

Preliminary Observations of the Special Rapporteur on Privacy - visit to the Republic of Mauritius

27 November to 4 December 2023

Firstly, I want to thank the Government of the Republic of Mauritius for inviting me to visit which is the second country I visit as the United Nations Special Rapporteur on the right to Privacy, and for having the opportunity to analyse first-hand the right to privacy within the robust data protection system of Mauritius.

Then, I need to thank the authorities of the UN, including in particular the Resident Coordinator's Office and UNDP, that assisted us in all issues concerning our visit.

As you all know, Mauritius was the first African country to ratify Convention 108+ of the Council of Europe and has a strict data protection system. Thus, the idea was to learn more about how authorities are managing privacy so as to identify good practices in the region.

Following that alignment, I had the opportunity to analyse the most diverse topics referring to my mandate, such as data protection, state security and cybersecurity, innovation, biometrics and artificial intelligence, health, gender and privacy, children's privacy rights in the digital age, privacy concerns of vulnerable persons, balancing freedom of expression and privacy and more.

In Port Louis, we met officials from various key Ministries and very relevant governmental data protection national rights mechanisms, the judiciary, civil society, as well as representatives of the international community.

I am sharing now my preliminary observations with the Government and will submit my report of the visit to the Human Rights Council in March 2025.

Privacy is a fundamental right that needs to be recognized as such, needs to be clearly regulated and needs to be reviewed by the investigation of complaints, or by audits or other control procedures made by independent bodies.

At the end of an eight day official visit, I welcomed the comprehensive legal framework in which privacy and data protection are safeguarded. I noted the challenge is *not* in the recognition OR in the regulation, that appears exhaustive, but perhaps in the implementation of its control procedures.

Overall, privacy is taken seriously in Mauritius and the government has prioritised developing a comprehensive legal framework, however, the challenge, as is the case for all States, is to ensure the implementation of the laws.

Privacy, as a fundamental right, should be respected within the frontiers of the states and also on a global basis. As said, global problems need global solutions. Cooperation is our main important tool for this important goal which is to harmonize privacy values. That is the reason why we are here, to invite you to work together towards global harmonization of privacy's regulations.

The idea of working together for this purpose is the motivation of this visit. We want to invite you to work together towards an international framework on privacy.

Mauritius is a leading example in the African region as it is aligned to the EU framework. Yet, officials acknowledge that the State must be ready for the challenges of transitioning towards e-systems in the financial, health, social security and labour industries and the need to continue to amend its legal and regulatory systems and implement measures to ensure a progressive evolution to promote and protect the right to privacy which is enshrined in the Constitution.

Mauritius' society is struggling with an illicit drug epidemic which has prompted the Government to undertake initiatives such as CCTV cameras in public areas and the recently mandated re-registration of all mobile phone users as measures to address this. But civil society has expressed concern that the data may be collected, retained and used for other purposes.

We also heard from numerous interlocutors of the importance of protecting the privacy rights of children, especially as cases of sexual exploitation, child trafficking, and cyberbullying as well as security risks of children's personal information when using and posting on social platforms continue to plague the most vulnerable of Mauritian society.

I understand of the importance of awareness, education, cooperation, harmonization and standardization at the regional and at the international level, and I note that Mauritius is already well placed.

Awareness and education are indispensable. If you have a good number of complaints, this usually means you have a well-informed population. No privacy claims may mean that people are not understanding the foundations of privacy, that they are not understanding what their rights are.

Technological innovation is of utmost importance but it must be embraced using a human rights based approach, putting individuals at the centre of all technological advancements, so as to mitigate the risks of misuse of personal information and to safeguard the fundamental right to privacy of its citizens.

So, in general terms, we can say that in Mauritius privacy is being taken very seriously.

I look forward to continued engagement with all interlocutors and hope that the conclusions and recommendations in my future report, may provide further guidance for other States in the region.

I also hope to count on the support of all UN offices, including the Regional Office of South Africa (ROSA) of the Office of the High Commissioner for Human Rights to continue its important collaborative work with the Government towards building a framework that embraces both technological and social progress while balancing security with the right to privacy.