**Introduction**

The Republic of Mauritius is a multiracial country and consists of a population of Indian, African, Chinese, and European descent. The nation has fostered a climate of social equilibrium amongst its diverse religious and ethnic communities. As such there is a robust legal framework and established policies that safeguard the principle of equality for all citizens including people of African descent. These measures ensure the unwavering protection of fundamental rights and freedoms for each individual within Mauritian society.

**The Legal Framework**

The Constitution

The Constitution of Mauritius, which is the supreme law, enshrines the principle of non-discrimination.

The Constitution specifically prohibits at section 16, the enactment of a legal provision which is discriminatory either of itself or in its effect. The term discriminatory is defined at section 16(3) which as follows: “discriminatory” means 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 or are accorded privileges or advantages that are not accorded to persons of another such description.”

Racial discrimination is prohibited by the section 16 of the Constitution. Section 16 accordingly provides as follows: “(1) Subject to subsections (4), (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect. (2) Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any 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 authority.

Equal Opportunities Act

The Equal Opportunities Act (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.

Workers’ Rights Act (WRA)

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.

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 misdemeanour.

Incitement to racial discrimination is further prohibited sections 206 and 282 of the Criminal Code (offences of Outrage against public and religious morality and Stirring up contempt or racial hatred respectively)

**The Institutional Framework**

The Equal Opportunities Commission (EOC) of Mauritius is an independent statutory body established under the Equal Opportunities Act. Its primary function is to promote equal opportunity and combat discrimination throughout Mauritius.

Key functions of the EOC include *inter alia*:

* **Combating Discrimination:** The EOC works to eliminate discrimination based on various grounds enshrined in the EOA, including race, caste, place of origin, sex, marital status, pregnancy, religious belief, political opinion, color, disability, age, and social origin.
* **Investigating Complaints:** The EOC deals with complaints from individuals who consider that their rights under the EOA have been violated.Moreover, if there is evidence of discrimination in the matter, same is referred to the Equal Opportunities Tribunal (EOT), with the consent of the complainant, for further consideration.
* **Promoting Good Practices:** The EOC encourages employers and organisations to adopt good practices that promote equal opportunities and prevent discrimination.

The National Human Rights Commission of Mauritius (NHRC) is an independent statutory body established under the Protection of Human Rights Act (PHRA). The NHRC’s key objective is to protect and promote human rights in Mauritius and Rodrigues Island. In addition, the NHRC ensures that ensuring that the fundamental rights enshrined in the Constitution of Mauritius are upheld. The NHRC consists of 2 Divisions: The Human Rights Division; and the National Preventive Mechanism Division. The NHRC assumed the functions of a National Preventive Mechanism after Mauritius acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The key functions of the NHRC are as follows:

* **Protection - Investigating Complaints**: the NHRC has a quasi-jurisdictional competence to receive complaints regarding violations of human rights, to summon witnesses, to call for the production of documents and to hold hearings.
* The NHRC makes recommendations to relevant bodies on amendments of legislation after the receipt of complaints and investigation, where it appears to be necessary to protect human rights in the country.
* **Monitoring Conditions**: The NHRC is mandated to visit places of detention, such as prisons, police cells to monitor conditions and ensure compliance with human rights standards. Recommendations are made in view of improving conditions of detention.
* **Promoting Awareness**: The NHRC also has the important mandate to promote human rights in Mauritius. As such, the NHRC conducts several workshops and delivers talks to elderly people, persons with disabilities, women, and LGBTQIA+ persons to sensitize them about their human rights and their rights to be protected against all forms of discrimination. All the talks, workshops and public awareness campaigns which are organised by the NHRC touch on the issue of protection against discrimination based on race, caste, place of origin, political opinions, colour, creed, sex, age, or other status.
* According to Section 3A (a), (l) and (m) of the PHRA:

*“The Commission shall —*

*(a) Promote and protect human rights;*

*(l) publicise human rights and efforts to combat all forms of discrimination by increasing public awareness, especially through information and education and by making use of all press organs;*

*(m) exercise such other functions as it may consider to be conducive to the promotion and protection of human rights.”*

The informative sessions which target members of the general public, focus on the work of the Human Rights Division and the National Preventive Mechanism Division, as well as on pertinent human rights issues in the country. During these informative sessions, brochures on human rights are distributed and short documentary films are projected.

Police Officers and Prison Officers have a module on Human Rights in their Training Course. The NHRC delivers refresher talks to them on Human Rights, including the rights of suspects and victims, the primary duty of being of service to the public and the need to respect our human rights obligations under different international human rights treaties.

Furthermore, relevant training courses are provided to Police Officers on domestic legal provisions and protection against all forms of discrimination. The Police Training School has developed targeted training programmes that raise awareness among officers of the various social biases that may affect their conduct.

The Independent Police Complaints Commission (IPCC) is mandated under the Independent Police Complaints Commission to investigate into any complaints made against police officers in the discharge of their functions, other than complaints of acts of corruption or money laundering offences. Any use of illegal force by a police officer in the exercise of his duties can be the subject of a complaint before the IPCC, either by the victim or a representative where the victim is unable to do so himself.

**Effective protection and remedies against Acts of Racial Discrimination**

Section 17 of the Constitution provides that a citizen who alleges that his right under Chapter II of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

Legal Aid

Financial assistance with legal representation in Mauritius is governed by the Legal Aid and Legal Assistance Act. The Act benefit every citizen without discrimination and irrespective of inter alia ones’ race, culture, or religion. To benefit from legal aid or legal assistance, the person’s assets must be less than MUR 500,000 and his total monthly earnings less than MUR 15,000. The person applying for legal aid must make a sworn statement concerning his/her income.

Rights of Victims

Section 161A of the Courts Act provides that where the court considers it necessary or expedient to do so, it may exclude from the proceedings any person other than the parties to the trial and their legal representatives. Circumstances calling for such an exclusion include namely (i) in circumstances where publicity would prejudice the interests of justice or of public morality, (ii) in order to safeguard the welfare of persons under the age of 18, (iii) in order to protect the privacy of persons concerned in the proceedings or (iv) in the interests of defence, public safety, or public order.