

**Ministry of Foreign Affairs, Regional Integration and International Trade
(Human Rights Division)**

Materials for the report of the United Nations High Commissioner for Human Rights pursuant to the Human Rights Council Resolution 47/21 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violation by law enforcement officers through transformative change for racial justice and equality”

1. Introduction

1.1 The State of Mauritius is recognised for its melting pot of cultures. It has succeeded in keeping the equilibrium among different religious groups and communities through its legislations and policies which safeguard the equality of all citizens and guarantees the protection of the fundamental rights and freedoms of each and every one.

1.2 The State of Mauritius believes in inclusiveness and will continue its efforts to ensure that the social or economically disadvantaged groups are further accompanied to live a life full of human dignity. In this vein, special measures are implemented for all vulnerable groups irrespective of their race and ethnicity.

1.3 The Republic of Mauritius has acceded to the International Convention on the Elimination of Racial Discrimination (ICERD) on 30 May 1972 without any reservation or declaration. By acceding to the ICERD, the Republic of Mauritius took the commitment to ensure that racial discrimination is not tolerated within its territory and measures are taken to combat all forms of such discrimination.

1.4 The 24th and 25th Combined Periodic Report of the State of Mauritius on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was submitted in 2021 and can be accessed on the following link [24th and 25th Combined Periodic Report of Mauritius to the CERD.pdf \(govmu.org\)](#).

2. Legislative Framework

2.1 An array of legislations has been enforced in the State of Mauritius and include inter alia;

(a) Constitution of the Republic of Mauritius

Mauritius is a secular state. Moreover, being a democratic state, it guarantees the rights of its citizens by virtue of the Constitution and provides for an unequivocal right for every citizen to be treated equally.

Chapter II of the Constitution guarantees the enjoyment of fundamental rights and freedom which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhumane treatment, protection from deprivation of property, protection for privacy of home and other property, freedom of

conscience, freedom of expression, freedom of assembly and association, freedom of movement and protection from discrimination. It also guarantees to all citizens the right to equal protection and benefit of the law without discrimination, thus upholding and strengthening an environment conducive to equal opportunities and equality for all Mauritians.

(b) Equal Opportunities Act (EOA)

The EOA came into force in 2012 and further reinforces the protection from discrimination and the right to equal opportunities in various areas of life such as employment, access to certain facilities and services (including education), by prohibiting, discrimination, against a person on the ground of his status. “Status” is defined as including age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

(c) Workers’ Rights Act (WRA)

The WRA was enacted to reiterate the principle that all citizens of Mauritius are entitled with the same rights in respect to access to income generating opportunities and terms and conditions of employment. The WRA provides that no worker shall be treated in a discriminatory manner by his employer in his employment or occupation and no person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.

Discrimination, in relation to the above provisions, includes affording different treatment to “different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (...)”

Moreover, section 64(1) of the WRA provides for the protection against termination of agreement by an employer by reason of inter alia a worker’s race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities.

(d) Criminal Code

Section 86 of the Criminal Code makes it an offence for a public officer to use any form of violence against any person and shall, according to the nature and extent of the violence used, be liable to double the punishment which would have been incurred by any other person guilty of the like crime or misdemeanor.

3. National Human Rights Institutions (NHRIs)

3.1 Over the years, the State of Mauritius has established 7 NHRIs to ensure the protection of the rights of its people, namely the;

- (a) Office of the Ombudsman, under the Ombudsman Act 1969, which investigates into complaints against Government Institutions and seeks redress to injustice, if any, sustained in consequence of any alleged maladministration that may have been committed by any public officer or authority in exercise of administrative functions;
- (b) National Human Rights Commission (NHRC) under the Protection of Human Rights Act 1998; which is a full-fledge institution with quasi jurisdictional competence to receive complaints against violation of Human Rights and to summon witnesses and respondents.

In addition to seeking redress before the Courts, the NHRC is empowered to enquire into any written complaint from any person alleging that any of his human rights has been, is being, or is likely to be violated by the act or omission of any other person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public body. After enquiries into the complaints, the NHRC, thereafter makes relevant recommendations to the concerned authorities;

- (c) Ombudsperson for Children's Office, under the Ombudsperson for Children's Act 2003, which represents and defends the rights and interests of children in Mauritius, Rodrigues, Agalega, children of Mauritian origin who live abroad and children of any other nationalities who reside in the Republic of Mauritius;
- (d) Equal Opportunities Commission, under the Equal Opportunities Act 2008, which is an independent statutory body working inter alia towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status;
- (e) Independent Police Complaints Commission (IPCC), under the Independent Police Complaints Commission Act 2016, which inter alia investigates into any complaints made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions, other than a complaint of an act of corruption or a money laundering offence. The IPCC also investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action;
- (f) Ombudspersons for Sports, which investigates into appeals for conciliation made any person who feels aggrieved by a decision of the Mauritius Olympic Committee, the Mauritius Paralympic Committee, a National Sports Federation, a Multisport Organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organization, other than a decision or dispute related to doping; and
- (g) Ombudsperson for Financial Services, under the Ombudsperson for Financial Services Act 2018; which provides protection to and deals with complaint made by consumers of financial services, inform and educate the general public on investments in the financial services offered by the financial institutions.

4. Measures undertaken by Mauritius

4.1 The Government of Mauritius has taken a series of measures with regards to people of African Descent, namely:

(a) the Truth and Justice Commission

The State of Mauritius established the Truth and Justice Commission under the Truth and Justice Commission Act in February-March 2009 in an attempt to examine the history of slavery and indentured labour and their consequences. The Commission had, as its mandate, to assess consequences of slavery, indentured labour during the colonial period up to the present, for that purpose conduct an analysis on slavery, and indentured labour. The Commission was also tasked to make recommendations on measures to be taken following its assessment and its findings with a view to achieving social justice, national unity and reconciliation.

The Commission submitted its report after its tenure and same was published in 2011. The Report contained the following **main** recommendations based on principles of equality, fairness and justice:

- (i) memorializing slavery and slave trade in visible and strategic locations;
- (ii) a better understanding and more inclusive, Mauritian history and culture;
- (iii) a better and increased protection of Mauritian heritage;
- (iv) a less racist and elitist society;
- (v) a more democratic public life, and;
- (vi) empower Mauritians of African and Malagasy origin.

The Commission also submitted recommendations to increase economic and social justice, particularly related to land issues and equitable and judicious use of the environment. The Government of Mauritius has been looking into the structure that would be most appropriate to deal with cases of land dispossession and hear disputes regarding land. In this respect, a Land Research and Monitoring Unit has been set up under the aegis of the Ministry of Housing and Lands in July 2019. The Unit has taken possession of 355 files in July 2019, out of which 46 cases have already been entered in court. Further investigation and actions are required for the remaining 309 cases. Furthermore, a special fund has been set up with the provision of an amount of MUR 50 (\$1.26 m) in the Budget 2020-2021.

Pursuant to the recommendations of the Truth and Justice Commission, the Government of Mauritius has also set up a Land Division under the Supreme Court, which specializes in the resolution of land disputes, and hear as well as determine matters regarding ownership of land, property rights. The Land Division became operational as from January 2021 and 61 cases involving land disputes were scheduled before the Division, out of which 16 have been disposed as at end of March 2021.

(b) Kreol Morisien

The Kreol Morisien is the most widely used language in Mauritius and as indicated in various fora, the use of Creole language is acceptable in the administration, judicial and education systems. An Akademi Kreol Repiblik Moris (AKRM) was set up to follow up on the development and use of the Kreol language in the Republic of Mauritius in 2019. The AKRM would have the following key objectives:

- (i) develop further the orthography, grammar, lexicon, usage and norms of Kreol Repiblik Moris (KRM) as the national standard language of the Republic of Mauritius;
- (ii) develop and promote KRM as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity;
- (iii) commission and publish linguistic studies and descriptions of KRM and its usage, its varieties and registers, its evolutionary norms and standards, while assuring its development as a living and dynamic medium;
- (iv) encourage literary, non-fiction and scientific writing and promote creative productions in audio-visual, electronic and other formats;
- (v) promote quality and excellence in the study, description and creative use of KRM and reward talent and achievement in KRM; and
- (vi) advise the Ministry of Education and Human Resources, Tertiary Education and Scientific Research on matters related to KRM.

Moreover, the Kreol Maurisien is now a subject in itself in both primary and secondary cycle and necessary arrangements are being made to explore the possibility of extending it to upper secondary level.

(c) the Intercontinental Slavery Museum

The Intercontinental Slavery Museum (ISM) was officially launched on 20 October 2020 together with an inaugural exhibition entitled “Breaking the Silence”. Its setting up was one of the various proposals made by the Truth and Justice Commission. This project is geared towards remembering the sufferings, resilience and struggle for freedom of our forefathers. It was also initiated to give more visibility to slavery and the slave trade in the Indian Ocean, promote slave history, and emphasise the contribution of the African Diaspora in the world development, and would link countries (e.g. Mauritius, Mozambique, Madagascar) which formed part of the slave trade network in the 18th and 19th centuries

The ISM is a ‘Site of Conscience’ to honour our interculturality and promote remembrance and reconciliation. It also contributes towards promoting respect for African peoples, recognise their contribution to Mauritius and empower Creoles of African descent in line with the United Nations Decade of People of African Descent (2015-2024). The creation of the Museum itself is part of concrete measures to promote

the full inclusion of people of African descent and to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

The ISM is also a regional player while encouraging the construction of satellite slavery museums in regions that were part of this colonial slave-trading network. It thus contributes towards the promotion of cultural exchanges, a culture of peace and union among peoples of several continents.

(d) the Nelson Mandela Centre for African Culture

The Nelson Mandela Centre for African Culture was set up in 1989 through an act of Parliament with as main objectives to inter-alia preserve and promote African arts and culture; preserve and promote Creole arts and culture; collect, publish and disseminate information with respect to the African and Creole arts and culture; organize lectures, seminars, workshops, exhibitions and any other activities leading to the better understanding of the African and Creole arts and culture; do research and to reflect on the impact slavery has had in Mauritius and establish useful links with organizations engaged in similar activities locally and internationally.

The Nelson Mandela Centre for African Culture assists Mauritians of African Origin to trace back their genealogy. Data on genealogy are made available free of charge to Mauritians for them to be able to reconstruct their family tree. Moreover, the information is available online on the website of the Centre so that researchers and the general public from any part of the world can access to this information. Up to now, several hundreds of researchers have consulted their website and have also called in person at the Office.

(e) Commemoration of contribution of people with African Descent

The State of Mauritius acknowledges the need to commemorate the dark era of colonial period and the contribution of the slaves and indentured labourers through the creation of memorials, monuments, museums, arts, artefacts and other relevant ways. A list of the measures taken by the State of Mauritius as is as follows:

- (i) Abolition of Slavery is a public holiday celebrated in Mauritius on February 1st to commemorate the end of slavery in Mauritius, on this day in 1835. This event showcases the contribution of slaves and slaves' descendants to the economic development in Mauritius. Wreath laying ceremonies are organized at historical sites linked to slavery. Members of the public as well as local authorities are invited to participate in these events;
- (ii) the Le Morne Heritage Trust Fund was established on 28th May 2004 to promote Le Morne as a national, regional and international memorial site to preserve and promote the historical, cultural, environmental and ecological aspects of Le Morne, to set up a museum and create public awareness in the history of Le Morne, amongst others;

- (iii) the Le Morne Cultural Landscape which, is an exceptional testimony to maroonage and resistance to slavery in terms of the mountain being used as a fortress to shelter escaped slaves and the Le Morne, has been recognized by UNESCO as a World Heritage Site and is viewed as a symbol of the slaves' fight for freedom, their suffering and their sacrifice;
 - (iv) the International Slave Route Monument at the foot of Le Morne Brabant Mountain was inaugurated on 1st February 2009, to highlight the importance of the country in the Slave Trade at the regional level;
 - (v) a replica of the Ancient Village of "Trou Chenille" was opened on 1st February 2020. This Open-Air Museum is an emblematic historical site that safeguards the memories of slavery in Mauritius and houses replicas of plants, utensils amongst others of that period;
 - (vi) the National Heritage Fund (NHF), which was set up in 1997, has been actively promoting our tangible and intangible heritage. Following the ratification of the Convention on the Safeguarding of the Intangible Cultural Heritage and in its endeavour to safeguard the Intangible Cultural Heritage, the NHF has initiated research to inventory and document its Intangible Cultural Heritage. A list of the various Intangible Cultural Heritage inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity is as follows:
 - a. The 'Sega Tipik' which was inscribed in December 2014. It comes mainly from the Creole community of African descent whose ancestors had been slaves on the Island of Mauritius and is a way of promoting and preserving our cultural rights.
 - b. The 'Sega Tambour' of Rodrigues which was inscribed on 07 December 2017.
 - c. The 'Sega Tambour Chagos' with origins of the Chagos Archipelagos was inscribed on the UNESCO Representative List of Intangible Cultural Heritage in Need of Urgent Safeguarding in December 2019.
 - d. The enlistment of these Intangible Cultural Heritage entails several obligations among which to ensure that necessary measures are taken for the safeguarding of the Intangible Cultural Heritage present in its territory and this should be done with the participation of communities, groups and relevant NGOs.
- (f) International Decade for People of African Descent

The General Assembly, by its resolution 68/237 of 23 December 2013, proclaimed the International Decade for People of African Descent commencing 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development". The main objective of the International Decade is to promote respect, protection and fulfilment of all human rights and fundamental freedoms for people of African descent, as recognized in the Universal Declaration of Human Rights. The decade will provide an opportunity to recognize the significant contribution made

by people of African descent to our societies and to propose concrete measures to promote their full inclusion and to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

Since 2015, the Nelson Mandela Centre for African Culture has been inscribing its activities in line with the theme of the International Decade of People of African Descent.

Moreover, every year, the Nelson Mandela Centre for African Culture conducts research, publishes and disseminates information with respect to all aspects of slavery and slave trade. Exhibitions are also organized to pay tribute to the heroes of African descent – who, during the slavery era made an incredible contribution to the development of Mauritius. They also aim at creating an awareness among people of what slavery was about and the great contribution that slaves and their descendants have brought to the country through the discovery of various '*Lieux de Memoire*' associated with slavery.

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