**GOVERNMENT OF THE REPUBLIC OF MAURITIUS**

**Submission of inputs for the Report of the Independent Expert on freedom of religion and belief and freedom from violence and discrimination based on sexual orientation and gender identity**

**1.0 Introduction**

Mauritius is a multi-ethnic country where different ethnic groups embrace their respective religious and cultural practices. It has succeeded in keeping the equilibrium among the different religious groups and ethnic minorities through its legislations and policies which safeguard the equality of all citizens and guarantee the protection of the fundamental rights and freedoms of each and every one.

**2.0 Legal Framework**

An array of legislations has been enforced in Mauritius to prohibit discrimination and include, *inter alia*:

2.1 The Constitution of Mauritius

The Constitution of Mauritius, which is the supreme law of the country, prohibits discrimination and advocates equality for all. Chapter II of the Constitution provides for the protection of fundamental rights and freedoms of the individual. It also provides that no law shall be discriminatory either in itself or in its effect. (See: [constitution.pdf (govmu.org)](https://mauritiusassembly.govmu.org/Documents/Legislations/constitution.pdf) )Where a person alleges that any of his rights, under sections 3 to 16 of the Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.

2.2 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, education and access to certain facilities and services (including provision of goods and services, accommodation, the disposal of immovable property, companies, partnerships, “sociétés”, and registered associations, clubs and access to premises which the public may enter or use and sports) by prohibiting discrimination (both direct and indirect), against a person on the ground of his status. “Status” is further defined as including age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The EOA also applies to both the public and private sectors. It includes within its ambit sexual harassment and also criminalises discrimination by victimisation.

2.3 Workers’ Rights Act

The Workers’ Rights Act (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.

2.4 Other legislative measures which provide for non-discrimination include, *inter alia*:

1. the Information and Communication Technologies Act
2. the Protection of Human Rights Act;
3. the Independent Police Complaints Commission Act;
4. the Judicial and Legal Provisions Act;
5. the Social Integration and Empowerment Act 2016;
6. the Children’s Act 2020;
7. the Training and Employment of Disabled Persons Act;
8. the Social Aid Act; and
9. the Social Contribution and Social Benefits Act; and
10. the Education Act.

**3.0 LGBT+ Community in Mauritius**

In 2011, the country signed the United Nations Declaration on Human Rights, Sexual Orientation and Gender Identity.

There are a few non-governmental organizations which are advocating actively for recognition of rights of LGBT+ persons.

The State of Mauritius has, therefore, indicated at various human rights fora that it has a fragile social fabric and amendments will be brought to relevant legislations for LGBT+ rights only once a consensus is reached in the population.

**4.0 National Human Rights Institutions**

All persons, whose rights have been violated may have recourse to the National Human Rights Institutions which have been established to ensure the protection of the rights of each and every one. They comprise of the:

1. National Human Rights Commission;
2. Independent Police Complaints Commission;
3. Equal Opportunities Commission;
4. Office of the Ombudsman;
5. Ombudsperson for Children;
6. Ombudsperson for Financial Services; and
7. Ombudspersons for Sports.

**5.0** **Access to Health to all**

Mauritius acknowledges the Right to Health as a basic human right. Being a welfare state, it provides free primary, secondary and specialized medical treatment in public medical institutions. The overall policy objective of Government is to achieve the highest attainable level of health regardless of gender, age, disability, geographical location, social status and ability to pay.

Since 2019, Hormonal Therapy is available to trans people in all regional hospital and are followed by an endocrinologist. The service is available at each hospital once weekly.

**6.0 Peace/Security, Law and Order**

Security and law and order remain a priority in Mauritius as well as the promotion of safety of its citizens and visitors.

The police duties such as law enforcement actions are not based on criteria such as religion or discrimination of any kind. The Police Force fosters religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society.

The Police Force prevents acts of vandalism or theft, regulate traffic and maintain good relationship with the community near temples, mosques, churches, kovils and other places of worship, especially during religious festivals. Policing is also maintained during the annual pilgrimage to the parish church of Saint Croix, or during other religious processions such as Maha Shivratree and Cavadee festivals.

The Crime Records Office collects data in respect to cases involving offences of a religious nature in a systematic way irrespective of age, sex, geographic location, nature of offence.

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