

Truth and Justice Commission and Reparations: Mauritius' Unfinished Journey Towards Restorative Justice

THE UNESCO established August 23 as the International Day for the Remembrance of the Slave Trade and its abolition honouring the men and women in Saint-Domingue, Haiti, who rose up against slavery and the cruelty it imposed. They paved the way for the abolition of the trans-Atlantic slave trade. In the words of Audrey Azoulay, UNESCO Director General, it was a day "to remember the victims and freedom fighters of the past so that they may inspire future generations to build just societies".

The Caribbean Community established the CARICOM Reparations Commission (CRC) with a view to seeking reparatory justice for the people of indigenous and African origins whose ancestors were victims of crimes against humanity, particularly the slave trade. The CRC believes that colonisation has been a massive source of crimes against humanity and there should be reparations for the wrongs which have been done. They chose October 12 to commemorate the International Day for Reparations, adopting a comprehensive 10-point reparations programme, including official apologies, debt cancellation and technology transfer from former colonial powers.

Why Does this Matter to Mauritius?

Mauritius, like its Caribbean counterparts, bears the deep scars of slavery and indentured labour. Between 1715 and 1835, over 63,821 enslaved people, primarily from Madagascar and East Africa, laboured on sugar plantations in brutal conditions. Following the abolition of slavery in 1835, colonial authorities are believed to have imported over 450,000 indentured labourers, mainly from India, perpetuating the exploitative labour systems.¹ This history created lasting inequalities that persist today.

Mauritius' Pioneering Truth and Justice Commission

In response to these enduring inequalities particularly highlighted during the 1999 social unrest, Mauritius established the Truth and Justice Commission (TJC) in 2009 under the Truth and Justice Commission Act 2008. This commission was unprecedented globally – the world's first truth commission specifically dedicated to investigating the legacy of slavery and indentured labour.

Unlike traditional truth commissions that examine recent political violence over short timeframes, the Mauritius TJC possessed a unique mandate covering 373 years of history (1638-2011). Chaired by Ales Bonine, former deputy chair of South Africa's Truth and Reconciliation Commission, alongside four Mauritian commissioners, the TJC was tasked with investigating the consequences of slavery and indenture, determining appropriate reparative measures for descendants and examining land dispossession claims.

After two years of investigations, the Commission published a comprehensive six-volume report in 2011 (out of which only four volumes were made public), containing 290 specific recommendations across multiple areas including official apologies, land restitution, financial compensation, educational reform and anti-discrimination measures.



by Sateyajit BOOLELL, SC

The Hard Truths Revealed

The TJC report exposed uncomfortable realities about the Mauritian society that many preferred to ignore. It concluded that beneath the 'rainbow nation' facade, Mauritius remains a deeply stratified society where racial hierarchy persists. The Commission documented how colonial exploitation created enduring patterns of exclusion, with descendants of slaves systematically marginalised in employment, education and political representation.

Regarding land rights, the Commission identified 224 cases of dispossession, with 42 presenting sufficient evidence for restitution claims. These findings revealed how colonial land policies systematically excluded slave descendants from property ownership, concentrating wealth among descendants of colonisers and creating contemporary inequalities in asset accumulation.

The Need for reparation

In light of the gross violations of human rights perpetrated on slaves, Mauritius has a duty to make amends and provide reparation, in line with international law.² Reparation is not about digging graves and reviving the dead or asking for forgiveness. Reparation involves a real commitment to addressing the deep structural inequalities and social exclusion which persist as direct legacies of slavery and colonialism,³ disproportionately affecting the descendants of the slaves, the Creole population. The TJC is a critical starting point because it established the factual record, officially acknowledged historical injustices and provided the foundation for future reparative policies – even if those policies have not yet been fully implemented.

International Context and Support

Mauritius' experience occurs within a broader global movement for slavery reparations. The African Union's theme of the year 2025 is "Justice for Africans and people of African descent through reparations" following the Accra Proclamation on Reparations in 2023, where the African Union committed to advancing the cause of reparatory justice and healing for Africans and for all people of African descent by taking action on social, cultural, political and economic areas.⁴ CARICOM's advocacy towards former colonial powers provides models for international cooperation that Mauritius could adapt. The Caribbean experience is particularly relevant given similar co-

lonial histories and contemporary challenges. However, unlike CARICOM's focus on external claims against former colonial powers, Mauritius must primarily address internal reparations to its own citizens.

The Path Forward

Implementing TJC recommendations requires sustained political will that has been conspicuously absent. An inter-ministerial committee was established to review the implementation of the recommendations⁵ but it is not clear what the outcome was. The truth is that political parties show little interest in championing measures that might challenge existing power structures.

Success requires comprehensive legislative reform, including a dedicated Reparations Act establishing binding implementation mechanisms, constitutional amendments recognising reparative rights, and independent institutions with enforcement powers. International support through African Union technical assistance and United Nations oversight could provide additional momentum.

Most importantly, affected communities must have central roles in designing and implementing reparative programmes which would meet their needs rather than remaining passive recipients of elite-designed policies.

Conclusion

Fifty-nine years after independence, Mauritius continues to grapple with its colonial past that divides rather than unites its people. The TJC provided a roadmap for transformation but its implementation requires the courage to confront uncomfortable truths about power, privilege and historical responsibility.

Reparations are not about dwelling in the past but about building an inclusive future where all Mauritians can thrive regardless of their ancestral origins. The question remains whether contemporary Mauritius possesses the political will to fulfill the promises made to those whose ancestors built the nation's prosperity but were denied its benefits.

The time for half-measures and symbolic gestures has passed. True reparative justice demands comprehensive action that addresses both historical wrongs and contemporary inequalities. Only then can Mauritius genuinely claim to be the rainbow nation it aspires to be.

1. <https://caricomreparations.org>
2. *Truth and Justice Commission report, Volume I, page 61*
3. *Truth and Justice Commission report, Volume I, page 154*
4. *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, para. 29* <https://docs.un.org/en/174321>
5. *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, para. 7-9* <https://docs.un.org/en/174321>
6. <https://au.int/en/decisions/acpra-proclamation-reparations>
7. <https://www.ohchr.org/sites/default/files/Documents/Issues/Truth/CallLegacyColonialism/CSO/International-Observatory-Human-Rights.pdf>



POINT OF VIEW

The Right to Say 'I Do'



by Touria PRAYAG

THEY share a home, split bills, plan holidays and care for each other in sickness and in health. They are a couple in every sense of the word. They love, trust and are committed to each other. Yet, from the comfort of our lounges, we sit and debate their life as if it were an abstract idea, arrogantly deciding for them whether they should be entitled to seal their partnership with marriage or remain legal strangers.

This is the reality for countless same-sex couples in, thankfully, fewer and fewer countries. Their love and commitment may not be different but when it comes to recognition under the law, their relationship is treated as something society feels allowed to question. The debate is not about abstract principles. It is about real people whose lives are being diminished by a refusal to grant them the recognition and dignity that everyone else has.

We often turn to the shield of tradition to justify our prejudice, as though tradition were an unbreakable law written into the fabric of humanity. It isn't. Tradition has always shifted with time, culture and the growth of human conscience. Not so long ago, it was considered "tradition" to deny women the right to vote, to prevent them from owning property and to keep them out of universities and workplaces. Equally, interracial marriages were forbidden, treated as unnatural or even dangerous to the social order. For centuries, slavery was also defended as part of the 'natural order'. Today, those practices are considered human rights violations.

Others invoke religion. Faith is deeply personal and deserves respect, but it cannot dictate civil law in a democracy. No one is asking religious institutions to perform ceremonies against their beliefs. What same-sex couples are seeking is civil recognition, a secular marriage contract that confers legal rights and protections. That is all.

The most insidious argument, however, is the claim that same-sex marriage threatens the family. What could possibly threaten the family more than instability, exclusion and inequality? Two people committing to love, care and responsibility can only strengthen the very foundation of society. Studies from countries where marriage equality is law show no collapse of family life, no erosion of values but rather greater inclusion and security.

The debate about same-sex marriage, at its core, is about one important thing: dignity. To deny that to same-sex couples is to say their love is somehow second-class. It is against human rights.

Religion and true tradition are not about clinging to old exclusions but about carrying forward the values that enoble us: love, loyalty, dignity and justice. Denying marriage to same-sex couples betrays those very values. It traps us in the past, when the arc of history calls us towards greater equality. We will one day look back on these debates with disbelief, wondering how we ever justified treating love between any two people as something that needed our approval.

At the end of the day, the question before us is about one single issue: whether we uphold the principles of equality, dignity and fairness for all that we claim to value. If we do, then everyone should have the right to say 'I do'!

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Le mariage homosexuel expliqué aux enfants



• **Preeti** : Maman, l'autre jour j'ai vu Monsieur Julien et Monsieur Karim se tenir la main et rire ensemble. Et puis j'ai entendu quelqu'un dire qu'ils ne pouvaient pas se marier... pourquoi ?

• **Maman** : Ah, ma chérie... certaines personnes pensent encore que le mariage ne doit être qu'entre un homme et une femme. Mais ce n'est pas vrai aujourd'hui. L'amour, Preeti, ce n'est pas une question de garçon ou de fille. Ce qui compte, c'est que deux personnes s'aiment, se respectent et veulent partager leur vie.

• **Tom** : Donc, ils font la même chose que nous, papa et maman ?

• **Maman** : Oui, Tom. Pensez à tout ce que nous faisons ensemble : cuisiner le soir, fêter les anniversaires, partir en vacances, se soulever quand on est malade ou triste. Tous les couples partagent ces moments. Monsieur Julien et Monsieur Karim vivent exactement la même chose, même s'ils sont deux hommes.

• **Preeti** : Et s'ils veulent avoir des enfants ?

• **Maman** : Ils peuvent adopter ou avoir des enfants biologiques. Ce qui compte, c'est que l'enfant soit entouré d'amour et de soins, pas le genre de ses parents. L'amour et la sécurité d'une famille ne dépendent pas de qui sont les parents, mais de l'attention et du respect qu'ils donnent.

• **Tom** : Mais maman, pourquoi certaines personnes sont encore contre ?

• **Maman** : Parce que certains ont grandi avec des idées anciennes. Ils pensent que l'amour entre deux hommes ou deux femmes n'est pas "normal", simplement parce qu'elles ne l'ont pas vu autour d'elles. Mais beaucoup de gens apprennent à comprendre que l'amour n'a pas de limite et que tous les

couples méritent le respect et le droit de se marier.

• **Preeti** : Alors, le mariage pour eux, c'est juste pour montrer qu'on reconnaît leur amour ?

• **Maman** : Exactement, ma chérie. Le mariage donne des droits et de la protection, mais il montre aussi quelque chose d'important : que leur amour est digne de respect. C'est une façon pour la société de dire : "Infer amour compte, et vous avez le droit de le célébrer."

• **Tom** : Comme papa et maman, donc ?

• **Maman** : Oui, Tom. Tout couple qui s'aime et qui veut passer sa vie ensemble mérite d'être reconnu de la même façon. Peu importe qu'ils soient deux hommes, deux femmes ou un homme et une femme.

• **Preeti** : Moi, je trouve ça juste. Si on aime quelqu'un et qu'on veut rester avec lui pour toujours, on devrait pouvoir le dire et le montrer à tout le monde.

• **Maman** : C'est exactement ça, Preeti. L'amour est la même chose pour tous, et chacun mérite d'être heureux et respecté pour ce qu'il est et pour qui il aime.

• **Tom** : Je comprends mieux maintenant. Et ça veut dire que même si certaines personnes ne sont pas d'accord, la loi et la société peuvent protéger leur amour.

• **Maman** : Oui, Tom. Et c'est ça l'important : que tout le monde puisse vivre son amour avec dignité et liberté.

Par T.P.

REGARDS CROISÉS SUR LES DROITS HUMAINS DES PERSONNES LGBT DÉTENUES À MAURICE

LES personnes LGBT détenues à Maurice vivent souvent une réalité encore plus dure que les autres membres de la communauté LGBT. Dans le cadre de nos visites régulières dans les prisons mauriciennes, nous avons rencontré des détenu(e)s LGBT qui témoignent de leur isolement, du rejet, du manque d'écoute et parfois de l'insécurité permanente. Être différent en détention, c'est souvent être exposé, stigmatisé, mis à l'écart – voire puni en silence.

Un détenu homosexuel m'a déjà confié : *"En prison, j'ai peur à chaque instant : montrer qui je suis, c'est m'exposer à des coups, à des humiliations... La peur de la dévotion est constante".* Le rapport du Rapporteur spécial des Nations Unies sur la torture met en lumière que les membres des minorités sexuelles en détention sont souvent victimes de violence physique, psychologique, harcèlement verbal et humiliations de la part des autres détenus mais aussi parfois du personnel pénitentiaire. Certains sont placés en isolement dit "protecteur", mais les conditions y sont parfois encore plus rudes. Le droit à la dignité, à la santé mentale, au respect : ces droits fondamentaux sont souvent bafoués au nom d'une supposée sécurité.

Pourtant, Les Règles Mandela adoptées par les Nations Unies sont les détenus, sans discrimination, doivent être traités avec respect, dignité et dans le respect de leur identité. Maurice, en tant qu'État membre des Nations Unies, a le devoir moral et juridique de garantir ces droits, même – et surtout – en prison.

Au sein de la Human Rights Commission, nous poursuivons nos efforts pour que les personnes LGBT détenues ne soient pas oubliées. Cela passe par des recommandations claires aux autorités pénitentiaires, mais aussi par une volonté d'éducation de la population mauricienne. Nos visites dans les établissements pénitentiaires soulignent l'importance d'adopter une approche systémique : il ne suffit pas d'intervenir ponctuellement, il faut intégrer la question LGBT dans les politiques générales de gestion des prisons, dans la formation continue des officiers et dans les mécanismes de prévention de la torture et des mauvais traitements.

Le changement de regard est une nécessité : ce n'est pas l'orientation sexuelle ou l'identité de genre qui définit la valeur d'un individu, mais notre capacité collective à reconnaître et protéger sa dignité.

Je reste convaincu que l'humanité ne se divise pas. Être LGBT ne devrait jamais être un facteur de souffrance, encore moins en détention. Nous avons tous, en tant que citoyens, professionnels, institutions, le devoir de reconnaître la douleur de l'autre et d'y répondre par la justice, la solidarité et le respect.

Les murs des prisons ne doivent pas cacher les injustices. Ils doivent au contraire nous rappeler que la grandeur d'une société se mesure non seulement en se conformant aux standards internationaux mais surtout à la manière dont elle traite ses plus vulnérables.

Vijay RAMANUJOOLOO

