

NGO Alternative Report 2018  
to the Committee for Elimination of Racial Discrimination

# MAURITIUS SAINT BRANDON RODRIGUES AGALEGATROMELIN CHAGOS ARCHIPELAGO



Supplementing the combined twentieth to twenty-third periodic reports submitted by Mauritius under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination

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## INTRODUCTION

### Our standpoint

This is, we believe, the first report of the civil society submitted to the Committee on the Elimination of Racial Discrimination (“the CERD”) pertaining to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (“the ICERD”) in the Republic of Mauritius.

In this context, civil society is being represented by a newly constituted movement called “**Affirmative Action**” which is composed of adult women and men, citizens of Mauritius, eager to refuse *status quo* on racial discrimination, to denounce latent and pernicious cases of racial discrimination and to engage in socio-political long-term coordinated and sustainable actions to ensure that no citizen of Mauritius be discriminated and stigmatized on the basis of race, colour, descent, or national or ethnic origin.

In so doing, Affirmative Action aims, through a multi-stakeholders’ collaboration with Government and Non-Government institutions, at a structural and systemic transformation, thereby promoting and protecting human rights and the betterment of the quality of life of each and all.

The birth of such a civil rights movement coincides with the 50<sup>th</sup> anniversary of the independence of Mauritius and the 70<sup>th</sup> anniversary of the UN Universal Declaration of Human Rights.

As an essential cause within the human rights regime, elimination of racial discrimination is doubly pertinent in a country like Mauritius, which is a very plural society, due to successive attempts of human settlement, together with the importation of black slaves from Africa and Madagascar<sup>1</sup> and indentured labourers, mostly Hindu and Muslims<sup>2</sup>.

If history will act as an everlasting reminder of the despotic stigmatisation perpetuated to slaves, we cannot put to silence the authoritarian regime experienced by the indentured labourers; though they were considered as human beings subject only to contractual obligations, as compared to slaves who were objects belonging to their white masters, they too lived in extremely difficult conditions. However, they were allowed to go back to India at the end of their contract and to practice their own religion and culture.

In February 2009, an independent Truth and Justice Commission (“the TJC”) was established with a statutory mandate to “*make an assessment of the consequences of slavery and*

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<sup>1</sup> It is from these slaves that the local Creole community will emerge. Mostly Catholics, they carry the aftermath of the oppressive negritude servile regime.

<sup>2</sup> It is to be noted that even under French administration, there were already some free Tamils and Muslims working on the island as merchants, carpenters, jewellers, etc., and even medical doctor.

*indentured labour during the colonial period up to the present*<sup>3</sup> and to recommend appropriate measures to be taken to promote national reconciliation and nation building.

The TJC covered a period of more than 370 years, the longest period of time ever for such an exercise and submitted its report on 25 November 2011. Since then various committees have been set up by two successive governments, but the record of implementation of the TJC's recommendations has been so weak that a former commissioner of the TJC recently qualified these government committees as an "eyewash"<sup>4</sup>.

Ironically, the assessment of the former commissioner is echoed in the two paragraphs<sup>5</sup> of the Periodic Reports of Mauritius 2017 ("the Periodic Reports") in relation to the implementation of the TJC's recommendations.

*The TJC found that "dividing the working classes has always been the strategy of the elite. In the wake of independence being conferred, there were two opposing forces. The Creoles happened to align themselves in the anti-independence faction, while the Indo-Mauritians were in favour of independence. This episode has embittered relations between the two groups since. Communal hatred was thus accelerated from the early 1960s and has lasted, to some extent, to this day. This feeling that there was 'domination by the majority community' was now fully embedded in the minds of part of the working classes.*

*The Creole and Indian working classes appear divided along ethnic lines but are little aware of their common origins. Many Creoles are of Indian origin and many Indians are mixed linguistically, regionally, and caste-wise"*<sup>6</sup>.

Therefore, the CERD correctly identified those disturbing features of the "existence of hierarchy along skin colour, ancestry, caste and racial lines ..., whereby groups are perceived as, or feel, superior or inferior to others"<sup>7</sup>.

The TJC had "no doubt that race discrimination against Creoles, in particular, is a further reason for Creole people to feel "left behind". Anti-Discrimination legislation should be introduced to give teeth to the rooting out of discrimination which exists in Mauritius "<sup>8</sup>.

Our standpoint is to the effect that Mauritius does not have "a road map towards nation-building and reconciliation"<sup>9</sup>.

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<sup>3</sup> Section 3(1) of the Truth and Justice Commission Act 2008

<sup>4</sup> <https://www.lemauricien.com/article/labour-and-truth-and-justice-commission/>

<sup>5</sup> Periodic reports of Mauritius 2017 at page 25 of the 20<sup>th</sup> to 23<sup>rd</sup>

<sup>6</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at pages 10 and 11

<sup>7</sup> CERD Concluding observations 2013 at paragraph 16

<sup>8</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 12

<sup>9</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 11

## About Affirmative Action

The first incident which set off the powder keg in November 2017 is a statement made by the ex-Vice Prime Minister and Minister of Housing and Lands, Hon. Showkutally Soodhun G.C.S.K. during a meeting in relation to a social housing project. His argument to convince some protesters to accept the project in their locality was to the effect that people of Creole origin would not be allocated houses in the said project because their presence would attract prostitution and other social evils.

This racist hate speech was circulated on social media and racial tension was at its peak. Following a meeting between the Prime Minister and His Eminence Cardinal Maurice E. Piat, Bishop of Port Louis, Hon. S. Soodhun G.C.S.K had to resign from the Cabinet of Ministers in an attempt to avoid public unrest<sup>10</sup>.

Secondly, following the passage of cyclone Berguitta in January 2018, many Creoles sought refuge in the public centers operated by the authorities. Racist hate speeches flared on social media against them.

Since Mauritius has a history of ethnic violence, 1937, 1965, 1968, February and May 1999 and in the absence of concrete actions taken by the authorities, Father Jean Claude Veder, a Catholic priest, had no alternative than to give a statement to the police. As a result and to our astonishment, two police officers were arrested<sup>11</sup>.

In the wake of these events, the Council of Religion officially wrote to the Prime Minister, expressing its concern on the ethnic tensions prevailing in the country<sup>12</sup>.

It is in such a context that Affirmative Action was officially launched on 21 March 2018 to commemorate the International Day for the Elimination of Racial Discrimination<sup>13</sup>. A point worth noting is that we were the only organization to commemorate that international day in Mauritius.

A national plan of action was launched with the following objectives:

- a) the elaboration of a set of 15 principles to guide our action<sup>14</sup>
- b) the translation of ICERD into "*kreol morisien*", which is the mother tongue of 84% of the population<sup>15</sup>,

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<sup>10</sup> <https://www.lexpress.mu/article/320412/pravind-jugnauth-jai-demande-showkutally-soodhun-step-down-dans-linteret-general-pays>

<sup>11</sup> <https://www.lemauricien.com/article/176830/>

<sup>12</sup> Annex A

<sup>13</sup> <https://www.lemauricien.com/article/191762/>

<sup>14</sup> Annex B

<sup>15</sup> <http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/ESI/pop2011.pdf>

- c) the organization of a series of public meetings, island wide, to create awareness about human rights and of the dangers of ethnic violence,
- d) the organization of a series of private auditions to hear the victims of racial discrimination,
- e) the organization of a round table with the trade unions entitled “Racisme et discrimination raciale: quoi de neuf apres 50 ans d’indépendance?”, and
- f) the preparation and submission of the present alternative report.

We are grateful for the contributions, support and assistance received from private individuals, NGOs and trade unions, who have each contributed with their expertise and knowledge in their respective fields, which means that each one do not necessarily endorse all the specific averments contained in this report.

It has not been possible to address all the issues raised since our official launching, but we shall address certain key areas of concern raised by the civil society.

The announcement of the submission of this alternative report to the CERD has offered the population a ray of hope, the more so as it is the first time that the population has had an opportunity to participate and to voice out their feelings and frustrations in relation to racial discrimination.

We sincerely hope that this humble contribution would help to find the path to social justice, national unity and advance the process of reconciliation, whilst bearing in mind that *“Mauritians have much more in common than they think they have and are much more united than they think they are. They accept and respect the cultural traditions of others in their daily life.”*<sup>16</sup>

This report consists of four parts:

- a) the Mauritian prime ministerial regime
- b) the triumvirate
- c) the duplicate of triumvirate
- d) minority rights and underrepresented groups

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<sup>16</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 11

## PART ONE: THE MAURITIAN PRIME MINISTERIAL REGIME

1. We have taken cognizance of the list of themes in relation to the Periodic Reports for the 96<sup>th</sup> session of the CERD.
2. However, we have deemed it wise to first enlighten the CERD on the functioning of the Mauritian system of government, which, in our humble view, is the bedrock for all forms of discrimination in Mauritius.
3. When perusing our Constitution<sup>17</sup>, many right thinking individuals would conclude that the fight against racism and racial discrimination is one of the top priority of Mauritius and that any violations would be appropriately sanctioned. The reality is utterly different!
4. Pursuant to the Constitution, the President of the Republic (“the President”) is the “*Head of State and Commander-in-Chief*”<sup>18</sup> and is vested with executive authority. However, the incumbent is elected by the National Assembly by way of a motion **made by the Prime Minister**<sup>19</sup> and supported by a simple majority, without any debate whatsoever<sup>20</sup>. [emphasis added]
5. The National Assembly is composed of 70 members elected “*in accordance with the First Schedule*”<sup>21</sup>. Therefore, a simple majority is 36 members, which is composed of 24 ministers<sup>22</sup>, in addition to the Prime Minister.
6. Those 24 ministers, together with the Attorney General compose the Cabinet of Ministers, which is **led by the Prime Minister** and has the constitutional duty to “*advise the President in the Government of Mauritius*”<sup>23</sup>. [emphasis added]
7. It is within this constitutional framework that the President performs his functions, namely to “*uphold and defend the Constitution and ensure that (i) the institutions of democracy and the rule of law are protected; (ii) the fundamental rights of all are respected; and (iii) the unity of the diverse Mauritian nation is maintained and strengthened*”<sup>24</sup>.
8. In doing so, the President would embark in a process of appointments to the various statutory bodies, **after consultation with the Prime Minister** and the Leader of the Opposition. A point worth noting is that these appointments cannot be challenged in any court of law<sup>25</sup> (“the prime ministerial process”). [emphasis added]

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<sup>17</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Sections 3 and 16

<sup>18</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 28(1)(a)

<sup>19</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 28(2)(a)(i)

<sup>20</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 28(2)(b)

<sup>21</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 31(2)

<sup>22</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 59(2)

<sup>23</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 61(2)

<sup>24</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 28(1)(b)

<sup>25</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 64 (4) and (5)

9. At this juncture, it is important for the CERD to note the purport of the constitutional provision at paragraph 5 above, to the effect that all the members of the National Assembly are elected *“in accordance with the First Schedule”*.
10. The First Schedule to our Constitution, is commonly known as the Best Loser System (“the BLS”), which was introduced when the country attained independence in 1968, to address the apprehension that some components of the population might not secure political representation in the National Assembly.
11. The BLS provides that, to be eligible to stand as candidate for a general election, one must declare whether he belongs to the Hindu, Muslim or 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.”*<sup>26</sup>
12. This is the only instance when a Mauritian citizen is called upon to classify himself and it is SOLELY for the purpose of allocating 8 seats, out of 70, to ensure that minority ethnic groups are adequately represented.
13. However, the method of calculation used for the allocation of those 8 seats is based on the 1972 census<sup>27</sup>, when the total population was 826,199, whereas as at 31 December 2016 it was 1,263,820<sup>28</sup>.
14. That is the main reason why in 2012, the UN Human Rights Committee concluded that such a mandatory classification of a prospective member of the National Assembly would be in contravention of Article 25 of the International Covenant on Civil and Political Rights.
15. It is our contention that the BLS was never incorporated to divide the population into 4 groups in as much as it applies only to the candidates for a general election, who are not elected to represent their respective ethnic groups in the National Assembly.
16. Then *“what are the forces that benefit from divisions? Who works against national unity? In this, the Mauritian economic elite is joined by the intellectual community and the established political class”*<sup>29</sup>, was the findings of the TJC. In other words, these *“forces”* have turned the BLS into a legal means to divide and rule the population.
17. It is in light of all the foregoing that our contention is to the effect that Mauritius is a prime ministerial regime.

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<sup>26</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> - Section 3(4) of the First Schedule

<sup>27</sup> <http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/Archive%20Census/1972%20Census/Table%20Reports/1972-HPCVolume%20V%20%20Population%20General%20Tables%20%20Island%20of%20Mauritius.pdf>

<sup>28</sup> [http://statsmauritius.govmu.org/English/StatsbySubj/Documents/Digest/Demography/Digest\\_Demo\\_Yr16.pdf](http://statsmauritius.govmu.org/English/StatsbySubj/Documents/Digest/Demography/Digest_Demo_Yr16.pdf)

<sup>29</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 10

18. In view of the above, the CERD's recommendations<sup>30</sup> are of vital importance for Mauritius in as much as:
  - a) the "General Population" community is considered as a "*residual community*"<sup>31</sup> and as such impliedly inferior to the three others groups,
  - b) the Creoles are being denied the equal enjoyment of their civil and political rights as they do not exist officially,
  - c) the Creoles are being denied their right to self-identification.
19. The TJC found that the Creoles were underrepresented in the public sector<sup>32</sup> and we shall now expose succinctly the mechanism of appointments, recruitment, promotion and disciplinary control and complaints procedures within the public sector, which operates to the detriment of the Creoles.

## **PART TWO: THE TRIUMVIRATE**

### **Public Service Commission ("the PSC")**

20. The Constitution provides for the setting up of the PSC<sup>33</sup>, which is vested with the exclusive power of recruitment, promotion and disciplinary control of all civil servants with the mission to "*ensure that the Republic of Mauritius has a professional and efficient Civil Service geared towards excellence*"<sup>34</sup>.

### **Disciplined Forces Service Commission ("the DFSC")**

21. The DFSC is also set up under the Constitution<sup>35</sup> and is vested with the exclusive power of recruitment, promotion and disciplinary control of all civil servants for the Mauritius Police Force, Mauritius Fire Services and Mauritius Prison Service<sup>36</sup>.

### **Local Government Service Commission ("the LGSC")**

22. The LGSC is a corporate body vested with the exclusive power of recruitment, promotion and disciplinary control in respect of all local government officers, working for the Municipal City and Town Councils, District and Village Councils.

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<sup>30</sup> CERD Concluding observations 2013 at paragraphs 15 and 16

<sup>31</sup> Parvez Carrimkhan v Tin How Lew Chin & Ors. 2000 SCJ 264

<sup>32</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 287

<sup>33</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 88

<sup>34</sup> <http://psc.govmu.org/English/AboutUs/Pages/Psc.aspx>

<sup>35</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 90

<sup>36</sup> <http://psc.govmu.org/English/AboutUs/Pages/DFSC.aspx>

23. Memberships of the PSC, DFSC and LGSC (“the triumvirate”) are appointed by way of the prime ministerial process.
24. That triumvirate is responsible for around 90,000 employees. Although the ethnic constitution of the memberships of the triumvirate might give the impression that it is multiracial, in reality they are all political nominees owing allegiance to the Prime Minister, in as much they “*may be required to vacate his office at any time after a general election held after the appointment*”<sup>37</sup>, without any damages or compensation.
25. Which brings us to the inevitable inference that all recruitments, promotions and disciplinary control within the public service are in fact tele guided by the Prime Minister. This is clearly illustrated by the LGSC’s Annual Report<sup>38</sup>, which shows that most of the appointments made during the year 2016, were made at the Moka District Council, which is the constituency of **the Prime Minister**. [emphasis added]
26. We wish to draw the CERD’s attention to the effect that the recruitment and selection processes of the LGSC<sup>39</sup>, including its Customer Charter<sup>40</sup>, do not make any reference whatsoever to the principles and obligations under ICERD.
27. With such a historical background and institutional context, the CERD’s recommendation<sup>41</sup> for the incorporation of ICERD into national legislation is of paramount importance without which social justice and national unity would be vain words.
28. Let us now consider the complaints procedures applicable to the triumvirate.

### **Public Bodies Appeal Tribunal (“the PBAT”)**

29. The Constitution provides for the setting up of the PBAT<sup>42</sup>, with exclusive jurisdiction to deal with appeals against final decisions of the PSC and LGSC pertaining to appointments or disciplinary action taken against public officers<sup>43</sup>.
30. The members of the PBAT are also appointed by way of the prime ministerial process.
31. At the outset, we wish to draw the CERD’s attention to the effect that it appears that the PBAT does not have jurisdiction over the DFSC<sup>44</sup>. Our contention is supported by the guiding principles enumerated in the Periodic Reports.<sup>45</sup>

<sup>37</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 92(1)(b) and (1A)

<sup>38</sup> [http://lgsc.govmu.org/English/Documents/Publications/LGSC%20Annual%20Report%202016%20v%202%20\(2\).pdf](http://lgsc.govmu.org/English/Documents/Publications/LGSC%20Annual%20Report%202016%20v%202%20(2).pdf)

<sup>39</sup> - <http://lgsc.govmu.org/English/Serviceslgsc/Pages/Recruitment-and-Selection.aspx>

<sup>40</sup> <http://lgsc.govmu.org/English/Documents/Customer%20Charter/Revised%20Customer%20Charter%20Final%2014JUL14.pdf>

<sup>41</sup> CERD Concluding Observations 2013 at paragraph 9

<sup>42</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 91A

<sup>43</sup> <http://pbat.govmu.org/English/Pages/default.aspx>

<sup>44</sup> Section 3(1) of the Public Bodies Appeal Tribunal Act 2008

32. Secondly, the jurisdiction of the PBAT is limited to appeals made by “*any public officer, or any local government officer*” against any final decision of the PSC and section 3(3) of the Public Bodies Appeal Tribunal Act 2008 (“the PBAT Act”), expressly provides that the PBAT cannot hear an appeal which “*relates to an appointment made following a call for application for an office by public advertisement*”.
33. Therefore, the PBAT does not have jurisdiction to hear complaints from prospective employees regarding recruitment.
34. However, during debates in the National Assembly in November 2017<sup>46</sup>, regarding the amendment of the Equal Opportunities Act 2008, the Prime Minister made the following statement:  
  

*“Now, there is, as I say, nothing which prevents a person in respect of the PSC, who is aggrieved by a decision of not having been selected for employment because of a criminal record, from applying for judicial review of the decision in a case where there has been an invitation for applications, for an office by public advertisement, and also from appealing to the Public Bodies Appeal Tribunal.”*
35. Such a statement, alleging that members of the public can appeal to the PBAT is a very serious charge under the Westminster-style of parliamentary assembly.
36. Furthermore, as per the appeal procedures of the PBAT it is evident that it does not take into consideration complaints of racial discrimination made by public servants and local government officers<sup>47</sup>.
37. It is abundantly clear, therefore, that the PBAT does not provide any remedy whatsoever for victims of racial discrimination, be it for prospective employees and/or civil servants.
38. During the private auditions, we heard harrowing accounts of the daily experiences of civil servants and local government officers. However, given the prime ministerial regime that prevails, we have decided not to publish their names to avoid reprisals, but all documents and testimonies are readily available.
39. Now it has been regularly put forward that the enactment of the Equal Opportunities Act 2008 (“the 2008 Act”) was like heaven’s manna.

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<sup>45</sup> Periodic reports of Mauritius 2017 at paragraph 35

<sup>46</sup> <https://mauritiusassembly.govmu.org/English/hansard/Documents/2017/hansard2617.pdf> at page 158

<sup>47</sup> <http://pbat.govmu.org/English//DOCUMENTS/APPEALFORM.PDF>

## Equal Opportunities Commission

40. In fact, that is the main argument of Mauritius to allegedly show implementation of ICERD, 44 years after our independence. The 2008 Act provides for the creation of the Equal Opportunities Commission (“the EOC”) and the Equal Opportunities Tribunal (“the EOT”).
41. It is no surprise by now for the CERD to guess the process of appointment of the members of the EOC and EOT. The futility of such a prime ministerial process of appointment process has recently been exposed, when a political nominee at the EOC had to resign because she did not satisfy the minimum statutory qualification required<sup>48</sup>.
42. As regards the EOT, its jurisdiction is limited to hearing and determining complaints referred to it by the EOC and the amount of compensation it can award is limited to Rs. 500,000, which clearly do not take into consideration racial motivation as an aggravating factor. Thus failing to ensure that acts of racial discrimination are dealt with and made to carry sanctions proportional to their gravity<sup>49</sup>.
43. As regards the EOC, the interpretation section of the 2008 Act provides (i) that the term “*employer*” includes the State and parastatal organisations and (ii) that the Act binds the State, which implies that the EOC has jurisdiction to enquire into decisions made by the triumvirate.
44. Unfortunately, that is not the case, in as much as the Constitution provides that the triumvirate shall not “*be subject to the direction or control of any other person or authority*”<sup>50</sup>. Effectively meaning that the EOC cannot investigate into any complaints whatsoever made against the triumvirate, be it from public officers, local government officers or prospective employees.
45. Furthermore, while answering a parliamentary question in April 2015, the then Prime Minister (who is the father of the current Prime Minister) stated that it would not be in the public interest to bring amendments to the law in order to enable the EOC to investigate into complaints regarding decisions made by the triumvirate as it might create an overlapping with the existing role of the PBAT<sup>51</sup>, which clearly does not reflect the legal provisions cited above.
46. As a result, all forms of discrimination are taking place routinely at the level of the triumvirate IN TOTAL IMPUNITY and that since our independence.
47. That is the reason why the TJC recommended that the functioning of the triumvirate “*should be revisited. The practice of delegation of powers through the appointment of*

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<sup>48</sup> <https://www.lexpress.mu/audio/287371/eoc-gayle-yerriah-demissionne-dit-khalid-tegally>

<sup>49</sup> CERD Concluding observations 2013 at paragraph 12

<sup>50</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> - Section 118(4)

<sup>51</sup> <http://mauritiusassembly.govmu.org/English/hansard/Documents/2015/hansard1715.pdf> at page 33.

*minor grade officers to different Ministries continues to give rise to frustration and has resulted in the exclusion of minorities, more particularly for creoles*<sup>52</sup>.

48. Now for reasons unknown, the newly appointed Chairman of the EOC has removed the 12 protected grounds under the law in the EOC's complaint form<sup>53</sup>. Consequently, the difficulties encountered by complainants has been exacerbated.
49. We are at a loss to explain the "*major awareness campaign programme*" carried out by the EOC for the triumvirate as detailed in the Periodic Reports<sup>54</sup> in as much as the EOC does not have jurisdiction.
50. Finally, in view of the above, we are flabbergasted to read from the Prime Minister's Office letter dated 5 June 2017, addressed to the Office of the High Commissioner for Human Rights, which states that "*it can safely be said that in Mauritius, no person can be discriminated against by reason of his/her religion, race or belief and if there is any attempt to do so, there are sufficient safeguards to enable that person to denounce such discrimination and seek redress*"<sup>55</sup>.

### **National Human Rights Commission ("the NHRC")**

51. The NHRC is a corporate body established "*for the better protection of human rights, for the better investigation of complaints against members of the police force, and for matters connected therewith or incidental thereto*".
52. However, we wish to draw the CERD's attention to the effect that the NHRC has no specific mandate to fight against racial discrimination under ICERD.
53. In addition, it is our contention that the NHRC violates the Principles relating to the Status of National Institutions ("Paris Principles"), in as much as:
  - a) The prime ministerial process of appointment impedes upon its independence. In support, we shall cite the latest appoint of the wife of the Deputy Speaker of the National Assembly to the National Preventive Mechanism in February 2018<sup>56</sup>,
  - b) the law expressly excludes from the jurisdiction of the NHRC<sup>57</sup> all civil servants, thus affecting further its mandate,
  - c) it is not vested with relevant competence to effectively "*promote and protect human rights*",

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<sup>52</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 449

<sup>53</sup> Annex C

<sup>54</sup> Periodic reports of Mauritius 2017 at paragraph 145

<sup>55</sup> Annex D

<sup>56</sup> <https://www.lexpress.mu/article/326882/namrata-teeluckdharry-nomme-national-preventive-mechanism-division>

<sup>57</sup> Section 4(2)(b) of the Protection of Human Rights Act 1998

54. In conclusion, we consider that the “Status A” accreditation of the NHRC by the International Coordination Committee of National Human Rights Institutions in 2002 is misleading.
55. We shall now consider the other side of the coin of the triumvirate.

### **PART THREE: THE DUPLICATE OF THE TRIUMVIRATE**

#### **Parastatal bodies (“the PBs”)**

56. Parastatal bodies are set up by specific acts of parliament, which regulates each PB as an autonomous organisation under the umbrella of **the Cabinet of Ministers** and they form part of the public sector. [emphasis added]
57. All PBs are managed by a Board of Directors, appointed by the relevant Minister, who is himself represented on the Boards by civil servants from the triumvirate.
58. As at date, there are some 98 PBs in Mauritius and they are independently responsible for recruitment, promotion and disciplinary control of their respective employees.
59. The terms and conditions of employment of some 92 of those PBs are governed by the Pay Research Bureau (“the PRB”), which is another parastatal organisation operating under the ageis of **the Prime Minister’s Office**, which is responsible for the regular review of the terms and conditions of employment in the public sector<sup>58</sup>. [emphasis added]
60. Under the PRB, all the employees of those PBs are entitled to various benefits such as Duty Exemption; Motor Vehicle/Motorcycle/Autocycle/Bicycle Loans; Travelling Allowances, Travel Grant and Refund of Travelling Expenses by bus; Official Government Car Scheme; amongst others<sup>59</sup>.
61. In addition, they are all entitled to certain exceptional benefits, such as a 20% discount on air fares<sup>60</sup>.
62. All these advantages are naturally attractive to workers of all communities alike, but the failure to incorporate all the rights guaranteed under ICERD into national legislation, has contributed to make those 98 PBs a duplicate of the triumvirate.
63. Now as mentioned above, the EOC does have jurisdiction to investigate complaints against the PBs. However, the prime ministerial regime that prevails through the Cabinet of Ministers has contributed to turn the EOC into a toothless tiger against the PB’s.

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<sup>58</sup> <http://prb.pmo.govmu.org/English/AboutUs/Pages/Function.aspx>

<sup>59</sup> <https://prb.govmu.org/prb2016/vol1/car.pdf>

<http://prb.pmo.govmu.org/English/Documents/PRB%20Reports/Annex%20TravellingI.pdf>

<http://www.mra.mu/download/PartIAExciseConcessionAsAt5Nov2011.pdf>

<http://www.mra.mu/download/PartIAExciseConcessionAsAt5Nov2011.pdf>

<sup>60</sup> <http://atom.mu/wp-content/uploads/2017/08/LIST-OF-PARASTATAL-BODIES-GOVT-DISC.pdf>

64. To illustrate this point, we are going to put forward the famous case of Mrs. V. Sumputh's, which has been commented upon in the local press<sup>61</sup>.
65. After a statutory investigation, the EOC considered that the appointment of one Mrs. V. Sumputh as Executive Director of the Trust Fund for Specialised Medical Care (a BP) was done in breach of the provisions of the 2008 Act and that her appointment was in fact a political reward offered by the then Minister of Health, thus amounting to a direct discrimination against third parties on the basis of political opinion.
66. Pursuant to the 2008 Act, the EOC referred the matter to the EOT for determination as to whether or not her appointment was made in contravention of the 2008 Act. Being the applicant, the EOC had the burden of adducing evidence and sustaining the charge.
67. However, while the matter was still pending before the EOT, Mrs. V. Sumputh resigned following a financial scandal regarding disproportionate increases in her emoluments.
68. In the meantime, a new Chairman was appointed at the EOC and when the matter came for hearing before the EOT, under its new chairmanship, the EOC took a surprising stand to the effect that because Mrs. V. Sumputh had resigned it will not serve any purpose for the EOT to make a finding in the matter.
69. In other words, the EOC made a U-turn on the findings of its own investigation and argued that the resignation had buried all the issues raised regarding the discriminatory nature of the appointment. This shocking stand of the EOC was obviously supported by the PB concerned and as a result, the EOT had no alternative than to strike out the matter.
70. This is one concrete example of how PBs, with the assistance and tele guidance of the relevant ministries can annihilate the powers of the EOC, the EOT and even the Supreme Court, which was deprived of its jurisdiction on appeal.
71. To supplement the above, we are listing below some cases involving the PBs, which came to light during the private auditions:

Cargo Handling Corporation Ltd ("the CHCL"):

72. On 14 September 2017, the CHCL advertised a vacant post of 'Trainee RTG Operator'. The complainant, of creole origin applied and on 20 October 2017, he was shortlisted for interview, which he attended on 6 November 2017. As at date, the complainant has not been informed of the outcome of his interview. Without a reply, no legal action whatsoever can be initiated by the complainant.
73. This situation is not an isolated case concerning CHCL, in as much as, in November 2017, inhabitants of Roches Bois, a locality in the vicinity of CHCL were left with no alternative than to have recourse to public demonstrations and threats of hunger strikes to draw the

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<sup>61</sup> <https://www.lemauricien.com/article/re-the-sumpuhs-case-declaring-issues-not-live-deprives-institutions-of-their-ability-to-act/>

authorities' attention to the systemic discrimination prevailing at the CHCL against the inhabitants, who are mostly people of Creole origin<sup>62</sup>.

#### Mauritius Oceanography Institute ("the MOI")

74. Dr. D. Marie, of creole origin, has reported the discriminatory modus operandi used to prevent him from appointment to the post of Director of the MOI.
75. In December 2012, he became the Officer in Charge of the MOI. When the post of Director was advertised in June 2013, he applied and was ranked second after an expatriate candidate from India, but the latter was appointed Director. Dr. D. Marie filed a complaint at the EOC in May 2014.
76. Upon non-renewal of the Indian expatriate contract, the post of Director became vacant anew in April 2015, but this time a person from the Muslim community, who was on release from the MOI to head another Government department, became the Officer in Charge of the MOI, while at the same time maintaining his post as head of the other Government Department. In June 2015, the EOC ruled in favour of Dr. D. Marie and stated that he was indirectly discriminated on the basis of his place of origin when the MOI appointed the Indian expatriate.
77. In August 2015, Dr. D. Marie was awarded the post of Officer in Charge of the MOI because the Muslim employee appointed in April 2015 declined his appointment.
78. Consequently, in February 2016, both posts of Deputy Director and Director were advertised and Dr. D. Marie had no alternative than to apply for both posts. This time, Dr. D. Marie was not even called for the interview for the post of Director, despite his two years' experience as head of the MOI. In July 2016, he was appointed to the post of Deputy Director while the post of Director was awarded to another person from the Hindu community, who has been his junior at the MOI all along.

#### The Nelson Mandela Centre for African Culture Trust Fund (Mandela Center)

79. The Mandela Center operates under the aegis of the Ministry of Arts and Culture. Its mission is to disseminate African and Creole culture in all strata of the Mauritian society.
80. Dr. J. Harmon, is an Independent researcher and Country Expert for Mauritius and Seychelles in the Vitality Democracy Project of the University of Gothenburg. He was the Director of the Mandela Centre from October 2014 to October 2016.

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<sup>62</sup> <https://www.lexpress.mu/article/321608/recrutement-chcl-groupe-zenfan-roche-bois-menace-dentamer-une-greve-faim>

81. In his capacity as ex-Director, Dr. J. Harmon reported the obstacles he had to overcome to be able to work with the staff of the parent Ministry, who are predominantly from the Hindu community.
82. To achieve the Mandela Center's statutory duties proved to be a herculean task in the circumstances. We refer the CERD to the list of parastatal organisations and departments falling under the aegis of the Ministry of Arts and Culture to show that the promotion of the Hindu community languages and culture are disproportionate compared to those dedicated to African and Creole Culture<sup>63</sup>.
83. This is the main reason why, since January 2015, not much has been achieved in the context of the International Decade for People of African Descent.

## **PART FOUR: MINORITY RIGHTS AND UNDERREPRESENTED GROUPS**

### **The Creoles**

84. It is well documented that racism has serious health, social and economic consequences for victims and their families.
85. The TJC described the immeasurable harm, injury and psychological distress caused to the Creole community, which is rooted in history and ingrained for generations as "*Post Traumatic Slave Disorder*".
86. The TJC found that "*there is a growing number of people who are affected by complex sociopathologies in Mauritius and this is because of racism and differentiation that exist in Mauritius, and many people are finding it very difficult to cope with these. The majority of those affected come from the Creole community or at least, the more impoverished communities on the island.*"<sup>64</sup>
87. In 2013, the CERD was right to note "*with concern that the Creoles remain significantly disadvantaged in the enjoyment of economic, social, and cultural rights*". However, five years later and despite Mauritius supporting the International Decade for People of African Descent, the situation of the Creoles has regressed in a number of areas.
88. We invite the CERD to take note of the fact that not a word was said in the Periodic Reports in relation to the International Decade, just a deafening silence!
89. The private auditions revealed moving accounts of an institutional and ongoing forms of discrimination which pervades the lives of people in the Creole community, be it in Mauritius, Rodrigues, Agaléga or the Chagos.

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<sup>63</sup> Periodic reports of Mauritius at paragraph 153

<sup>64</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 287

90. On the other hand, the Cardinal Maurice E. Piat, Bishop of the Roman Catholic Diocese of Port Louis has on numerous occasions written on the “*malaise creole*”<sup>65</sup>, but the measures taken, since 1993, remain woefully inadequate to root out the systemic discrimination embedded in the system against the Creoles.
91. Most of the Creoles live in what is commonly known as “*cité*”, which are low cost social housing built during the 1960-1970’s. Since then, a de facto racial segregation has taken place and has been ingeniously perpetuated through the years. As a result, generation after generation, the Creoles continue to live in over-crowded housing areas, with poor quality education delivered in sub-standard institutions leading to significant implications for their general wellbeing.

### **The Rastas**

92. The Rastas are a component of the Creole community and they are systematically targeted by discrimination in the administration of justice because of their culture and beliefs.
93. They are much more likely to be regularly stopped and searched, then arrested and detained by the police for no legitimate reason, which is invariably followed by unnecessary and disproportionate searches of their dwellings. This over-policing and law enforcement has served to inflame the feelings of alienation and to fan the flames of resentment against the police.
94. As a matter of fact, in February 1999 riots broke out in the country following the death in police custody of Joseph Reginald Topize, known as Kaya, a popular Rastafari artist<sup>66</sup>.
95. The same situation is also unfortunately true for the Creoles. In January this year, a member of the Creole community was arrested and detained naked and handcuffed in the police station<sup>67</sup>, which generated feelings of anger and revolt. Eventually, the Director of Public Prosecutions discontinued the criminal proceedings against him as there was no evidence on record to justify his arrest in the first place<sup>68</sup> which contradicts the claim in the Periodic Reports to the effect that the “*Mauritian Police Force operates in a transparent, accountable, fair and responsible manner and pays due respect to human rights.*”<sup>69</sup>

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<sup>65</sup> <https://www.dioceseportlouis.org/1993/10/27/lettre-pastorale-1993-reflexions-sur-le-malaise-creole/>

<sup>66</sup> <https://www.theguardian.com/world/1999/feb/25/7>

<sup>67</sup> <https://www.lexpress.mu/article/325545/suspect-nu-et-enchaine-violente-sortie-sanjeev-teeluckdharry-contre-cid-curepipe>

<sup>68</sup> <https://defimedia.info/affaire-gaiqui-il-ny-avait-rien-dans-le-dossier-qui-justifiait-son-arrestation-dit-le-dpp>

<sup>69</sup> Periodic reports of Mauritius 2017 at paragraph 27

96. It is our contention that the incarceration rate of the Creoles has been constantly rising, leading to the most overrepresented population in prisons, which in turn only aggravates the vicious cycle of poverty, violence and crime.
97. We wish to draw the CERD's attention to the effect that the Human Rights Monitoring Committee met in the context of the International Human Rights Day 2018<sup>70</sup> with the objectives to ensure regular monitoring of the implementation of the recommendations of the Action Plan on Human Rights 2012-2020<sup>71</sup>. However, although the said Action Plan acknowledges that *"human rights guaranteed in treaties need to be incorporated in domestic law to be enforceable by the Courts"*, no mention whatsoever is made in relation to the incorporation of ICERD into national legislation.
98. The situation concerning the Creoles has been fully investigated and documented by the TJC, which has made no less than 236 recommendations to address the disadvantages experienced by the Creoles in the enjoyment of their economic, social and cultural rights.
99. The TJC concluded that *"however substantial our Recommendations are, they cannot adequately respond to the hurt, the suffering and loss of dignity which many Mauritians have experienced in the past. We cannot bring back the dead, but if the measures we propose are implemented, it will markedly improve the quality of life for descendants of both slaves and indentured labourers who have suffered during the colonial period"*<sup>72</sup>.
100. However, despite the change in government in December 2014, the TJC report remains in a drawer of the prime ministerial regime.

### **The Rodriguans**

101. Rodrigues is an island situated about 560 kilometers east of Mauritius, with a resident population of about 40,400<sup>73</sup>, constituted mainly of Creoles.
102. Despite 15 years of autonomy, rodriguans remain heavily dependent on Mauritius. This has even led to a movement for their liberation from Mauritius<sup>74</sup>.
103. The TJC found that there was *"an urgent need to revisit the whole social and economic development for Rodrigues"* and has made a number of recommendations for Rodrigues<sup>75</sup>, but again despite a new Government Programme 2015-2019 those recommendations remain dead letter.

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<sup>70</sup> <http://www.govmu.org/English/News/Pages/Human-Rights-Monitoring-Committee-held-in-context-of-International-Human-Rights-Day.aspx>

<sup>71</sup> <http://humanrights.govmu.org/English/Documents/HR%20Action%20Plan%202012-2020%20small.pdf>

<sup>72</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 10

<sup>73</sup> <http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/ESI/pop2011.pdf>

<sup>74</sup> <http://www.codesria.org/spip.php?article1967>

<sup>75</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 439

104. In October 2017, during an official visit to Rodrigues, the inhabitants were calling upon the ex-Prime Minister to address the serious shortage of water on the island. But, instead of informing the inhabitants of the proposed plans to solve their problems, the ex-Prime Minister treated the Rodriguans with contempt and summarily dismissed them by replying that he was not there to bath them?<sup>76</sup>
105. To conclude on the issues facing the Creoles, our contention is that the International Decade for the People of African Descent is a real window of opportunity for them as it is recognized worldwide that *“their situation remains largely invisible, and insufficient recognition and respect has been given to the efforts of people of African descent to seek redress for their present condition. They all too often experience discrimination in their access to justice, and face alarmingly high rates of police violence, together with racial profiling”*<sup>77</sup>.
106. Hence our call to action for the official recognition of the Creoles in the Constitution of Mauritius. If they are not counted, they do not exist!

### **The Agaleans**

107. The Outer Islands Development Corporation (“the OI DC”) is a parastatal organization and is exclusively responsible for the management and development of Agaléga, which consists of two islands situated 1000 kilometers north of Mauritius. There are around 300 inhabitants on the islands and around 5,000 living in Mauritius, mostly of creole origin.
108. During the private auditions, the “Association des Amis d’Agaléga”, an Agalean NGO based in Mauritius, reported the following:
- a) Access to land: none of the Agaleans are land owners. All leases on the island expires in 2027. In addition, if the lease holder passes away prior to 2027, the lease is annulled as it is not transferable to the heirs of the lease holder, which give the lie to the claim of the Periodic Reports with regards to the democratization of access to land<sup>78</sup>,
  - b) Pre-primary education: since 2015 the inhabitants have been requesting for a qualified teacher in early childhood education, but to no avail,
  - c) Secondary education: secondary education is provided for all students up to Form 5. However, no science subjects are available for studies. Any student who wishes to study science is forced to complete his studies in Mauritius. In such cases, the OI DC provides for a monthly education grant of Rs 2000 (around EUR 50) per student for food and

<sup>76</sup> <https://www.lexpress.mu/article/318521/saj-sur-probleme-deau-rodriques-mo-finn-vinn-isi-pou-fourni-dilo-mwa>

<sup>77</sup> <http://www.un.org/en/events/africandescentdecade/background.shtml>

<sup>78</sup> Periodic reports of Mauritius 2017 at paragraph 107

accommodation. It is a complete disregard of their right to education as claimed in the Periodic Reports<sup>79</sup>,

- d) Freedom of movement: any Mauritian who wishes to travel to Agaléga needs to first obtain the written permission of the OI DC, together with a Letter of Accommodation. The approval for travelling is at the sole discretion of the OI DC, which is a serious violation of the right to freedom of movement as claimed in the Periodic Reports<sup>80</sup>,
- e) Medical care: inadequacies of medical care on the islands have been persistently put forward by the inhabitants, but their complaints have fallen on deaf ears, despite the claim of “*universal access to health facilities*” in the Periodic Reports<sup>81</sup>,
- f) Employment: the OI DC is the sole employer in Agaléga, which places an additional social burden on the inhabitants.

109. Through various open letters and press articles, the Diocese of Port Louis as well as democracy watch stakeholders have acted as whistle blowers depicting the issues facing the Agaleans<sup>82</sup>, but their fate lies in a secret Memorandum of Understanding signed between Mauritius and the Republic of India. There is genuine fear that the Agaleans will endure the same fate as the Chagossians<sup>83</sup>.

### **Migrant workers**

110. Migrant workers in Mauritius come mainly from Bangladesh, China, India and Madagascar. For the year 2016<sup>84</sup>, migrant workers represented 4.7% of the total labour force.

111. In terms of migrant workers from Bangladesh, Mauritius is ranked second in the world after Jordan. As at February 2018, there were 23,673 Bangladeshi workers in Mauritius and this situation is fueling racial tension in the country<sup>85</sup>. Nevertheless, the government is planning the liberalization of work permits for migrant workers<sup>86</sup>, in total disregard of those inherent dangers.

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<sup>79</sup> Periodic reports of Mauritius 2017 at paragraph 113

<sup>80</sup> Periodic reports of Mauritius 2017 at paragraphs 56 and 57

<sup>81</sup> Periodic reports of Mauritius 2017 at paragraph 109 and 110

<sup>82</sup> <https://www.lemauricien.com/article/agalega-cry-my-people-maritime-republic-mauritius/>

<sup>83</sup> <https://www.lemauricien.com/article/agalega-and-India-china-control-indian-ocean/>

<sup>84</sup> [http://statsmauritus.govmu.org/English/StatsbySubj/Documents/labour%20-%20digest/Digest\\_Labour\\_2016.pdf](http://statsmauritus.govmu.org/English/StatsbySubj/Documents/labour%20-%20digest/Digest_Labour_2016.pdf)

<sup>85</sup> <http://www.ipsnews.net/2016/08/migrant-labour-fuels-tensions-in-mauritius/>

<sup>86</sup> <https://www.defimedia.info/travailleurs-etranagers-la-liberalisation-du-permis-de-travail-pour-resoudre-les-penuries>

112. The more so, as admitted in the Periodic Reports, Mauritius is not a signatory of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>87</sup>
113. In addition, it is mostly women who are imported as they are more docile and submissive, thus creating a gender-related dimension of racial discrimination rendering those women vulnerable to exploitation and mistreatment<sup>88</sup>.
114. In its Trafficking in Persons Report 2018<sup>89</sup>, the US State Department has categorized the Mauritius as a Tier 2 country for the third consecutive year for its failure to take appropriate measures to fight against exploitation and mistreatment of migrant workers.

### **Gender-related dimension of racial discrimination**

115. We are fully supportive of the CERD recommendation<sup>90</sup> for the abrogation of the exception to the principle of non-discrimination under our Constitution<sup>91</sup>. We wish to bring to light the latest worrying trend where women, including members of the Cabinet are being excluded from government functions in Mauritius<sup>92</sup>.

### **National Sports Federations – (“the NSF”)**

116. The failure to incorporate the ICERD into national legislation has strong repercussions in the sports world, the more so as all NSF are independent organisations working under the aegis of their international counterparts.
117. Although the guidelines of the Ministry of Youth and Sports requires that the NSF promote multiculturalism<sup>93</sup> the fact remains that it is the President of those NSF who calls all the shots as regards training and selection for national and international competitions, as well as award of scholarships and bursaries. Therefore, in the absence of a complaint mechanism to deal with racial discrimination in sports, many youths are left with no alternative than to abandon sports.
118. The situation is not different at the level of the Ministry as can be clearly illustrated by the ex-Minister of Youth and Sports, who left a racially laden heritage by replacing no less than 5 officers by people of the same tamil ethnic origin as him.

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<sup>87</sup> Periodic reports of Mauritius at paragraph 90

<sup>88</sup> <https://www.lexpress.mu/article/332540/grands-titres-lexpress-ce-samedi-2-juin>

<sup>89</sup> <https://www.state.gov/documents/organization/282798.pdf> at page 307

<sup>90</sup> CERD 2013 Concluding observations at paragraph 23

<sup>91</sup> <http://mauritiusassembly.govmu.org/English/constitution/Pages/constitution2016.pdf> Section 16(4)

<sup>92</sup> <https://www.lexpress.mu/idee/334690/welcome-back-middle-ages>

<sup>93</sup> <http://mys.govmu.org/English/Documents/Guidelines%20for%20Sports%20Federations/Guidelines%20to%20Sports%20Federations.pdf>

119. This brings water to the mill of all forms of discrimination due to the loopholes in the legislative anti-discrimination framework of Mauritius, which falls well short of a comprehensive protection for victims of discrimination and thus fails to ensure substantive equality for all.

### **Incitement to hatred and violence**

120. The Periodic Reports impliedly confirms all the foregoing, in as much as between May 2009 and December 2016, **NOBODY** has been sanctioned in Mauritius for the offence of stirring up racial hatred<sup>94</sup>.

121. It is in the light of such a legal vacuum that the incidents surrounding the 2018 pride event of the LGBT community organized by the “Collectif Arc en Ciel” must be read. They had no alternative than to cancel a pacific march, duly authorized by the police, because of an illegal counter demonstration,<sup>95</sup> accompanied with deaths threats<sup>96</sup>. The police has been very slow to intervene to prevent the counter demonstration, leaving a bad perception that they were not keen to protect the rights of the LGBT community.

122. In a video posted on the Foreign and Commonwealth Office website, the ex-British High Commissioner testifies to the kind of discrimination he has had to endure, at the highest level of the State, while working in Mauritius<sup>97</sup>.

### **CONCLUSION**

123. The situation regarding racial discrimination in Mauritius is such that we are currently looking for ways and means to carry out the private auditions on a permanent basis. We hope that this alternative report has given the CERD a useful insight into the real situation on the ground.

124. The CRED correctly identified the issue regarding political representation and the obstacles to the participation of ethnic minorities in political life. There is an urgent need to put an end to the abusive and unwarranted exploitation of the BLS by the Mauritian elite and politicians of all communities for their own benefit, which is having a devastating effect on the process of nation building.

125. Today, politicians do not hesitate to make public declarations to the effect that they have been elected to serve their respective ethnic communities first, even to the detriment of

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<sup>94</sup> Periodic reports of Mauritius 2017 at paragraph 10

<sup>95</sup> <http://ionnews.mu/video-des-opposants-a-la-marche-des-fiertés-envahissent-la-place-darmes-020518/>

<sup>96</sup> Annex E

<sup>97</sup> <https://www.lexpress.mu/article/334963/jonathan-drew-diplomate-et-gay-raconte-discrimination-dont-il-ete-victime-maurice>

- the law of the land<sup>98</sup>, and such public declarations go unpunished because they are in line with the system.
126. The TJC had this to say *“The choice not to teach a common history rather than a compartmentalised history, and for political and religious leaders to make public speeches where the failure of one ethnic group to achieve in one particular field is underlined, is a dangerous policy to tolerate. Over the years, this has led to increased social and cultural fractures. To avoid further divisions, these need to be stopped and should no longer be sanctioned officially<sup>99</sup>”*.
127. In support of the above, we shall put forward the case of the “Mauritian Cultural Centre Trust”, which was established *“to promote Mauritian culture and develop a plural Mauritian cultural identity”<sup>100</sup>*, which has never been in operation since 2001<sup>101</sup>.
128. It is in such a context that the Creoles are claiming for their right to self-identification and for their community to be officially recognised.
129. The argument of Mauritius to the effect that collection of data by ethnicity is divisive does not hold water in as much as in their own admission:
- a) *“Subsidy to Religious Bodies is based on the number of adherents as provided by Statistics Mauritius<sup>102</sup>”*,
  - b) There is an impressive number of statutory cultural centres and speaking unions based on ethnicity<sup>103</sup>.
130. The current reality dictates that it is ethnicity politics which prevails in Mauritius. In our humble view, that is the reason why there is no information in the Periodic Reports about *“the representation of each community in the State party’s political bodies”<sup>104</sup>*.
131. Yes, we are all citizens of Mauritius first, but we all belong to a specific community as ethnicity structures public life in Mauritius.
132. The theme for the International Decade for People of African Descent is *“Recognition, Justice and Development”* and for the UN General Secretary, Ban Ki Moon, *“in proclaiming this Decade, the international community is recognizing that people of African descent **represent a distinct group** whose human rights must be promoted and protected<sup>105</sup>”*.  
[emphasis added]

<sup>98</sup> <https://www.inside.news/2018/06/manifestation-anti-lgbt-salim-abbas-mamode-dan-nimpor-te-ki-conjoncture-mo-religion-pass-avan-tou/>

<sup>99</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 146

<sup>100</sup> Section 4(a) of the Mauritian Cultural Centre Trust Act 2001

<sup>101</sup> <http://mof.govmu.org/English/Documents/Budget2014/PBB2014/ArtsCulture.pdf>

<sup>102</sup> Periodic reports of Mauritius 2017 at paragraph 80

<sup>103</sup> Periodic reports of Mauritius at paragraph 155

<sup>104</sup> CERD Concluding observation 2013 at paragraph 18

<sup>105</sup> <http://www.un.org/en/events/africandescentdecade/>

133. The non-recognition of the Creoles as a distinct community is an unsurmountable *“obstacle that prevent them in their equal enjoyment of all human rights, economic, social, cultural, civil and political, including their right to development<sup>106</sup>”*.
134. We shall conclude with the words of the TJC to the effect that *“having a fixed identity and known heritage is very important in Mauritian society and is considered significant in the kind of contribution that an ethnic group can make to the construction of the nation. If Creoles are deemed not to have an identity, then they are generally perceived as unimportant and as having nothing of value to offer in the making of the society in which they live. This can have devastating consequences for an individual or a group because what they do offer is not publicly valued and, in general, they are perceived as not ‘useful’ to the society. The disregard generates poor self-esteem and self-doubt<sup>107</sup>”*.
135. Hence , it is our contention that if the Creoles are not counted, they do not exist!
136. We wish to express our gratitude to the dedicated staff of the CERD Secretariat and the NGO International Movement Against All Forms of Discrimination and Racism (IMADR)<sup>108</sup> for their support and assistance.

## **Affirmative Action**

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<sup>106</sup> <http://www.un.org/en/events/africandescentdecade/recognition.shtml>

<sup>107</sup> [https://www.usip.org/sites/default/files/ROL/TJC\\_Vol1.pdf](https://www.usip.org/sites/default/files/ROL/TJC_Vol1.pdf) at page 288

<sup>108</sup> [www.imadr.org](http://www.imadr.org)

# **ANNEXES**



26 janvier 2018

Monsieur le Premier Ministre,

Nous allons fêter le 12 mars prochain nos 50 ans d'indépendance. Nous faisons figure d'exemple et de symbole pour la Communauté Internationale puisque sur ce petit territoire cohabitent cultures et religions différentes.

Toutefois cette paix sociale et ce respect mutuel entre les différentes communautés demeurent précaires et sensibles. Nous en avons fait l'expérience à l'occasion du passage du cyclone Berguita. Nos compatriotes qui vivent dans la pauvreté ont été nombreux à se rendre aux Centres de refuge. L'élan de solidarité de la part des ONG et de différents corps religieux, de même que votre présence et celle de vos ministres sur le terrain ont témoigné de la grande force de cohésion sociale dont nous sommes capables. Cependant, les dérapages à relent raciste et communal publiés sur les réseaux sociaux blessent l'arc-en-ciel mauricien et sont inacceptables pour un pays signataire de la Déclaration Universelle des Droits de l'Homme et des Conventions qui en découlent et qui stipulent que les propos racistes sont passibles de poursuites légales. Rappelons que 2018 est l'année du 70ème anniversaire de cette Déclaration Universelle.

C'est pourquoi nous voulons déclarer publiquement notre solidarité avec la démarche citoyenne de la personne qui a déposé une plainte contre les auteurs de propos racistes à l'encontre des réfugiés de l'épisode Berguita. Ces réfugiés appartiennent, pour la plupart, à une frange spécifique de la population mauricienne la plus souvent touchée par ces événements et par la misère. Même si la misère n'est pas exclusive à la communauté créole, il est un fait que cette communauté se sent souvent exclue et discriminée.

Nous vous écrivons en ce mois janvier, date symbolique, puisque c'est en ce mois que l'état d'urgence avait été déclaré en 1968 par le gouvernement de l'île Maurice suite aux bagarres raciales.

Convaincus que nous devons tous poursuivre la construction de notre nation mauricienne comme un Etat de droit, nous souhaitons que toute démarche citoyenne comme celle citée ci-dessus, soit l'occasion pour les autorités de faire respecter la loi, de sévir, et pour les citoyens mauriciens de se ressaisir avant que le tissu social ne subisse d'autres déchirures.

Puisque la plupart des citoyens mauriciens se réclament tous d'une religion, rappelons-nous que les valeurs de respect du prochain quel qu'il soit et du devoir d'aider les plus pauvres à se remettre debout se trouvent au cœur du message de toutes nos religions.

Nous sommes certains qu'avec votre sens de leadership et votre sagesse, vous serez à même de prendre les mesures appropriées pour le mieux-être de notre République. Il serait bien que le Parlement mauricien passe une législation pour protéger le pays de toute tentative qui pourrait mettre en péril le « vivre ensemble » mauricien.

Recevez Monsieur le Premier Ministre, l'expression de nos meilleurs sentiments et l'assurance de nos prières de la part de tous les membres du Conseil des Religions pour la paix dans notre pays.

Rev. Philippe Goupille  
 Président  
 Council of Religions



## Nos quinze thèses Affirmative Action

1. Nou afirme ki tou dimoun egal an dignite e an drwa pe inport so kouler, so kiltir, so relizyon, so sex
2. Nou afirme ki ladiskriminasion li konsern tou dimoun me nou kone ki lakominote kreol li plis diskrimine parmi tou bann kominote
3. Nou afirme ki sa konba ki nou pe amene la, li enn konba nasional e nou invit tou dimoun bonn volonte, anou zwenn nou lafors ansam dan sa konba-la.
4. Nou afirme ki nou fer parti enn gran fami, fami morisien e dan sa fami-la tou dimoun ena so plas ; kan partaz gato tou dimoun bizin gagn enn par gato e pa zis enn bout.
5. Nou afirme ki nou pou fer tou seki dan nou pouvwar pou amenn nou konba par la nonviolans
6. Nou afirme ki nou enn group sivil, nou lintansion : fer la sosiete morisien viv ek grandi dan lape
7. Nou afirme ki dan nou pei sakenn ena so valer, sakenn ena so talan, sakenn kontribie a so fason pou ki sa pei la avanse
8. Nou afirme ki nou pou met tou nou lafors pou ki nou bann zanfan demin asiz lor mem latab pou konstrir ansam enn nasion morisien
9. Nou afirme ki nou rezet tou komanter ki denigre enn lot kominote – konba ki nou pe amene li pa enn kominote kont enn lot, me kont le sistem.
10. Nou afirme ki nou sosiete li frazil me so frazilite samem so lafors e nou bizin fer tou pou protez sa rises-la
11. Nou afirme ki nou konba li enn konba politik dan le bon sans di term e nou bizin protez nou sosiete de bann politisien ki anviz nou
12. Nou afirme ki ledikasion sel mwayin pou nou avanse e fer bann sitoyen dibout lor zot lipie
13. Nou afirme ki finn ena boukou dimoun ki finn amenn sa konba la avan nou e ler finn arive pou nou reini nou lafors e nou invit zot vinn rezwenn nou
14. Nou afirme ki morisien li enn pep bien relizie donk nou lafwa li inportan, nou lafwa li enn moter pou fer nou avanse
15. Nou afirme ki sa konba-la li konba tou dimoun, nou tou pou sort gagnan, de zenerasion an zenerasion ; tousel nou al pli vit, me ansam nou al pli lwin. Nou pou difiz nou mesaz partou dan nou pei atraver bann ti komite kot nou invit tou dimoun bonn volonte partisipe, aport zot kontribision.



*An institution set up under the Equal Opportunities Act (EOA) 2008 as subsequently amended.*

*The EOC's objectives are inter-alia, to promote equal opportunity between persons, prevent discrimination, victimisation and harassment as provided for by the EOA.*

**COMPLAINT FORM**

**PARTICULARS OF COMPLAINANT**

*(To be filled in by the complainant or the person assisting him/her)*

1. Full Name (Mr/Mrs/Miss): .....

2. National Identity Card Number: .....  
*(please attach photocopy)*

3. Address: .....  
.....





**5. Other Institutions**

Have you submitted a complaint against the same person/organisation in relation to the same facts to another institution/court?                       Yes                       No

If **Yes**, please specify the name of the institution(s) and the date of the complaint. (*Annex photocopies of same*)

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**6. Any other relevant information you would like to provide?**

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**7. Documents**

Please attach copies of all relevant documents. If you cannot provide same, kindly inform us where they may be obtained from.

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I hereby declare that I am making this complaint in good faith and that the facts contained therein are true and correct and regarding which I assume full responsibility.

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Signature

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Date

**Send this complaint form to:**

**The Secretary,  
Equal Opportunities Commission,  
1<sup>st</sup> Floor, Belmont House,  
Intendance Street, Port Louis.**

For further information, please contact the Equal Opportunities Commission on 201 1074/ 201 3502. You are advised to access our website **eoc.govmu.org** wherein reference is made to the Equal Opportunities Act 2008 (as amended) before filling this complaint form. You can also fax your complaint form on 2013408 or email it on **eoc@govmu.org**.



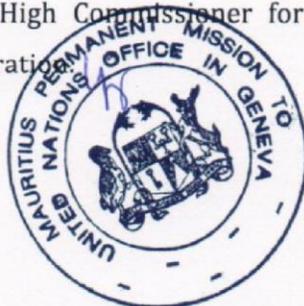
**Embassy of the Republic of Mauritius and Permanent Mission of Mauritius to the United Nations and other International Organizations**

**Ambassade de la République de Maurice et Mission Permanente auprès des Nations Unies et des autres Organisations Internationales**

**No. 193/2017 (MMG/HR/28/3)**

The Embassy and Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the Note Verbale Ref. YB/GN/TT dated 10 April 2017, has the honour to submit the inputs on behalf of the Government of the Republic of Mauritius relating to the UNGA's resolution 71/195 entitled "*Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief*".

The Embassy and Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.



**Geneva, 9 June 2017**

## **“Combating Intolerance, Negative Stereotyping, Stigmatisation, Discrimination, Incitement to Violence and Violence against Persons based on religion or Belief”**

1. Protection of the Fundamental Rights and Freedom of the Individual is enshrined in Chapter II of the Constitution of Mauritius.
  
2. Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect and 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. The term “discriminatory” is defined 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 or are accorded privileges or advantages that are not accorded to persons of another such description. Section 17 of the Constitution provides that a citizen who alleges that his right under, inter alia, section 16 of the Constitution is being or is likely to be contravened may apply to the Supreme Court for redress.
  
3. Section 11 of the Constitution provides for the protection of freedom of conscience. Under section 11(1), it is stated that no person shall be hindered in the enjoyment of his freedom of conscience and that freedom includes freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others and both in public and private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.
  
4. While the Constitution which is the Supreme Law of the country, already lays down the guiding principles against such type of discrimination generally, several laws have been enacted by the Mauritian Parliament over the years, to address this issue and to make it a criminal offence to discriminate against a person by reason of race, religion, place of origin.
  
5. The National Human Rights Commission set up under the Protection of Human Rights Act 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 person acting in the performance of any public function conferred by any law or otherwise in the performance of functions of any public office or any public body.

6. The Equal Opportunities Act (EOA), which was passed in 2008 came into force in January 2012. The EOA prohibits direct and indirect discrimination on the ground of a person's status, namely, age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.
  
7. There is provision for inter-cultural education within the curriculum of the Education sector of Mauritius and the youngsters learn from their very tender age notions of shared respect, tolerance, justice and equity. Multiculturalism is also present across the curriculum in the forms of essays in languages linked with socio-cultural themes and places. Festivals of all ethnic groups do appear in the textbooks, enriching the young Mauritian through culture, traditions, customs and religions of each other.
  
8. The Ministry of Arts and Culture encourages the creation of collaborative networks to build mutual understanding, and promotes intercultural dialogue to enhance tolerance for cultural diversity.
  
9. All the languages in use in Mauritius are part of our national cultural heritage and the Mauritian Government has been pursuing its efforts to promote all ancestral languages in order to preserve the cultural identity of all the cultural components of Mauritius.
  
10. We also have the '*Comité des Sages*' which regroups religious leaders of the main religions present in Mauritius, which regularly meets to discuss over prevailing issues of national importance with a view to maintaining harmony amongst our multi-religious population. Likewise, the media plays an important role as watch-dog and any abuse is immediately denounced.
  
11. In the light of the above, it can safely be said that in Mauritius, no person can be discriminated against by reason of his/her religion, race or belief and if there is any attempt to do so, there are sufficient safeguards to enable that person to denounce such discrimination and seek redress.

**Prime Minister's Office**  
**05 June 2017**



Le 11 juin 2018,

Quatre Bornes.

### **Rapport concernant la Marche des Fiertés du 2 juin 2018**

Depuis 2005, le Collectif Arc-En-Ciel (CAEC) milite en faveur des droits des personnes Lesbien, Gays, Bisexuelles et Transgenres (LGBT) à l'Île Maurice. Le CAEC est à l'initiative de la Marche des Fiertés qui a rassemblé plus de 800 personnes en 2017 lors de sa 12<sup>ème</sup> édition au Caudan Waterfront. **La 13<sup>ème</sup> Marche des Fiertés, également 1<sup>ère</sup> Marche des Fiertés LGBTI de l'Océan Indien, était prévue le 2 juin 2018 à Port-Louis.**

Comme chaque année, le Collectif Arc-En-Ciel a notifié le Commissaire de Police en amont de l'évènement, précisément le 12 avril 2018.

Dans cette lettre, nous insistons sur les faits de violence qu'un groupe de 30 personnes avait commis en le 3 juin 2017, date de la 12<sup>ème</sup> Marche des Fiertés, à l'encontre des participants, et que nous demandions l'assistance de la Police. En 2017, suite à cet incident, Pauline Verner, alors directrice du CAEC, avait collaboré avec les services de Police concernés pour aider à l'identification des opposants.

Dans le cadre de la préparation de la 1<sup>ère</sup> Marche pacifique des Fiertés LGBTI de l'Océan Indien prévue le 2 juin 2018, Pauline Verner a été convoquée par la Police le 9 mai et le 23 mai 2018, pour y faire état des activités prévues dans le cadre de cet évènement. Dans sa lettre de notification datée du 12 avril 2018 ainsi que dans ses déclarations (=statements), celle-ci a précisé que le CAEC souhaitait faire appel à une quinzaine d'agents de police en « extra » afin de garantir la sécurité des participants. Le 29 mai, l'Assistant du Commissaire (ACP) a notifié oralement à Pauline Verner l'interdiction de la Marche pour des raisons liées à la « sécurité nationale ». Jugée illégale par Me. Jean-Claude Bibi, avocat du CAEC, en raison de l'absence de la décision du Commissaire de Police d'interdire la marche dans les 48 heures suivant la réception de l'avis, comme le prévoit la section 4 (3) du *Public Gathering Act* de 1991, cette interdiction a été levée le 1<sup>er</sup> juin à 20h par un appel de l'Assistant du commissaire à Madame Verner et Me. Bibi. Lors de cet appel, l'ACP a garanti que les forces policières seraient en nombre pour garantir la sécurité des participants.

Le samedi 2 juin, date de la marche des Fiertés, la Police a informé en continu Me. Bibi et Pauline Verner, que de nombreux opposants se rassemblaient progressivement sur la Place d'Armes. Arrivés au nombre de 400 vers 13h, la Police a souhaité que Mme. Verner et Me. Bibi constatent par eux-mêmes

l'agressivité des opposants en les escortant jusqu'au début du Centre commercial du Caudan Waterfront, face à la Place d'Armes.

La Police a confirmé à la direction du Caudan et à Me. Bibi la présence d'armes parmi le groupe de personnes rassemblées illégalement sur la Place d'Armes. Notre équipe de sécurité privée s'est également infiltrée parmi le groupe d'opposants et a, elle aussi, pu constater la présence d'armes.

La police a informé le Collectif Arc-En-Ciel qu'elle n'était pas en mesure d'assurer la sécurité individuelle des marcheurs et du public, si le CAEC prenait la décision de maintenir la Marche. Pour des raisons de sécurité, le CAEC a donc décidé d'éviter toute confrontation dans un contexte de haine et de violence manifestes.

### **Menaces de mort :**

Le 31 mai 2018, Pauline Verner a reçu une première menace de mort précisant « *BE WARNED! If you degenerate vermin dare to pollute PL this coming Saturday, you will be MASSACRED!* », puis à 125 reprises, dans la nuit du 31 mai au 1er Juin 2018 les menaces suivantes : « *The French whore who had verbal diarrhea at yesterday's press conference, will be MUTILATED & KILLED.* » Et « *.....just in case there's any misunderstanding, these are NOT idle threats to frighten you! The foreign French whore who has verbal diarrhea, WILL be MUTILATED & KILLED.* ».

Après l'évènement du samedi 2 juin, d'autres menaces ont été reçues : « *Today was a minute example of our resolve. The filthy French whore is marked for death. WE KNOW YOUR ADDRESS.....just in case there's any misunderstanding, these are NOT idle threats to frighten you! The foreign French whore who has verbal diarrhea, WILL be MUTILATED & KILLED.* ». Le 5 juin, un email de menace adressé au Collectif Arc-En-Ciel, au Premier Ministre, à l'Attorney General et à des journalistes, précisait : « *How imbecilic is the government of Mauritius, in that they are allowing a FOREIGN French nobody to incite religious hatred in Mauritius? This pathetic 'garbage on 2 legs' claims that she has informed the EU and various embassies that Mauritius is allowing 'terrorists' to run riot. Why hasn't Mauritius deported verner? Her pithy lies about receiving death threats are simply pathetic. IF YOUR LIFE IS IN DANGER IN MAURITIUS, THEN GET OUT AND CRAWL BACK TO THE 'SAFETY OF FRANCE!'It seems that 'piti' has lost all control and his vegified 'papa' is living in cloud cuckoo land! The recent pathetic 50th anniversary of so called independence has been exposed. Mauritius is and shall always be insignificant. To the filthy fanatics, their pagan and apostate supporters. ISLAM stands for:*

*- SUBMISSION to ALLAH SWT alone and not our base desires.*

*Those who believe and those who do not will NEVER be equal!*

*There are no 'human rights', just SHARIAH RIGHTS, as defined by the sacred revelation Al Qur'an & Pure Sunnah of our Blessed Messenger Rasulullah SAAW . '*

*'There will NEVER be 'gay rights'.....just perpetual perverted WRONGS!*

*The ONLY honour is to believe, worship and OBEY YOUR CREATOR, ALLAH SWT, alone.*

*Muslims solemnly swear a sacred oath, that even if the whole of mankind was to support degenerate filthy vermin like you, we would utterly oppose you all.*

*As you are lost fanatics to your diseased whims and desires, you cannot, nor possibly will never comprehend this, due to yours hearts being sealed and you minds being so thoroughly debauched.*

*I am obliged as a Muslim to say to you and your ilk: 'Aslim Taslam'*

*....i.e submit to YOUR creator, ALLAH SWT alone. Repent for your blasphemy and betrayal of your birth right which is to worship ALLAH SWT alone and not the devil.*

*We relish any attempt by you in attempting to distort Islam by associating it with your degenerate and bankrupt lifestyle. There will NEVER be "discussion", nor "understanding" between us.*

*We inform you that last Saturday corresponded to 17th Ramadhan, 'Al Badr', a day that all Muslims remember as a battle when 313 of our glorious ancestors stood against the bankruptcy of disbelief for the supremacy of Islam. Because of our blessed forefathers, we are Muslims today and say: 'Alhamdulillah' (All Praise be to Allah SWT alone).*

*Al Badr, last Saturday and like many days, months and years to come, signifies that truly the only place between kufr (disbelief, i.e yourselves) and Islam, will be a battle to the DEATH.*

*We will NEVER accept coexistence with your perversity and disbelief.*

*Mauritius WILL endure pain and suffering in the coming days. “*

Le 8 juin 2018, des emails de menaces ont été envoyés au cabinet d'avocats de Me. Bibi, et les 9 et 11 juin 2018, des emails adressés au Collectif Arc-En-Ciel précisait le massacre d'Orlando du 12 juin 2016, et demandaient «*I wonder how many of you vermin we will eradicate in Mauritius? ».*

Chacune des menaces reçues ont fait l'objet d'un dépôt de plainte de Madame Pauline Verner accompagnée de Me. Bibi.

### **Enquêtes :**

Pauline Verner a été contactée le 7 juin 2018 pour faire sa déposition dans le cadre de l'enquête menée par le Criminal Investigation Unit de Port-Louis Sud concernant le rassemblement illégal sur la Place d'Armes.

Pauline Verner a fourni au CyberCrime Unit, les 1<sup>er</sup>, 4 et 11 juin, l'ensemble des emails de menaces reçus.

Les deux enquêtes sont actuellement en cours.

### **Publication Facebook irrespectueuse :**

La Police a informé le Collectif Arc-En-Ciel, le 29 mai 2018, qu'une publication sur Facebook commençait à créer un scandale parmi la communauté musulmane. La Police était déjà informée que cette publication ne provenait pas du CAEC. De nombreuses accusations ont été portées sur les réseaux sociaux à l'encontre du CAEC et de ses membres. De nombreux propos haineux et homophobes ont été recensés suite à ces accusations. Lors de la conférence de presse tenue par le CAEC le 31 mai, Pauline Verner a

précisé que l'association se dissociait pleinement de cette publication, et qu'elle condamnait toute publication irrespectueuse ou blasphématoire. Pauline Verner a réitéré cela à plusieurs reprises lors de ses prestations médiatiques.

A ce jour, les membres de la communauté LGBT+, Pauline Verner, porte-parole du Collectif Arc-En-Ciel, les avocats de l'association (dont Me. Jean-Claude Bibi) et les journalistes ayant couvert les événements continuent de recevoir des menaces de mort.

Les membres de la communauté LGBT+ et Pauline Verner sont quotidiennement victimes d'insultes et de propos haineux sur Facebook, ou sous les articles de presse publiés en ligne.

A ce jour, le pouvoir exécutif du gouvernement mauricien n'a pas encore pris position.

Le Collectif Arc-En-Ciel.