**CALL FOR SUBMISSIONS ON CULTURAL RIGHTS AND THE GOVERNANCE OF DEVELOPMENT**

**Main Questions (For all Stakeholders)**

**1. How are human rights generally integrated in your policies and programmes? Please indicate if Human Rights are mandatory considerations, at what stage of the programme they are integrated and if any, what kind of impact assessment and monitoring is done of their implementation.**

Cultural rights are human rights that aim at assuring the enjoyment of culture based on equality, human dignity and non-discrimination. They are rights related to themes such as language; cultural and artistic production; participation in cultural life; cultural heritage; intellectual property rights; author’s rights and the enhancement of human happiness.

Implementation of policies and programmes falls under the ambit of the Ministry of Arts and Cultural Heritage.

The Ministry is mandated to preserve the cultural heritage and promote cultural interaction among different components of the Mauritian Society in order to consolidate National Unity. This is achieved by upgrading the existing cultural infrastructure and provide support to associations of artists by organising cultural activities for the public at large.

Reporting on cultural rights is made through the following periodic reports:

* African Charter on the Human and People’s Rights;
* Committee on the Elimination of Racial Discrimination (CERD); and
* International Covenant on Economic, Social and Cultural Rights (ICESCR).

The assessments are made by the United Nations and Concluding Observations and Recommendations are provided for implementation.

The National Mechanism for Reporting and Follow-up (NMRF) under the chair of the Hon. Minister of Foreign Affairs, Regional Integration and International Trade ensures the coordination and collection of materials for the various State Reports. All stakeholders, including Ministries/Departments, NGOs and civil society are consulted. The reports are validated through consultation and validation workshop before submission to the Office of the High Commissioner for Human Rights (OHCHR).

**2. Please provide examples that contribute to the respect, protection and implementation of cultural rights, in particular:**

1. The right to choose and maintain one’s identity, and to take part in the cultural life of one’s choice;
2. The right to access, enjoy and transmit cultural heritage, including languages and ways of life;
3. The right to access and transmit creative expressions and knowledge, and to access the creativity and knowledge of others;
4. The right to access to the benefits of science and its applications, including scientific knowledge, technology, and opportunities to contribute to the scientific enterprise;
5. The right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author;
6. The right to take part in decision making processes that have an impact on one’s cultural life, including:
7. the right of effective participation and consultation for minorities;
8. the right to free, prior and informed consent by local communities.

Cultural Centres have been set up by way of legislation, namely the Mauritius Marathi Cultural Centre, Mauritius Telugu Cultural Centre, Mauritius Tamil Cultural Centre, Nelson Mandela Centre for African Culture and the Islamic Cultural Centre, amongst others to undertake activities which promote intercultural dialogue and foster mutual cultural understanding;

The Ministry of Arts and Cultural Heritage, through its various departments and parastatals operating under its aegis:

1. fosters a balanced and harmonious Mauritian Society through consolidation of existing pluralism, promotion of creativity and the celebration of cultural values through the organization of cultural programmes, lectures, seminars, workshops, exhibitions and publications. During these activities people unite and contribute in the sharing of intercultural dialogue and better understanding of our cultural diversity. This foster sharing of our cultural rights to the whole population at large while safeguarding our cultural heritage;
2. continuously promotes artistic creativity in all its forms as well as regional, national and international cultural cooperation and in all its actions, advocates respect for cultural pluralism, policies for the inclusion and participation of all citizens. This guarantees social cohesion and the vitality of civil society and peace, thereby enhancing cultural development and ultimately contributing to sustainable development;
3. espouses Mauritius as a hub of cultural diversity by sustaining the development of a dynamic artistic and cultural environment, it empowers artists, creators and performers to develop the creative industries as a key pillar of the Mauritian economy. Besides it safeguards and nurtures tangible and intangible national cultural heritage for sustainable economic growth;
4. encourages cultural links with other countries, as well as with regional and international organisations through the Cultural Exchange Programmes, bilateral and multilateral cooperation. Mauritius has signed several Cultural Exchange Programmes with different countries;
5. through the “Centres de Formation Artistique”, provides short term training courses free of charge to children and adults, amongst others, in the following disciplines, namely: guitar, tabla, ravanne, Indian Violin and Western Violin to identify new artistic talents; and support the artists through capacity building.
6. financial assistance is extended to artists through various schemes to engage in their artistic pursuits locally and abroad irrespective of their gender, race, cultural and religious beliefs, political opinions, social class, sexual preference and physical abilities/disabilities, thereby reducing inequalities. The schemes are film assistance, production of audio album, purchase of book and the National Arts Fund; and
7. assistance to socio-cultural organisations are provided annually for the furtherance of culture through cultural gatherings at grass root and regional levels. Such practice enhances cultural exchanges between Mauritians and assist to instil a peaceful and inclusive society.

The Government of Mauritius has set up a Task Force to ensure that Mauritians of diverse faith are given support in celebrating their culture through religious ceremonies. Public Holidays have been decreed for Thaipoosam Cavadee, Maha Shivaratree, Chinese Spring Festival, Ougadi, Eid-ul-Fitr, Ganesh Chaturthi, Divali and Christmas and for two commemorative events, namely, Abolition of Slavery and Arrival of Indentured Labourers.

Regarding minorities, the definition of minorities under international law, and as used in the UN Human Rights System usually refers to national or ethnic, religious and linguistic minorities, pursuant to the UN Minorities Declaration.

It is equally 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.

In Mauritius, Education is free and accessible to all. Textbooks are free in primary schools. Secondary students registered in the Social Register of Mauritius (SRM) are also provided with textbooks.

Moreover, Asian Languages such as Hindi, Urdu, Tamil, Telugu, Marathi, Mandarin, as well as Arabic Language and Kreol Morisien are taught as subjects in our primary and secondary schools.

Mauritian Sign Language has been introduced in pre-primary and primary schools for the deaf and teachers, parents, interpreters and deaf news presenters have been trained as well as a Mauritian Sign language Dictionary has been published.

The Society for the Welfare of the Deaf which caters for deaf students launched its online Mauritian Sign Language Dictionary and its new website on September 2019.

Moreover, assistance is provided to persons with visual complications/eye problems such as book in Braille to pursue their education and professional development.

**3.** **Please provide recent examples of programmes, policies and commitments where:**

- Cultural Rights are mentioned and explained;

- Cultural Development is mentioned and explained;

- the expression of Cultural Diversity is respected and implemented

Cultural rights are already incorporated in the policies of the Ministry of Arts and Cultural Heritage and are in-built in our society.

The Kreol Mauricien which is the most widely used language in Mauritius is a subject in itself in both primary, secondary and tertiary cycle.

**4. Please provide information on any monitoring or evaluation mechanisms assessing the impacts of your development programmes or policies on cultural rights. Also, please discuss on any mechanism to submit complaints and seek reparation in cases of violations.**

Policies and programmes are assessed at the level of the Ministry of Finance, Economic Planning and Development for public funds allocated in the budget to implement the cultural rights on a quarterly basis through the submission of progress reports.

The National Assembly equally exercises an oversight on the implementation of policies and programmes implemented in areas of cultural rights, through Parliamentary Questions.

The Director of Audit, conducts his annual audit exercise in all Ministries/Departments and may highlight issues having an impact on activities/ programmes relating to cultural rights.

The Equal Opportunities Commission, set up in 2008 under the Equal Opportunities Act 2008 promotes anti-discrimination and equal opportunity principles and policies. It investigates into discrimination complaints by hearing the parties and attempting to conciliate them and inform people about their rights and responsibilities under the Equal Opportunities Act through sensitisation campaigns as well as through preparation of appropriate codes and guidelines.

Mauritius is a party to various UNESCO Conventions and submits regular reports to the international organisations for monitoring and evaluation:

**Additional Questions for Governments and their national development agencies**

**1. How are human rights generally integrated in your development policies and programmes both in your internal policies and in all programmes of development assistance and cooperation?**

The Ministry of Arts and Cultural Heritage has developed policies in the form of assistance being provided to Socio Cultural organisations, artists, NGO’s and group of artists through schemes namely National festivals, assistance in film production amongst others.

**2. What human rights guarantees have your Government and its agencies integrated in the development strategies, programmes and cooperation and assistance agreements?**

Human Rights are enshrined in the Constitution of Mauritius. Over the years, various legislations have been enacted to domesticate human rights as per international and regional human rights Instruments/Conventions.

The Government of Mauritius established the National Human Rights Commission (NHRC) in 2001 under the Protection of Human Rights Act 1998 ​ to deal with violations of human rights, mainly civil and political rights, entrenched in Chapter II of the Constitution and with complaints against the Police. The NHRC is also engaged in the promotion of human rights through sensitisation/awareness programmes.

Over the years, the Government has established the following National Human Rights Institutions (NHRIs) to ensure the protection of the rights of its people, namely;

1. the Office of the Ombudsman, under the Ombudsman Act 1969;
2. the National Human Rights Commission under the Protection of Human Rights Act 1998;
3. the Ombudsperson for Children’s Office, under the Ombudsperson for Children’s Act 2003;
4. the Equal Opportunities Commission, under the Equal Opportunities Act 2008;
5. the Independent Police Complaints Commission, under the Independent Police Complaints Commission Act 2016;
6. the Ombudsperson for Financial Services, under the Ombudsperson for Financial Services Act 2018; and
7. the Ombudsperson for Sports.

It also provides that any person whose rights under Chapter II of the Constitution have been, are being or are likely to be contravened may apply to the Supreme Court for redress.

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**Additional questions for international, national and local civil society actors, including those involved in development programmes**

**1. Does your organisation have a general commitment, strategy or policy on human rights? If so, please explain the sources of such commitment, be it international treaty, framework or voluntary code of conduct, charter or guidelines. Please explain, if relevant, the evolution of human rights commitment in your organisation’s history.**

The Republic of Mauritius fosters a balanced and harmonious Mauritian Society through consolidation of existing pluralism, promotion of creativity and the celebration of cultural values. In this respect, it commits itself in the promotion of arts and culture by enabling all Mauritians to enjoy richer and more meaningful lives through participation at all levels. Also, by, engaging the Mauritian people to have access to culture through development of a more intercultural and inclusive society that would increase the general wellbeing of the population and decrease various forms of discrimination.

**2. How is the planning, implementation and monitoring of your development programme adapted to the cultural values, world views, practices and identities of the concerned persons, in each of the context of your work? How is respect for diversity integrated in the process?**

Over the last decades the main concern of the cultural policies of the various Governments has been to maintain a harmonious multicultural society and to bolster the image of a young republic with an impressive economic growth. This implicit cultural policy is seen to be translated into action through State support for the various linguistic groups through the celebrations of the cultural values of significant religious festivals.

In recent years a number of institutions as well as a series of incentives have been put in place under the aegis of the Ministry of Arts and Cultural Heritage to stimulate creativity. A participatory strategy is adopted in this endeavour:

(i) In pursuit of a harmonious society of distinct Speaking Unions have been set up namely Bhojpuri Speaking Union, Creole Speaking Union, Chinese Speaking Union, English Speaking Union, Marathi Speaking Union, Tamil Speaking Union, Telugu Speaking Union, Urdu Speaking Union and Arabic Speaking Union. They popularise the use of various languages in its spoken and written forms in Mauritius and promote friendship and understanding between the peoples of the world. They engage in educational, academic, cultural and artistic work to further that objective;

(ii) The Ministry, promote our cultural rights through the organization of lectures, seminars, workshops, exhibitions and other activities to unite people and contribute in the sharing of intercultural dialogue and better understanding of our cultural diversity. This helps in sharing our cultural rights to the whole population at large while safeguarding our cultural heritage;

(iii) The Ministry of Arts and Cultural Heritage continuously vulgarises artistic creativity in all its forms through regional, national and international cultural cooperation. It advocates respect for cultural pluralism, policies for the inclusion and participation of all citizens in order to guaranty social cohesion and the vitality of civil society and peace. It also enhances cultural development and contributes to sustainable development;

(iv) Mauritius is promoted as a hub of cultural diversity by sustaining the development of a dynamic artistic and cultural environment. Artists, creators and performers are empowered to develop the creative industries as a key pillar of the Mauritian economy. Mauritius safeguards and promotes tangible and intangible national cultural heritage for sustainable economic growth.

Le Morne Cultural Landscape was inscribed as a World Heritage Site in 2008. It is a world-renowned icon in the legacy of Slavery, located in Mauritius which is the country to where slaves were imported from the highest diversity of origin countries, and from where slaves were shipped out to highest diversity of destinations. Its layered history of oppression that spans over several centuries of the history of Mauritius. Le Morne Cultural Landscape World Heritage Property is recognised as symbolising Outstanding Universal Value in the resistance against slavery – a fight for freedom and sacrifice, a symbol of the high price that humans will pay to retain their freedom by choosing death over captivity. Thus, this World Heritage Site has become a physical rallying point for resistance against slavery worldwide;

The Aapravasi Ghat World Heritage Site was restored from 2004 to 2010 to provide for secure access to visitors. The Aapravasi Ghat is a corner stone in Mauritian history and it depicts the history of the arrival of indentured labourers from India. The well-preserved mosaic and fabric of the Bhojpuri linguistic and cultural heritage matrix contributed to the Aapravasi Ghat becoming a World Heritage Site of UNESCO.

(v) Cultural links are established with other countries, on collaboration with regional and international organisations through the Cultural Exchange Programmes, bilateral and multilateral cooperation. Mauritius has signed several Cultural exchange programs with countries such as the Islamic Republic of Pakistan, China, Seychelles, France, Egypt and India.

(vi) The right of access to and enjoyment of cultural heritage is being strengthened – Mauritius is a party to various UNESCO Convention as follows:

• Convention for the protection of Cultural Property in the Event of armed conflict, the Hague 1954;

• Convention concerning the Protection of the World Cultural and National Heritage – Paris, 16 Nov 1972;

• Intellectual Property Convention;

• Convention on the means of Prohibiting and Preventing the illicit Import, Export and Transfer of ownership of Cultural Property – Paris, 14 November 1970;

• Berne Convention for the Protection of Literary and Artistic works;

• Convention on the Protection and Promotion of the Diversity of Cultural Expressions – Paris, 20 October 2005;

• Convention on the safeguarding of the Intangible Cultural Heritage – Paris, 17 October 2003.

Through the various intangible cultural heritage, the following were inscribed in the World Heritage list namely:

- ‘Sega Tipik’ was inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in December 2014. It is a way of promoting and preserving our cultural rights;

- “Geet Gawai” – which is a form Mauritian Bhojpuri Folk Song inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in December 2016;

- ‘Sega Tambour’ of Rodrigues was inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in 07 December 2017;

- ‘Chagossian Tambour Sega music’ has been recognised by UNESCO on the list of Intangible Cultural Heritage in December 2019;

(vii) The Ministry identified and opened a public access to Le Morne Brabant Mountain of Le Morne World Heritage Site, on 24 July 2016, after 8 years of its inscription as a World Heritage Site;

(viii) The National Heritage Fund is being upgraded to strengthen the law for a better safeguarding, protecting and building awareness of tangible and intangible cultural heritage, including traditional knowledge systems;