**Summary of Recent Activities undertaken to promote and protect minority rights**

1. **Introduction**

1.1 The definition of minorities under international law remains vague as there is no internationally agreed definition as to which groups constitute minorities. However, by virtue of Article 1 of the United Nations Minorities Declaration, minorities are referred to based on national or ethnic, cultural, religious and linguistic identity and States are under the obligation to protect their existence. All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population.

1.2 While the United Nations Minorities Declaration emphasizes on the above-mentioned criteria, it is also important to combat multiple discrimination and to address situations where a person belonging to a national or ethnic, religious and linguistic minority is also discriminated against on other grounds such as gender, disability or sexual orientation.

1. **Equality in front of the law**

2.1 Mauritius is a democratic state, and the rights of its citizens are guaranteed by the Constitution which is regarded as being the Supreme Law. It clearly provides for an unequivocal right for every citizen to be treated equally and also affords *inter alia* protection to minorities.

2.2 Chapter II of the Constitution (refer to ***Annex I***) guarantees the enjoyment of fundamental rights and freedoms which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection for privacy of home and other property, protection of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement and prevention from discrimination.

2.3 Section 16 of the Constitution, *inter alia*, further provides that no law shall make any provision that is discriminatory either of itself or in its effect. The section also defines the term *“****discriminatory****”* as “*affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject to or are accorded privileges or advantages that are not accorded to persons of another such description.”*

2.4 The Constitution of Mauritius therefore guarantees to minority groups 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.

2.5 The State of Mauritius takes seriously all cases of violation of human rights. It does not, in any way, allow discrimination and hate speech against any individual, or minority groups.

1. **Right to Education**

3.1 The State of Mauritius recognises the right of everyone to education and has been providing free, universal, primary education. In line with internationally accepted best practices, Section 37 of the Education Act provides for education to be mandatory for all children up to age of 16. Section 14 of the Constitution further guarantees the protection of freedom to establish schools and provides that no religious denomination and social, ethnic or cultural association or group shall be prevented from establishing and maintaining schools at its own expense.

1. **Equal Opportunities of minorities**

4.1 The rights of minorities in Mauritius are further safeguarded by the Equal Opportunities Act which complements the provisions of the Constitution. Section 5, 6 and 7 of the said Act (refer to **Annex *I***) provide for three types of discrimination, namely direct discrimination, indirect discrimination and discrimination by victimisation respectively.

4.2 By virtue of these provision, better protection against discrimination is ensured as it prohibits both direct and indirect discrimination on the ground of ‘status’ which includes age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

4.3 The jurisdiction of the Act also encompasses areas such as employment, recruitment, distribution of services, access to education, accommodation, the disposal of immovable property, companies, partnerships, “sociétés”, and registered associations, clubs and access to premises which the public may enter or use, sports. It includes within its ambit any form of sexual harassment and is applicable to both the public and private sectors.

4.4 The Equal Opportunities Act also established:

(a) by virtue of Section 27, the Equal Opportunities Commission (EOC) which is an independent statutory body whose mandate is to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status; and

(b) by virtue of Sections 34 and 35, the Equal Opportunities Tribunal which has jurisdiction *inter alia* to hear and determine complaints referred to it by the Commission and to issue interim orders, directives and compensatory orders up to Rs. 500,000.

1. **Right to work**

5.1 The provisions of the Worker’s Rights Act, in line with the above-mentioned legislations reiterate the principle that minorities enjoy the same rights as any other citizen in Mauritius and have access to income generating opportunities and employment. They benefit the same terms and conditions of employment, including minimum wages, as those laid down for local workers in our labour legislation.

5.2 The Worker’s Rights Act 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. By virtue of Section 64 (1), discriminationincludes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, 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 (refer to ***Annex I)***.

1. **Political Representation of Religious Minorities**

6.1 The State of Mauritius is a rainbow nation living in harmony. It has succeeded in keeping the equilibrium among different religious groups and ethnic minorities by taking care of any such disparity through the representation of Minority groups in the political sphere.

6.2 The electoral system in Mauritius is based on a two-tier electoral scheme. The first tier consists of the First-Past-The Post system (FPTP), whereby three candidates receiving the highest number of votes from each of the 20 constituencies are elected to the unicameral National Assembly, making it an initial 60 directly elected members. Two seats are also reserved for Rodrigues which also forms part of the Republic of Mauritius. The second tier on the other hand, is the Best Loser System (BLS), which is enshrined under the First Schedule of the Constitution and is intended to cater for any such disparity by the representation of Minority groups and to redress possible imbalances in community parliamentary representation.

6.3 The BLS is a component of the electoral system where candidates are selected by established procedure on the basis of their race or community to stand as members of parliament, as a tool to safeguard the interest of minorities and to keep the equilibrium among different religious groups and ethnic minorities in Mauritius.

6.4 Under the BLS and as prescribed by Section 5(1) of the First Schedule, “*in order to ensure a fair and adequate representation of each community, there shall be 8 seats in the National Assembly, additional to the 62 seats for members representing constituencies, which shall so far as is possible, be allocated to persons belonging to parties who have stood as candidates for election as members at the general election but have not been returned as members to represent constituencies.*” By virtue of this section, the Electoral Supervisory Commission, an independent body also established under the Constitution, proposes a list of *‘best losers’*, that is candidates with the highest number of votes but who have come fourth in their constituency and then retains up to eight considering fair and adequate representation of all the communities in Mauritius.

6.5 There are two sets of four ‘Best Losers Seats’:

1. the first four are selected according to race/community and suffrage, i.e., to parties belonging to under presented communities irrespective to party affiliation; and
2. the second four are allocated on party and community basis, i.e., seats are selected according to race/community, suffrage and political party.

6.6 In view of the BLS, four communities are identified in the Constitution. Section 3(5) of the First Schedule provides that “for the purpose of the Schedule, *the population of Mauritius shall be regarded as including a Hindu community, a Muslim community, and a Sino- Mauritian community; and every person who does not appear, from his way of life, to belong to one or other of those 3 communities shall be regarded as belonging to the General Population, which shall itself be regarded as a fourth community.*

6.7 Based on the above, the BLS also exists to cater for religious and non-religious minorities, whereby non-religious minorities would include citizens who do not affiliate themselves to any religion but who would be regarded as a minority under the General Population class. The BLS allows them to be represented in the National Assembly and they are therefore able to participate in public life through representatives who voice their needs and concerns.

6.8 The members elected under the BLS enjoy the same rights and privileges as any other parliament member duly elected through the FPTP. The BLS is indeed a guarantee of fair and adequate representation of minorities in Mauritius, allowing them to exercise their right to political representation and participation. It is also known to be a system that has been instrumental in holding together and peacefully different religious communities in Mauritius and that has consequently been one of the reasons of economic, social and political development and progress in the country.

1. **International Engagement**

7.1 The Republic of Mauritius has an active participation with international bodies. The constant actions taken by the State to comply with the requirements of the international human rights instruments shows its commitment to safeguard the rights of minorities in Mauritius. Based on the recommendations of the international instruments, the State of Mauritius has made subsequent effort for creole language and the welfare of Chagossian as follows:

**7.1.1. Creole Language**

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. To date, no policy decision has been taken to confer the status of national language on the Creole language. Government is proceeding in a phased manner and to this end, in May 2019, Government decided to set up the Akademi Kreol Repiblik Moris (AKRM) to follow up on the development and use of the Kreol language in the Republic of Mauritius. The AKRM would have the following key objectives:

1. Develop further the orthography, grammar, lexicon, usage and norms of *Kreol Repiblik Moris* (KRM) as the national standard language of the Republic of Mauritius;
2. Develop and promote KRM as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity;
3. 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;
4. Encourage literary, non-fiction and scientific writing and promote creative productions in audio-visual, electronic and other formats;
5. Promote quality and excellence in the study, description and creative use of KRM and reward talent and achievement in KRM; and
6. Advise the Ministry of Education and Human Resources, Tertiary Education and Scientific Research on matters related to KRM.

**7.1.2. Chagossians**

The State of Mauritius is strongly committed to implementing a resettlement plan in the Chagos Archipelago. In this regard, the special provision of Rs 50 million made in the Budget of Mauritius for the financial year 2019-2020 has been maintained in the Budget for the financial year 2020-2021 for meeting, *inter alia*, expenses relating to preparations for eventual resettlement in the Chagos Archipelago.

As full-fledged citizens of Mauritius, Chagossians enjoy the same rights as other Mauritian citizens, including access to free health services, free education, and free public transport for students, elderly persons and disabled persons. They are also free to participate fully in all walks of life, including in the economic, social and political fields. In fact, one lady of Chagossian origin is a Member of Parliament; she was in the past a government Minister.

In order to further improve the living conditions of the Chagossians, the Government of Mauritius continues to take special measures in their favour through the Chagossian Welfare Fund, the Board of which comprises representatives of the Chagossian community who are elected by members of that community and is chaired by a member of the Chagossian community. The objects of the Fund are to, *inter alia,* advance and promote the welfare of the members of the Chagossian community and their descendants, develop programmes and projects for their total integration into Mauritius, and maintain community centres and other community facilities vested in it for the benefit of members of the Chagossian community and their descendants.

Over the past two years, the following measures have been taken by the Chagossian Welfare Fund:

1. scholarships to eligible students of the Chagossian community;
2. offer of motivational prizes to young graduates of the Chagossian community;
3. grants/financial assistance to students of the Chagossian community attending universities and vocational institutions;
4. talks for young Chagossians on nutrition and drug abuse;
5. provision of sports facilities and equipment for recreational purposes and wellness of the Chagossian community;
6. residential camp for senior citizens of the Chagossian community;
7. distribution of provisions (edible items) to senior citizens and bedridden persons of the Chagossian community;
8. recreational activities for primary and secondary school students of the Chagossian community;
9. donation of building materials for repairs to be made to the roof of houses of Chagossians which leaked during heavy rainfalls;
10. provision of food items, furniture and other necessities to Chagossians who are victims of fire and donation of building materials for repairs of houses of Chagossians destroyed by fire;
11. assistance to needy Chagossians for repairs to their houses;
12. visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
13. funeral grants to families of deceased Chagossians;
14. free yearly medical check-up for Chagossians;
15. financial assistance to Chagossians going for treatment abroad over and above that provided by the Ministry of Health and Wellness;
16. financial assistance to a person accompanying a Chagossian going for treatment abroad;
17. provision of transport facilities to Chagossians who have appointments at hospitals; and
18. upgrading of Chagossian community centres for the conduct of activities, prayers and other events for the Chagossian community.

These measures have contributed to improve the well-being of members of the Chagossian community, whether they are children, adults or elderly persons. The measures taken in favour of students have helped them in their academic path and there has been an increase over the years in the number of university graduates of Chagossian origin. The Chagossian Welfare Fund has also assisted in alleviating the plight of needy Chagossians.

Mauritius continues to spare no efforts for the completion of its decolonization process so that it can effectively and fully exercise its sovereignty over the Chagos Archipelago, which in turn should lead to the resettlement of Mauritian citizens, including those of Chagossian origin on the Chagos Archipelago.

***27 April 2021***