administrative and financial

²⁷ Independent Police Complaints Commission Act 2016, article 3.

	to it by enactment.²⁸ • The Prime Minister must consult the Leader of the Opposition for appointments to the Commission (which consists of three members).²⁹ • No serving police officer can form part of the IPCC staff.³⁰ Despite these provisions, the Committee Against Torture expressed concern in June 2025 that members of the IPCC “continue to be appointed and removed by the executive”.³¹ This executive control over appointments and removals undermines the IPCC’s perceived and actual independence from the government. During the 2024 Universal Periodic Review (<i>UPR</i>) of Mauritius conducted by the Human Rights Council (<i>UNHRC</i>), it was highlighted that the IPCC was perceived as “not independent from the Mauritius Police Force (MPF) because investigations into cases of police brutality conducted by the IPCC were carried out by police officers”, raising “issues of impartiality and integrity, defeating the purpose of the IPCC”.³²	tasks, particularly in high-level positions like the Secretary. This reliance “brings into question the capacity of the NHRI to function independently”.³⁹ Along the same lines, during the 2024 UPR of Mauritius, it was recommended that Mauritius “strengthen the independence and functioning of the National Human Rights Commission”.⁴⁰ In October 2025, GANHRI has escalated its scrutiny of the Mauritius NHRC and formally decided to initiate a special review of the NHRC’s accreditation status, due to information received that “raise[s] concerns about the continued compliance of the NHRC with the Paris Principles, including on the security of tenure of members as well as the perceived independence of the institution”.⁴¹ The specific concerns prompting the special review include dismissal of members, political interference and secondment of police officers as investigators. The special review of the NHRC is set to take place from 20 April to 1 May 2026.⁴² In light of the above concerns with respect to the existing
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²⁸ Independent Police Complaints Commission Act 2016, article 4.

²⁹ Independent Police Complaints Commission Act 2016, article 3.

³⁰ Independent Police Complaints Commission Act 2016, article 8(5).

³¹ Committee against Torture, Concluding Observations on the Fifth Periodic Report of Mauritius, CAT/C/MUS/CO/5, 4 June 2025, para 18.

³² Summary of Stakeholders’ Submissions on Mauritius for the Fourth Cycle Universal Periodic Review, A/HRC/WG.6/45/MUS/3, 8 November 2023, para 20.

³⁹ GANHRI, Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA) 14-24 June 2021, section 2.5, para 7 (Staffing).

⁴⁰ Fourth Cycle Report of the Working Group on the Universal Periodic Review (Mauritius), A/HRC/56/8, 26 March 2024, para 153.54.

⁴¹ GANHRI, Report and Recommendations of the 46th Session of the Sub-Committee on Accreditation (SCA) Geneva, 20-30 October 2025, p 41.

⁴² GANHRI, “Upcoming accreditation sessions” at <https://ganhri.org/upcoming-sessions/> (last accessed 15 April 2026).

	To enhance its independence, the IPCC could implement the following reforms: • Reform appointment and removal process: ○ Ensure a more transparent and consultative process for the appointment of the three members of the IPCC, for example by providing for a broader, merit-based selection process that is subject to parliamentary oversight and thus less susceptible to executive influence.³³ ○ Implement changes ensuring security of tenure for the three members of the IPCC, specifying that removal can only occur on strictly defined grounds (e.g., incapacity or gross misconduct) and following a process that involves independent judicial review or a qualified parliamentary majority vote, thus removing executive discretion over removals. • Ensure independence from the police: prohibit not only serving but also former police officers from conducting investigations for the IPCC, to address the perception of bias and conflict of interest flagged by UPR stakeholders. • Strengthen financial autonomy. While the IPCC	entity, it would be crucial that, as part of any merger with the police oversight body, further reforms are adopted to ensure independence of the NHRC (similar to those proposed for the IPCC): • Reform appointment and removal processes to remove any executive discretion over appointments and removals; • Ensure independence from the executive in staffing: amend article 5 of the Protection of Human Rights Act to limit or remove the role of the Secretary to the Cabinet in appointing senior administrative staff.⁴³ Provide the NHRC with the explicit power to recruit its own staff on independent terms, rather than relying predominantly on seconded civil servants. • Ensure independence from the police by progressively replacing seconded police investigators with civilian investigators recruited and trained directly by the NHRC. • Strengthen financial autonomy by ensuring that the NHRC benefits from a ring-fenced budget approved directly by Parliament, rather than being subject to executive discretion. This could include statutory guarantees regarding budget adequacy and timely disbursement, enabling the NHRC to operate
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³³ United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 59-60.

³⁴ Independent Police Complaints Commission Act 2016, article 20.

⁴³ Protection of Human Rights Act 1998, article 5.

⁴⁴ Principles relating to the Status of National Institutions (the Paris Principles), UN General Assembly Resolution 48/134, 19 December 1993: “The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.”

	administers its own General Fund,³⁴ the Minister responsible for human rights (i.e., the executive) retains the power to approve or amend the Commission's annual expenditure and income estimates.³⁵ A reform should ensure independent funding, for example by having the IPCC's budget approved by the legislature with statutory guarantees for budget size and disbursement timing.³⁶ This would create truly "ring-fenced" funding, insulating the Commission from executive financial leverage and ensuring it has adequate resources without ministerial discretion over its operational funds. • Enable direct reporting to parliament: currently, the IPCC submits its annual report to the Minister, who then shares it with parliament.³⁷ Having the IPCC submit its annual reports and any other specific reports (e.g., on significant investigations or systemic issues) directly to Parliament, rather than via a Minister, would ensure a more direct line of accountability to the legislative body.³⁸ All reports should be published on its website.	effectively without financial pressure from the Executive, as required under the Paris Principles.⁴⁴ • Enable direct reporting to parliament, rather than reporting through the President,⁴⁵ to reinforce the NHRC's operational independence from the executive.
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³⁴ Independent Police Complaints Commission Act 2016, article 20.

³⁵ Independent Police Complaints Commission Act 2016, article 22.

³⁶ United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 59-60.

³⁷ Independent Police Complaints Commission Act 2016, article 23.

³⁸ United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, pp 59-61.

⁴⁴ Principles relating to the Status of National Institutions (the Paris Principles), UN General Assembly Resolution 48/134, 19 December 1993: "The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence."

⁴⁵ Protection of Human Rights Act 1998, article 11.

Ensuring that the body has broad and adequate investigative powers to ensure effective remedies	The IPCC already has broad investigative powers,⁴⁶ enabling it to: • Summon any person to appear before it; • Summon any person to respond to questions, produce documents or testify; • Visit police stations, prisons or other places of detention. The IPCC can also recommend a criminal prosecution; disciplinary procedures; or the award of compensation to the victim.⁴⁷ It can even designate one of its officers to conduct the prosecution of an offence committed by a police officer – although this has to be approved by the Director of Public Prosecutions.⁴⁸ Additional powers to improve the IPCC’s compliance with Mauritius’ human rights obligations could include: • Power to initiate investigations <i>suo motu</i>.⁴⁹ Currently, investigations are conducted “on the basis of a complaint”.⁵⁰ There is no express power enabling the IPCC to commence investigations on its	Whilst the NHRC has some investigative powers, and previously exercised some oversight functions when the PCD fell within its remit, its investigative powers are more limited than those conferred on the IPCC under the current framework. In particular, unlike the IPCC, it cannot designate one of its officers to conduct the prosecution of an offence committed by a police officer.⁵³ If the police oversight body were to be re-merged with the NHRC, it should be ensured that the new entity has the requisite investigative powers and adequate resources to perform the police oversight function effectively: • Ensuring adequate institutional capacity. Given its multi-mandate functions, the NHRC must be in a position to allocate sufficient financial and human resources to the highly demanding task of investigating police misconduct.⁵⁴ When the PCD was integrated within the NHRC, the NHRC was responsible for providing adequate staffing and facilities to ensure the proper discharge of the PCD’s functions.⁵⁵ Any re-merger would therefore need to
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⁴⁶ Independent Police Complaints Commission Act 2016, article 5.

⁴⁷ Independent Police Complaints Commission Act 2016, article 16.

⁴⁸ Independent Police Complaints Commission Act 2016, article 17.

⁴⁹ See United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, p 53 (listing as a minimum power the “capacity to start an investigation on its own initiative”); see also ACHPR, *Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa*, 2017, para 8.2.3.

⁵⁰ Independent Police Complaints Commission Act 2016, article 10(1).

⁵³ Independent Police Complaints Commission Act 2016, article 17.

⁵⁴ See United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, p 55; S Roché, S Varaine and N Castagné, *External Police Oversight Agencies: Emergence and Consolidation – A Comparative Study of 25 Agencies in 20 Countries* (Synthesis), December 2022.

⁵⁵ Police Complaints Act 2012, Article 7.

	own initiative without a formal complaint. In fact, any serious injury or death in police custody or under their effective control should automatically be transmitted to the IPCC for investigation. • Specific mandate to investigate acts, conduct or omissions amounting to torture and/or other cruel, inhuman or degrading treatment or punishment, such as investigating all serious injuries or deaths in custody (the latter is a mandate already within its remit). An explicit reference in article 4 of the IPCC Act would be advisable – to ensure obligations under CAT and ICCPR are ensured. • Referrals for prosecution to be strengthened; and direct disciplinary powers. The IPCC can only recommend prosecution or disciplinary action to other bodies, which may or may not agree with its recommendations. As a feeder body to the public prosecutor, the public prosecutor should be required to provide in writing the reasons for not taking up a case; or otherwise they must proceed with the case. But the power of the IPCC to recommend disciplinary action should be provided (such as removal or time bars on re-employment, etc.). • Power to issue binding interim orders.⁵¹ The IPCC is not empowered to issue binding interim orders, such as suspending an officer under investigation or mandating protection for a victim. This should be	guarantee that the police oversight function benefits from dedicated, ring-fenced and sufficient funding within the NHRC, rather than competing with the institution's other mandates for limited resources. • Strengthening investigative and prosecutorial expertise by ensuring that the staff of the NHRC has investigative experience/prosecution experience, and not only policy backgrounds. This could include training NHRC staff in advanced investigation techniques (and conversely training investigators in human rights and victim-sensitive approaches). The NHRC could seek technical assistance from organisations like OHCHR or UNODC for capacity-building, which is often available for strengthening NHRIs. • Conferring enhanced investigative powers, similar to those considered for the IPCC, including: ○ power to initiate investigations <i>suo motu</i>; ○ mandated referrals for prosecutor, and direct disciplinary authority; ○ power to issue binding interim orders; and ○ power to directly award compensation.
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⁵¹ *Ibid.*

	changed to allow the IPCC to do so. • Power to directly award compensation.⁵² The Commission can only recommend to the Attorney-General that compensation be paid to the complainant or their representative. Direct power to award compensation would provide more immediate redress for victims. A fund would need to be established for such purposes. Granting additional powers to the IPCC would increase its efficiency and bring it more closely into line with the standards expected of human rights-compliant police oversight bodies.	
Strengthening its advice-giving role to address systemic issues	To comply with the international standards for police oversight bodies and Mauritius’ human rights obligations – notably its obligation to effectively prevent acts of torture under article 2 of the CAT –, the IPCC would need to be endowed with an additional broader, systemic mandate that would complement the investigation of individual cases.⁵⁶ Although the existing mandate does provide that the body is mandated to “advise on ways in which any police misconduct may be addressed or eliminated”,⁵⁷ the IPCC’s current design does not allow it to perform this role effectively.	When the PCD was part of the NHRC, its mandate was – like the IPCC’s – limited to the investigation of individual complaints. It was not empowered to perform systemic analysis or propose reforms. While article 4(1)(d)-(g) of the Human Rights Act 1998 mentioned that the NHRC could review the safeguards provided by or under any enactment for the protection of human rights or the factors and difficulties that inhibit the enjoyment of human rights, among other things, there is no explicit mandate to identify systemic issues and recommend reforms. If Mauritius were to re-integrate a police oversight body

⁵² See ACHPR, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, 2017, para 8.2.6.

⁵⁶ Committee against Torture, Concluding Observations on the Fifth Periodic Report of Mauritius, CAT/C/MUS/CO/5, 4 June 2025, para 18.

⁵⁷ Independent Police Complaints Commission Act 2016, Article 4.

	To gain a more effective systemic mandate, the IPCC could be given: • Mandate to identify systemic problems and recommend reforms.⁵⁸ The IPCC's mandate should be expanded to explicitly encapsulate identification of systemic problems and recommendation of broader reforms in policing, such as changes in training, policies, or leadership. This would enable it to address organisational problems in the police and suggest systemic reforms. Importantly, this will require an expansion of the IPCC's capacity and staffing. The IPCC must be able not only to investigate individual cases within a reasonable timeframe, but also to conduct a broader, systemic review, the latter could be reported upon periodically or annually, or even to undertake thematic reports. • Requirement to issue regular public reporting of trends and lessons learned.⁵⁹ The IPCC should be required to issue regular reports to the government, parliament and the public on its activities, including detailed data on complaint trends, types of abuses, and "lessons learned". This would allow an	within the NHRC, the reformed NHRC would need to combine individual investigations with systemic monitoring. As already considered for the IPCC, this could be achieved by giving the NHRC: • Power to initiate investigations <i>suo motu</i>, which would allow the NHRC to launch investigations into any patterns that it may notice (e.g. if it notices multiple torture complaints from the same prison or police unit).⁶⁰ • Mandate to identify systemic problems and recommend reforms, by allowing the NHRC to call for policy changes, legislative amendments, or institutional reforms to prevent recurrence, linking them to international human rights obligations so that they carry additional moral and legal weight. To ensure this mandate is carried out effectively, it would also be important to ensure that the NHRC has adequate resources. • Requirement to issue regular public reporting of trends and lessons learned.
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⁵⁸ See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, paras 44 and 74; APCOF, Policy Brief No 8, Monitoring the Performance of Police Oversight Agencies (A Faull), 2013, pp 2-3.

⁵⁹ See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, paras 61-62; United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity*, July 2011, p 70.

⁶⁰ See Association for the Prevention of Torture, "Added value of NHRI investigations in the prevention of torture", 26 July 2026, at <https://www.apr.ch/news/added-value-nhri-investigations-prevention-torture> (last accessed 15 April 2026).

	evaluation of the IPCC's work and would build public confidence in its ability to address systemic issues.	
Ensuring victim-centredness and accessibility for vulnerable groups	The IPCC would require substantial reform to incorporate a meaningful victim-support infrastructure.⁶¹ The IPCC Act currently does not mention victim support beyond recommending to the Attorney-General that the victim be paid compensation or granted such relief as the Attorney-General “may deem appropriate”.⁶² It focuses on the process of investigating complaints against police officers and referring findings for prosecution or disciplinary action to other bodies/authorities. This legalistic approach can leave victims feeling like mere witnesses in a process centred on officers' conduct. Under the current framework, a victim of torture or other ill-treatment may not receive any support or information during a lengthy IPCC investigation. To strengthen victim support, the following safeguards	When the PCD operated within the NHRC, it similarly failed to ensure a genuinely victim-centred approach, largely replicating the same shortcomings now observed within the IPCC. Victims were not systematically supported, protected, or kept informed, demonstrating that institutional framework alone does not guarantee victim-centredness. If Mauritius were to re-integrate police oversight functions within the NHRC, such reintegration would need to explicitly leverage the NHRC's broader human rights mandate and culture to embed victim-centred practices as a core operational principle, rather than as an incidental feature.⁶⁵ This would require adopting reforms similar to those proposed for the IPCC, including: • Direct authority to award compensation and other

⁶¹ See Committee against Torture, Concluding Observations on the Fifth Periodic Report of Mauritius, CAT/C/MUS/CO/5, 4 June 2025, para 18: "victims withdraw their complaints for fear of reprisals and that existing protective measures are ineffective".

⁶² Independent Police Complaints Commission Act 2016, Article 16.

⁶³ See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026; *see also* The Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, CommDH(2009)4, 12 March 2009, paras 77-79; J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 5.

⁶⁵ See GANHRI, "Preventing torture: How NHRIs can be powerful agents of change", at <https://ganhri.org/preventing-torture-how-nhris-can-be-powerful-agents-of-change/> (last accessed 15 April 2026).

	could be added:⁶³ • Direct authority to award compensation and rehabilitation, as well as integration within the criminal justice system. Instead of merely recommending compensation, the IPCC could be empowered to issue binding decisions on compensation or other forms of relief, such as public apologies or rehabilitation services for victims. The IPCC already has the power to refer matters to the Director of Public Prosecutions with a recommendation that a police officer be prosecuted for a criminal offence. To ensure that there is appropriate redress for victims of particularly egregious police misconduct, it should be expressly specified that the IPCC has the duty to refer certain matters (for example, those involving torture and/or unlawful killing by the police) for prosecution. Moreover, it should be specified that, if the prosecution does not agree with the IPCC's recommendation, then it should provide reasons for its disagreement (whereas currently the prosecution need only inform the IPCC of its disagreement). • Protection against reprisals or intimidation (unless or until such time as responsibility for the	redress, as well as integration within the criminal justice system; • Protection of complainants and witnesses against reprisals (unless or until such time as responsibility for the case is with the courts, for example when the case is transferred); • Victim-centered procedures; and • Provision of support services and/or referrals to relevant agencies (e.g. for rehabilitation). However, would not be able to provide these specialist services itself as they require a very different skillset.
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⁶³ See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026; *see also* The Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, CommDH(2009)4, 12 March 2009, paras 77-79; J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 5.

	case is with the courts, for example when the case is transferred). Explicit provisions should be enacted to ensure the safety, confidentiality, and protection of complainants and witnesses from any form of reprisal or intimidation (including preventing contact between an officer under investigation and a victim). Such provisions should also provide special accommodation for vulnerable victims or witnesses. • Victim-centered procedures. Procedures should be reformed to ensure that the process is more accessible for the victims, in addition to ensuring security and confidentiality. This would include keeping victims updated on the investigation's progress and possible outcomes throughout the process, as opposed to informing them of the outcome once the investigation is complete. This would also include conducting public awareness campaigns and explaining how to file a complaint with the IPCC. Victims should have an opportunity to present views and concerns at the appropriate stages of the proceedings. • Referrals to relevant agencies (e.g. for rehabilitation). The IPCC would also benefit from the power to facilitate access to medical, psychological, and social services for victims of police misconduct, aligning with comprehensive victim care. But the IPCC would not be able to provide these specialist services itself as they require a very different skillset.	
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	• Prompt, impartial and effective investigation and resolution of complaints. One of the criticisms of the IPCC is that there is a backlog of complaints that are not dealt with in a timely manner. To ensure victims' trust in the police oversight mechanism, safeguards should be put in place to avoid unnecessary delay in the disposition of cases, for example by providing specific deadlines by which investigation has to be started and a decision rendered.⁶⁴	
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⁶⁴ See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026.

(d) Selected State practice with respect to Police Oversight Bodies

States Adopting a Separate Police Oversight Body

A significant number of states, particularly those within the Commonwealth and common law tradition, have established standalone police oversight bodies, operating independently of their national human rights institutions. These include:

- **Europe:** Standing Police Monitoring Committee (**Committee P**) (Belgium); Independent Authority for the Investigation of Complaints and Allegations against the Police (Cyprus); Independent Police Complaints Authority (Denmark); Independent Office for Police Conduct (**IOPC**) (England and Wales); Police Investigations and Review Commissioner (**PIRC**) (Scotland); Police Ombudsman for Northern Ireland (**PONI**)
- **Africa:** Independent Police Investigative Directorate (**IPID**) (South Africa); Independent Policing Oversight Authority (**IPOA**) (Kenya)
- **Caribbean:** Independent Commission of Investigations (**INDECOM**) (Jamaica); Police Complaints Authority (Trinidad and Tobago)
- **Asia-Pacific:** Independent Police Conduct Authority (**IPCA**) (New Zealand); Law Enforcement Conduct Commission (**LECC**) (Australia)

Notable examples from a comparative perspective are as follows:

- a. **Northern Ireland (PONI)** is widely regarded in comparative literature as the gold standard of civilian oversight, exemplifying a model of regulatory independence. The Council of Europe's 2017 Report categorises it within the most robust models of police oversight, characterised by full operational independence from the police, direct accountability to the legislature and the capacity to gather evidence, determine unlawfulness, and identify those responsible.⁶⁶
- b. **South Africa (IPID)** transitioned from the Independent Complaints Directorate (**ICD**) specifically to strengthen structural independence after the ICD's weaknesses – including dependence on the South African Police Service during investigations, police non-cooperation, and its location within the Ministry of Police – undermined its credibility.⁶⁷ Nevertheless, concerns about IPID's effectiveness in practice have persisted: low conviction rates relative to the volume of completed investigations, a high rate of prosecutorial declinations by the National Prosecuting Authority and ongoing reports of evidence tampering and premature case closures have raised questions about whether structural

⁶⁶ J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 70.

⁶⁷ J Berg, "Civilian oversight of police in South Africa: from the ICD to the IPID" (2013) Vol 14 *Police Practice and Research: An International Journal* 144, pp 146-150, at <http://dx.doi.org/10.1080/15614263.2013.767094> (last accessed 15 April 2026).

independence alone is sufficient to overcome deep-seated cultural resistance within the police service.⁶⁸

- c. **Kenya (IPOA)** was established in 2011 after the Kenya National Commission on Human Rights (KNCHR) struggled to ensure the effective protection of human rights arising from police complaints alongside its broader human rights mandate. IPOA adopts the civilian control model and is charged with investigating all public complaints against the police. However, the APCOF assessment of the Kenyan model identifies police non-cooperation as a significant and persistent challenge to IPOA's effectiveness,⁶⁹ suggesting that institutional design alone does not guarantee accountability in the absence of a cooperative police culture and adequate resourcing.
- d. **Jamaica (INDECOM)** was created as a standalone body following international pressure and local concern over police brutality. INDECOM has been credited with identifiable successes, including a reduction in fatalities from planned police operations,⁷⁰ though INDECOM was simultaneously equipped with significantly more robust investigative powers than its predecessor, meaning that the reduction cannot be attributed solely to its institutional structure, and INDECOM faces ongoing challenges including under-resourcing and a large volume of open investigations.⁷¹
- e. **Trinidad and Tobago (Police Complaints Authority)** is a standalone body that replaced an earlier model found to lack sufficient independence. Notwithstanding its institutional design, the PCA has attracted significant criticism in practice: as an investigative rather than enforcement body, it can only recommend action to the DPP and Police Service Commission without the power to compel those bodies to act, and the absence of publicly available outcome data (e.g. on charges laid, convictions secured, and disciplinary action taken) has further undermined transparency and public trust.⁷²

States Merging the Police Oversight Body with their National Human Rights Body

⁶⁸ I Mugari, "Civilian Police Oversight: A Contemporary Review of Police Oversight Mechanisms in Europe, Australia and Africa" (2021) *Journal of Applied Security Research*, pp 14-15, at <https://doi.org/10.1080/19361610.2021.1918524> (last accessed 15 April 2026).

⁶⁹ T Probert, B Kimari, M Ruteere, *Strengthening Policing Oversight and Investigations in Kenya: Study of IPOA Investigations into Deaths Resulting from Police Action* (October 2020) Centre for Human Rights and Policy Studies, pp 24-25 and 31-32.

⁷⁰ Independent Commission of Investigations (INDECOM), "Achievements", at <https://www.indecom.gov.jm/about-us/achievements> (last accessed 15 April 2026).

⁷¹ Amnesty International, *Waiting in Vain: Jamaica: Unlawful Police Killings and Relatives' Long Struggle for Justice*, November 2016, at <https://www.amnesty.org/en/documents/amr38/5092/2016/en/> (last accessed 15 April 2026).

⁷² A Balgar, "Is Trinidad and Tobago's Police Complaints Authority (PCA) Truly Holding the Police Accountable? A Critical Analysis", 12 August 2025, at <https://www.linkedin.com/pulse/trinidad-tobagos-police-complaints-authority-pca-truly-andre-balgar-r6rpe/> (last accessed 15 April 2026).

On the other hand, a number of states, particularly in civil law traditions, have integrated police oversight within a broader national human rights or ombudsman institution. These include:

- **Europe:** Parliamentary Ombudsman (Finland); Chancellor of Justice (Estonia); Defender of Rights (France); Ombudsman (Croatia); Greek Ombudsman (Greece); National Ombudsman (Netherlands); Defensor del Pueblo (Spain)
- **Africa:** Commission on Human Rights and Administrative Justice (**CHRAJ**) (Ghana)
- **Asia:** National Human Rights Commission (**NHRC**) (India); National Human Rights Commission of Thailand (**NHRCT**)
- **Americas:** Comisión Nacional de los Derechos Humanos (**CNDH**) (Mexico)

Some key examples include:

- a. **Northern and Western Europe** commonly features the merged Ombudsman model, such as Finland's Parliamentary Ombudsman, Sweden's Parliamentary Ombudsman, Estonia's Chancellor of Justice, Croatia's Ombudsman and Greece's Greek Ombudsman, which each exercise oversight over the police as part of a broader mandate to monitor state compliance with human rights and administrative law standards. These bodies are typically appointed by and accountable to parliament, and their police oversight function is treated as one component of a unified, codified process of state accountability.⁷³
- b. **Ghana (CHRAJ)** serves as the statutory national human rights institution and investigates complaints of corruption, abuse of power and unfair treatment by public officials, it does not have criminal investigatory or enforcement powers and must refer criminal cases to the police or public prosecutors. The Commission receives a high volume of complaints, but its capacity to prioritise police oversight is constrained by resource limitations and its broad mandate.⁷⁴ The Police Professional Standards Bureau (**PPSB**) acts as the internal police mechanism for investigating misconduct, but as part of the police itself and not an independent body, it faces persistent concerns about impartiality and accountability. Civil society coalitions have called for a dedicated independent police oversight body, and although there is broad recognition that such reform is needed,⁷⁵

⁷³ S Roché, S Varaine and N Castagné, *External Police Oversight Agencies: Emergence and Consolidation – A Comparative Study of 25 Agencies in 20 Countries* (Synthesis), December 2022.

⁷⁴ APCOF, *The Luanda Guidelines: Assessments for Ghana, Malawi, South Africa, Tanzania and Uganda*, April 2017, pp 31-32, at apcof-implementation-of-the-luanda-guidelines-assesmmnts-for-ghana-malawi-south-africa-tanzania-and-uganda-pdf (last accessed 15 April 2026).

⁷⁵ Amnesty International (Dutch Section), *Police Oversight*, Short Paper Series No. 2, Police and Human Rights Programme, January 2015, at <https://policehumanrightsresources.org/content/uploads/2015/01/Short-paper-series-no.2-Police-oversight.pdf?x54919> (last accessed 15 April 2026).

such a body has not been established to date.⁷⁶

- c. **India (NHRC)** exercises a police oversight function as part of its broader mandate, but the GANHRI SCA's 2024-2025 accreditation review deferred re-accreditation and recommended a downgrade to B-status, citing concerns over its ability to function independently.⁷⁷ The institution has faced sustained criticism for conflict of interest in investigations, lack of pluralism in leadership and opaque appointment processes. A final decision on accreditation, originally scheduled for April 2026, is still pending and has been postponed to November 2026.⁷⁸

Your Excellency,

In summary, global norms do not prescribe a single institutional model but insist on certain core attributes and powers. Whether Mauritius decides to proceed with an amended standalone body like the IPCC or merges it under the NHRC, it must nonetheless guarantee independence, broad investigative powers, adequate funding, and a mandate to improve policing standards.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all requests brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned .
2. Having considered the comparative practice and factors outlined above, how does your Excellency's Government intend to secure the objectives driving the proposed institutional reform, including strengthening the investigation and prosecution of police misconduct, embedding a broader human rights and victim-centred approach, and improving systemic police reform capacity?
3. How does your Excellency's Government envisage safeguarding the operational, functional, financial and hierarchical independence of any future oversight mechanism – whether retained as a standalone body or integrated within the National Human Rights Commission – particularly in relation to the investigation of allegations involving torture, deaths in custody, or other serious police misconduct of a potentially criminal nature?

⁷⁶ UK Visas and Immigration, "Country Policy and Information Note: Actors of Protection, Ghana", 31 March 2025, para 2.1.14, at <https://www.gov.uk/government/publications/ghana-country-policy-and-information-notes/country-policy-and-information-note-actors-of-protection-ghana-march-2025-accessible> (last accessed 15 April 2026).

⁷⁷ Redress, "Joint Statement: India's Membership at the Human Rights Council Should Reflect Commitment, Not Contempt, for Human Rights", 16 October 2025, at <https://redress.org/news/indias-membership-at-the-human-rights-council-should-reflect-commitment-not-contempt-for-human-rights/> (last accessed 15 April 2026).

⁷⁸ Amnesty International, "India: GANHRI Members should sustain pressure for reforms at the Indian Human Rights Commission", 26 March 2026, at <https://www.amnesty.org/en/latest/research/2026/03/india-ganhri-sustain-pressure-reforms-indian-human-rights-commission/> (last accessed 15 April 2026).

4. Should your Excellency's Government choose to merge the IPPC into the NHRC, what measures does it envisage to ensure that the specialised expertise, resources, and investigative capacity required for allegations of torture, other ill-treatment, deaths in custody, and other serious police misconduct are not diluted or deprioritised within a broader institutional mandate addressing a wider range of human rights violations?
5. Could your Excellency's Government provide further information on how any reformed mechanism would interact with prosecutorial and judicial authorities, including referral pathways for criminal investigation and prosecution, as well as the measures envisaged to ensure effective remedies, protection, and rehabilitation for victims of police abuse?
6. Does your Excellency's Government intend, whether in the context of retaining the Independent Police Complaints Commission as a standalone body or integrating its functions within the National Human Rights Commission, to?
7. Should your Excellency's Government decide to retain the IPCC, what legislative amendments are envisaged to article 4 of the IPCC Act to:
 - ensure that the relevant oversight mechanism is provided with an explicit statutory mandate to investigate "acts, conduct or omissions amounting to torture and other cruel, inhuman or degrading treatment or punishment", in order to ensure full alignment with Mauritius' obligations under the Convention against Torture;
 - that the "advisory function" of the IPCC is clear in granting a mandate to provide holistic assessments and recommendations regarding police operations and reforms.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting website after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I stand ready to provide additional technical advice your Excellency's Government may require in ensuring that legislation is consistent with international human rights law.

Please accept, Excellency, the assurances of my highest consideration.

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment