

Edition

04

# NEWSLETTER

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### The Chairman's Message

### More than a picture

Human Dignity is the Right to One's Image

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# THE CHAIRMAN'S MESSAGE

## More Than a Picture: Human Dignity in the Right to One's Image

By Satyajit Boolell SC, Chairperson NHRC

Click, click, click!

In today's digital age, taking a photograph requires no more than a tap of the screen. Almost all of us have become amateur photographers and videographers. But the lens does not distinguish between the moments we treasure and those we would rather let fade.

Digital technology has preserved weddings and birthdays as readily as arrests, injuries, humiliations and pain. Digital media does not let us forget.

At the heart of the photographs and videos is the human image – and, with it, the question of how society treats human dignity in an age of instant visibility.

### The Legal Foundations: Privacy, Image and Dignity

In Mauritius, the right to privacy is situated as one of the counterparts<sup>1</sup> to the right of freedom of expression (section 12 of the Constitution) and also within the right to the privacy of one's home and other property (section 9 of the Constitution). The right to privacy does not operate as positive right but through the limitation imposed on the right to freedom of expression "for the purpose of protecting the reputations, rights, and freedoms of other persons or the private life of persons concerned in legal proceedings" provided the limitations are "reasonably justifiable in a democratic society."<sup>2</sup>

International human rights law has gone further. The European Court of Human Rights (ECtHR) has repeatedly held that a person's image is more than mere visual representation. It constitutes "one of the chief attributes

of his or her personality, as it reveals the person's unique characteristics and distinguishes the person from his or her peers."<sup>3</sup> The ECtHR has recognised that the right to control the protection of one's image is one of the essential components of personal development and the concept of private life extended to one's name, photo and moral and physical integrity.<sup>4</sup>

The ECtHR has been very clear that the release to the media of photographs of a detainee, taken in the course of police enquiry, breached Article 8 of the European Convention on Human Rights, the right to respect for private and family life. In *Sciacca v Italy*, the Revenue Police of Italy<sup>5</sup> had released, to the press, identity photographs of suspects involved in a fraud and tax evasion scandal, taken in the course of enquiry. The photographs were

published four times over 2 days. The ECtHR held that there has been a breach of Article 8 on the ground that a person's private life included their right to their image and that there was no law regarding the release of detainees' photographs to the press in Italian law.

In *Toma v Roumanie*,<sup>6</sup> the suspect has been arrested in an alleged drug offence. Journalists from a local channel, called by the police, took his photographs showing visible signs of violence and police brutality. The ECtHR held that Article 8 had been breached and such an interference could not be justified for any legitimate purpose inasmuch as the suspect has not escaped police custody, was in police detention and there was no main case against him yet. The publication of those photographs did not serve any public interest, for example, in



**Satyajit Boolell SC**  
Chairperson NHRC

ensuring the suspect's court attendance or prevention of similar offences.

Although framed in terms of privacy and Article 8 seems to have been interpreted broadly<sup>7</sup>, the ECtHR's pronouncements fundamentally rest on a deeper moral reasoning – the need to protect human dignity. Human dignity forms the philosophical and legal foundation<sup>8</sup> of the Universal Declaration of Human Rights, the founding document of the modern human rights. There is no easy definition of human dignity but we all know, intuitively, when there has been a violation of human dignity, even if we cannot exactly define it.<sup>9</sup> Spijkers defined human dignity as the “state or quality of being worthy of honour or respect by virtue of being

human”<sup>10</sup>. This definition is simple yet profound: dignity is not earned nor can it be lost. It is simply inherent.

And because it is inherent, it persists even:

1. when a person is in handcuffs,
2. when they are under investigation,
3. when they are at their lowest,
4. or when they are no longer alive to defend themselves.

Have we, in recent times, forgotten that a suspect is also a human and not an object and that irrespective of his reprehensible acts, we should respect his inherent human dignity?

## A local example

Last year, a picture of a young adult, clearly in a helpless and distressed position, was largely circulated by the press and online media because he allegedly had in his possession a firearm and attempted to enter the VIP area of the airport. Whatever the truth of the allegations, the publication raises serious questions:

1. Was it taken at the airport police station? If so, by whom and why?
2. If the photograph was taken at the airport police station, who authorised (or leaked) its circulation and what was the purpose behind sharing such a picture?

Such publication, portraying the distress and helplessness of the human, seem to provide passing entertainment for a section of society but the lasting impact can be devastating. All too often, the emotional collateral damage is borne by the mothers and sisters in the family. If the Director of Public Prosecutions were one day to find no case against the young man, the image would still remain online – permanently accessible to future employers, friends, neighbours and strangers. Digital humiliation does not evaporate.

## The position of the National Human Rights Commission (NHRC)



Acknowledging the rights of detainees does not mean excusing wrongdoing. But no matter the allegations, neither the media nor society has any justification for violating a person's inherent dignity and impose lasting irreversible harm through their actions and publications.

The NHRC strongly condones the publication of photographs of detainees, particularly when they are merely on a provisional charge and are distressed and in a helpless state, unless the publication of that photograph serves a clear, lawful and justifiable public interest. Likewise, images of detainees in handcuffs – especially where cases may collapse or convictions may later be overturned on appeal – can inflict permanent and irreparable harm.

The NHRC further warns that the same principles apply to victims. Photographs of individuals at crime scenes, in hospitals, deceased, dismembered or during police interventions should not be published without family consent. Grief, trauma and loss are not public property.

## Our responsibility towards others

We now have the ability to record, publish and broadcast instantly, but we should do so responsibly and with compassion. Having some less “likes” or “reposts” would definitely affect our fragile egos but this restraint may save someone’s life from becoming a living hell.

A simple moral calculus must guide us:

- Does this image educate, inform, or serve a legitimate public interest?
- Or is it merely spectacle – a moment of suffering used for clicks, amusement or sensationalism?

If the answer is the latter, we risk reducing human beings to objects – stripping them of their dignity and turning the public into unwitting collaborators in humiliation.

## Conclusion

Human rights law is clear: a person’s image belongs to them and with it, the right to control the use of that image. The cases before the European Court of Human Rights have reinforced this principle and reaffirmed the fundamental value at the heart of modern human rights law – human dignity.

Discussions about crime, responsibility and public security are necessary in any democracy but we cannot reduce a human being to a mere object for spectacle in so doing.

Before posting a photograph and before pressing “share,” one question should guide us: “Are we treating the person in the image as a human being, or as a spectacle?”

A society that chooses the former is not only lawful – it is humane. A society that chooses the latter may gain momentary satisfaction, but loses something much more valuable: its commitment to treat every person with dignity.

## REFERENCES

<sup>1</sup> *Lala v Le Mauricien Ltd & ors* 2005 SCJ 42, page 10

<sup>2</sup> *Section 12(2)(b) of the Constitution*

<sup>3</sup> *Von Hannover v Germany (No.2)*, European Court of Human Rights, Grand Chamber, 07 Feb 2012, para. 96

<sup>4</sup> *Von Hannover v Germany (No.2)*, European Court of Human Rights, Grand Chamber, 07 Feb 2012, para. 95 – 96

<sup>5</sup> *Sciacca v Italy*, European Court of Human Rights, Grand Chamber, 11 Jan 2005, para. 29 – 30

<sup>6</sup> *Toma v Roumanie*, European Court of Human Rights, Grand Chamber, 24 Feb 2009, para. 90 – 92

<sup>7</sup> *Guide on Article 8 of the European Convention on Human Rights*, European Court of Human Rights, last updated 28 Feb 2025, para. 2

<sup>8</sup> *Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 293*

<sup>9</sup> *Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 300*

<sup>10</sup> *Spijkers, O, The United Nations and the Evolution of Global Values (Antwerpen: Intersentia, School of Human Rights Research Series, 2011) 296*

# EDITORIAL

## The Invisible Hands of Immigrant Workers

How a country treats its most vulnerable workers offers a quiet but telling insight into the strength of its democracy.

By Touria Prayag



**Touria Prayag**

Mauritius prides itself on being a model of social cohesion, respect for human dignity and the rule of law. Yet, behind this carefully nurtured image lies a quiet contradiction: thousands of immigrant workers sustain key sectors of the economy while remaining largely invisible in public debate, policy design and social protection.

Immigrant labour has become structural. From textile factories and construction sites to hotels, restaurants and domestic work, foreign workers, mostly from Bangladesh, India, Nepal, Madagascar and increasingly Africa, keep the wheels of the economy turning. Many Mauritians acknowledge this privately. Few are prepared to confront the implications publicly.

The reality is uncomfortable. Immigrant workers are often recruited under systems that prioritise speed and cost over dignity and transparency. Recruitment fees, debt bondage, contract substitution and misinformation remain recurring problems despite legal safeguards. For many workers, arrival in Mauritius marks not the end of vulnerability but the beginning of a new form of dependency, namely on employers, recruiters and intermediaries who control their housing, mobility and, in some cases, their identity documents.

Living conditions frequently reflect this imbalance of power. Overcrowded dormitories, restricted freedom of movement and isolation from the wider community are not exceptions; they are patterns. When abuses occur, workers are reluctant to complain, fearing retaliation, dismissal or deportation. Access to justice exists on paper but, in practice, it is filtered through language barriers, lack of legal assistance and a deep fear of authority.

On top of being a labour issue, this situation is also a human rights issue. A system that tolerates exploitation, even

indirectly, undermines the very values Mauritius claims to uphold internationally. It also distorts the labour market. When immigrant workers are underpaid or overcontrolled, local workers are weakened. Fair treatment of migrants is, therefore, a safeguard for everyone.

Admittedly, employers, too, operate under pressure. Many face tight margins, global competition and rigid procurement contracts. But economic difficulty cannot justify systemic neglect. Ethical recruitment, decent housing and respect for labour rights are not luxuries; they are legal and moral obligations. However, employers who cut corners are sadly helped by enforcement mechanisms that are too slow, too fragmented or too lenient and immigration status is often used as a weapon against workers seeking redress.

There is also a societal responsibility. Immigrant workers live among us, contribute to national growth and, in many cases, spend years in Mauritius without ever being truly seen. Excluding them from public conversations makes exploitation easier and solidarity harder.

Mauritius has a choice. It can continue to benefit quietly from immigrant labour while treating migrant rights as an afterthought. Or it can lead by aligning economic necessity with ethical clarity. This would require political courage, regulatory reform and a shift in public discourse, but it is entirely within reach.

How a country treats its most vulnerable workers offers a quiet but telling insight into the strength of its democracy. This is often more revealing than any slogan or international ranking. If Mauritius wishes to remain credible in its commitment to human rights, it must ensure that immigrant workers are fully recognised, not only for their economic contribution, but as people whose dignity and rights deserve equal respect.

# FREEDOM OF ASSEMBLY

## A Constitutional Right Anchored in Responsibility and Respect

By Satyajit Boolell, SC

Freedom of assembly and association is a cornerstone of democratic society. It enables individuals to come together to express shared views, celebrate collectively, advocate for causes, and participate in public life.<sup>1</sup>

### WHY THE RIGHT EXISTS: LESSONS FROM HISTORY

**Article 20 of the Universal Declaration of Human Rights (UDHR)** creates the right to freedom of peaceful assembly and association. It emerged from a historical context marked by repression, authoritarianism, and the criminalisation of collective expression. The framers of the UDHR understood that banning assemblies was a powerful tool used by oppressive regimes to silence dissent and fragment society.

However, it is equally important to remember that the UDHR speaks of “peaceful” assembly. The right was never intended to legitimise disorder, violence, or contempt for the rule of law. On the contrary, it was designed to protect collective expression rooted in human dignity, our shared humanity<sup>2</sup> restraint, and mutual respect.

### The constitutional right to Freedom of Assembly

In Mauritius, this freedom is protected under Section 13 of the Constitution, which guarantees every person the right to assemble freely and associate with others.

However, constitutional protection does not render this right absolute. Section 13 of the Constitution recognises permissible interferences to the freedom of assembly that are necessary in the interests of public safety, public order, public morality, public health, and the protection of the rights and freedoms of others – provided such restrictions are “reasonably justifiable in a democratic society”.



<sup>1</sup> Gino Romero, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/80/219) 22 Jul 2025, para. 6

<sup>2</sup> Gino Romero, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/80/219) 22 Jul 2025, para. 5

## The Palmar Beach Incident: Symptom, Not an Isolated Event

On 25 January 2026, police were called to Palmar beach following complaints of noise pollution. What should have been a routine intervention escalated into confrontation and acts of rebellion, culminating in the arrest of eight individuals. This incident is troubling not only because of the outcome, but because of what it reveals about a growing pattern of violent behaviour.

The question that must be asked is not simply whether the police response was warranted, but why lawful authority is increasingly met with hostility, even in situations involving minimal interference with personal freedom.

A family or group gathering at the beach is a legitimate exercise of the right to freedom of assembly. However, when enjoyment turns into excessive noise, disturbance, or defiance of lawful instructions, the right ceases to be exercised peacefully and begins to infringe upon the rights of others.

This is where the line is often misunderstood—or deliberately ignored



## Freedom of Assembly Is Not the Freedom to Dominate Public Space

Exercising a right does not mean asserting it at all costs, even when it overrides competing interests. In reality, constitutional rights are relational. One person's freedom ends where another person's rights begin. Rights come with responsibilities.

Public spaces such as beaches belong to everyone. The right to assemble does not include the right to impose excessive noise, intimidate others, damage the environment, or disregard public order. When individuals act as though their enjoyment takes precedence over communal harmony, they are not exercising freedom; they are appropriating public space at the expense of others. This shift – from peaceful shared use to perceived entitlement – lies at the heart of many public order conflicts.



## The Unwritten Assumption: Respect as the Foundation of Rights



Human rights instruments do not explicitly legislate for respect and courtesy because they presume them. Respect is the very foundation upon which all rights rest. Without it, rights become transactional claims rather than shared social guarantees. When respect erodes, the language of rights is easily distorted into a tool for confrontation rather than coexistence. The growing tendency to react aggressively to enforcement, to dismiss the impact of one's actions on others, or to treat legal limits as personal affronts reflects a deeper social malaise: a weakening of civic responsibility.

Leaders such as Mahatma Gandhi and Martin Luther King Jr. demonstrated that the moral strength of assembly lies not in volume, force, or defiance, but in discipline and non-violence. Their movements remind us that restraint is not weakness—it is the highest expression of democratic maturity.

## Environmental Pollution as a Human Rights Concern

The Palmar incident must also be viewed alongside other increasingly common behaviours when people assemble or associate:

- **Excessive and unregulated use of fireworks**, causing distress to animals, environmental harm, and suffering to vulnerable individuals;
- **Pollution of public spaces**, where waste is discarded with little concern for environmental sustainability or communal dignity.

When such conduct interferes with the peaceful enjoyment of public spaces, it does more than harm the environment. It directly affects the ability of others to enjoy their constitutional rights, including the rights to dignity, health, and peaceful enjoyment of shared spaces. The issue then ceases to be one of environmental pollution. It becomes a human rights concern, engaging the collective responsibility of individuals and the duty of public authorities to ensure that fundamental rights are respected, protected, and enjoyed by all.

## The role of the law and its limits



The law can regulate behaviour, but it cannot manufacture values. While Section 13 of the Constitution provides a legal framework for balancing rights and restrictions, no statute can substitute for civic consciousness. A society that relies solely on enforcement, rather than internalised respect for others, risks constant friction between citizens and authority.

This is why the phrase “reasonably justifiable in a democratic society” is so critical. Democracy is not measured only by the breadth of rights it proclaims, but by the manner in which those rights are exercised.

# THE MESSAGE OF THE NHRC

The National Human Rights Commission emphasises the following:

- **Rights are inseparable from responsibilities.**  
Freedom of assembly must always be exercised peacefully and within lawful limits.
- **Public order and safety are legitimate democratic interests,**  
not arbitrary constraints.
- **Respect for the rights and freedoms of others is not optional;**  
it is a constitutional and moral duty.

The NHRC therefore calls upon the population to reflect critically on how freedoms are exercised and to recommit to the values of respect, courtesy, and restraint. These values are not contrary to human rights—they are their very foundation.

A society that understands this balance strengthens democracy. A society that ignores it risks eroding the freedoms it seeks to defend.



# XÉNOPHOBIE ORDINAIRE

## Quand la peur de l'autre supplante la justice et l'humanité

By Vijay Ramanjooloo



**Vijay Ramanjooloo**

Le début de cette année a été marqué par l'horreur : le meurtre d'une jeune femme, dont le suspect principal est son compagnon, un ressortissant camerounais. Au-delà du drame humain. Au-delà de l'horreur du crime lui-même, un autre phénomène a retenu mon attention la réaction de certains internautes mauriciens sur les réseaux sociaux.

L'espace virtuel s'est transformé, en quelques heures, en un tribunal populaire sans juge ni défense. Avant même que les conclusions de l'enquête ne soient établies, avant que la justice ne fasse son travail, une déferlante de propos racistes et xénophobes a envahi les réseaux sociaux. Par un glissement dangereux, l'acte d'un seul individu a été projeté sur toute une nationalité, voire sur tout un continent.

Soyons clairs : cela ne signifie pas que tous les Mauriciens partagent ces idées et cèdent à ces pulsions. Heureusement, ce n'est pas le cas. Mais ces discours existent, ils circulent, et ils méritent que nous nous arrêtions pour y réfléchir collectivement. .

Un homicide révolte. Il est naturel que l'émotion soit vive. Mais l'émotion, aussi légitime soit-elle, ne doit jamais servir de justification à l'intolérance.

Dans ce climat de tension, la figure de « l'étranger » a été érigée en bouc émissaire idéal. En condamnant sur la base

de rumeurs ou de fragments d'informations déformés, beaucoup ont piétiné un principe démocratique fondamental : la présomption d'innocence et le temps de la justice. Il y aura une enquête policière, un procès, et seule la justice décidera de la culpabilité ou de l'innocence.

Cette précipitation à juger semble trahir une angoisse archaïque : la peur de l'autre, de celui dont la différence devient, aux yeux de certains, une menace intrinsèque.

Plus troublant encore, cette xénophobie a engendré une forme de "victim-blaming" (blâme de la victime) particulièrement insidieuse. Certains commentaires suggéraient que la victime était responsable de sa propre mort : elle serait coupable d'avoir aimé un Camerounais !

Ce discours est d'une violence absolue : il banalise non seulement le féminicide, mais il érige la nationalité en critère de moralité. C'est ici que la xénophobie s'exprime de la manière la plus brute, privant l'humain de sa singularité pour ne plus voir en lui qu'une étiquette.

Aujourd'hui nous vivons à Maurice dans un contexte où la présence de travailleurs étrangers est une réalité sociale incontournable. Ils construisent nos routes, travaillent dans nos usines, nos boulangeries, nos hôtels et nos maisons. Mais au-delà de leur force de travail, ce sont des êtres d'émotions et de sentiments. Il est donc naturel, et profondément humain, qu'ils tissent des liens affectifs et qu'ils construisent des relations amoureuses avec nos fils et nos filles. Reconnaître leur humanité, c'est accepter que l'amour ne connaît pas de frontières et que la rencontre des cœurs est le prolongement inévitable de la mixité de notre société.

Comme l'écrivait si justement Antoine de Saint-Exupéry :  
« Si tu diffères de moi, mon frère, loin de me léser, tu m'enrichis. »

N'oublions jamais que nous sommes tous, par l'histoire de notre peuplement et par nos origines lointaines, des fils et des filles de l'immigration. Scientifiquement, l'Afrique demeure le berceau de l'humanité ; s'attaquer à l'autre sur cette base, c'est finalement nier une part de soi-même.

Avant de juger, avant de condamner, prenons le temps de réfléchir à ce que nos paroles disent de nous-mêmes. La justice doit rester du ressort de la justice. L'humanité, elle, est l'affaire de chacun.



**Deepti Thakoor**  
Barrister-at-law

## ANU KOZ LALWA

### Freedom to Travel: When a Preventive Measure Becomes a Punishment

By Deepti Thakoor

Freedom of movement is one of the most tangible expressions of human dignity. It is the ability to leave one's country to work, to study, to seek medical care, to attend a funeral, to do a pilgrimage, to support a family member, or simply to live in an increasingly interconnected world. In Mauritius, this freedom is protected by section 15 of the Constitution.

Yet, for many individuals who have been somehow involved with the criminal justice system, this right is quietly and routinely taken away.

#### The constitutional framework

Section 15 of the Constitution protects the right to freedom of movement, including the right to leave Mauritius. Under section 15(3)(c) of the Constitution, this right may be restricted where a person has been found guilty of a criminal offence or is suspected of having committed an offence for the purpose of ensuring that the person appears before a court.

The Constitution therefore allows restrictions only for a specific and limited purpose – to prevent absconding – and not as a form of punishment or administrative convenience.

#### Section 14(1) of the Bail Act

Section 14(1) of the Bail Act provides that:

“A Court may, upon application made by the Commissioner of Police and being satisfied that an order should be made preventing a defendant or detainee from leaving Mauritius, make an order to that effect.”

The language of the statute is clear and deliberate. A court may impose a prohibition order—it is not mandatory. The law confers a discretion, which must be exercised judicially, on the basis of evidence and reasoned assessment.

#### The law on prohibition orders

In practice, a provisional charge is lodged against a person who is suspected of having committed an offence and a prohibition order, under section 14 of the Bail Act, is lodged, simultaneously, against the person, before a District Court. If a main case is being lodged against a person, it may be before the District, Intermediate or Supreme Court.

Sometimes, the suspect understands that he would not be able to travel without the Court's permission but most of the time, he may miss that that important information.

Yet, in practice, prohibition orders are frequently imposed without an individualised evaluation of:

- the seriousness (or lack of seriousness) of the alleged offence;
- the nature and strength of the evidence; the personal circumstances of the accused; or
- whether there is a real and substantiated risk of absconding.

## The required balancing exercise

Mauritian jurisprudence has long recognised that restricting freedom of movement requires a balancing exercise, as held in *Peerthum v District Magistrate of Rivière du Rempart* 2009 SCJ 283. This balancing exercise is not a technical formality. It is the point at which the law meets human reality. It is an essential safeguard against arbitrariness. The court must weigh the interests of justice against the very real prejudice suffered by the individual whose freedom is restricted.

The mere fact that a person is being prosecuted (through a main case) or provisionally charged – even with a serious offence – does not automatically establish a risk of absconding.

In many cases, applications for prohibition orders rely on vague assertions of “strong apprehensions” of the risk of absconding without explaining:

- the nature of the evidence substantiating the alleged “strong apprehensions”
- why the suspect is likely to evade justice, or
- why less restrictive measures would be insufficient.

By contrast, the following factors may weaken the justification for imposing a prohibition order:

- Where an alleged offence is reported months after its occurrence, and where the suspect had ample opportunity to abscond but did not do so;
- A suspect who has strong family, social and business ties in Mauritius
- suspect who owns property in the country; and
- Where there is no indication of when (or whether) a formal charge will be lodged.

## Disproportionate and prejudicial consequences

A prohibition order may appear, on paper, to be a procedural safeguard. In reality, it can upend a person’s life. Restrictions on freedom to travel are not abstract or minimal. They have concrete, intrusive and stigmatising consequences. The restriction affects reputation, livelihood, family life and mental wellbeing. It imposes a continuing burden and a sense of constant surveillance. It treats mobility as a privilege rather than a right.

A person subject to a prohibition order must:

- each time, seek prior permission from the court, to travel;
- provide a financial security which can be quite substantial;
- have a remark placed on their passport indicating for which countries the variation order is valid and for how long. This remark will stay in the passport until the passport is renewed;
- face questioning and scrutiny at border controls.

In effect, the person is treated as a criminal, even though the case has not been heard and no determination of guilt has been made. This undermines the presumption of innocence and causes excessive prejudice, often far outweighing the speculative risk the restriction is meant to address.

## A global reality courts must acknowledge

Mauritius operates in an increasingly globalised world. People travel for work, education, medical care, family responsibilities, and business continuity. The assumption that travel is exceptional or inherently suspicious is no longer tenable.

Courts must take into account the modern realities of mobility and ensure that restrictions on travel do not become silent punishments.

## The principle of proportionality

At the heart of this issue lies a simple but powerful principle: proportionality.

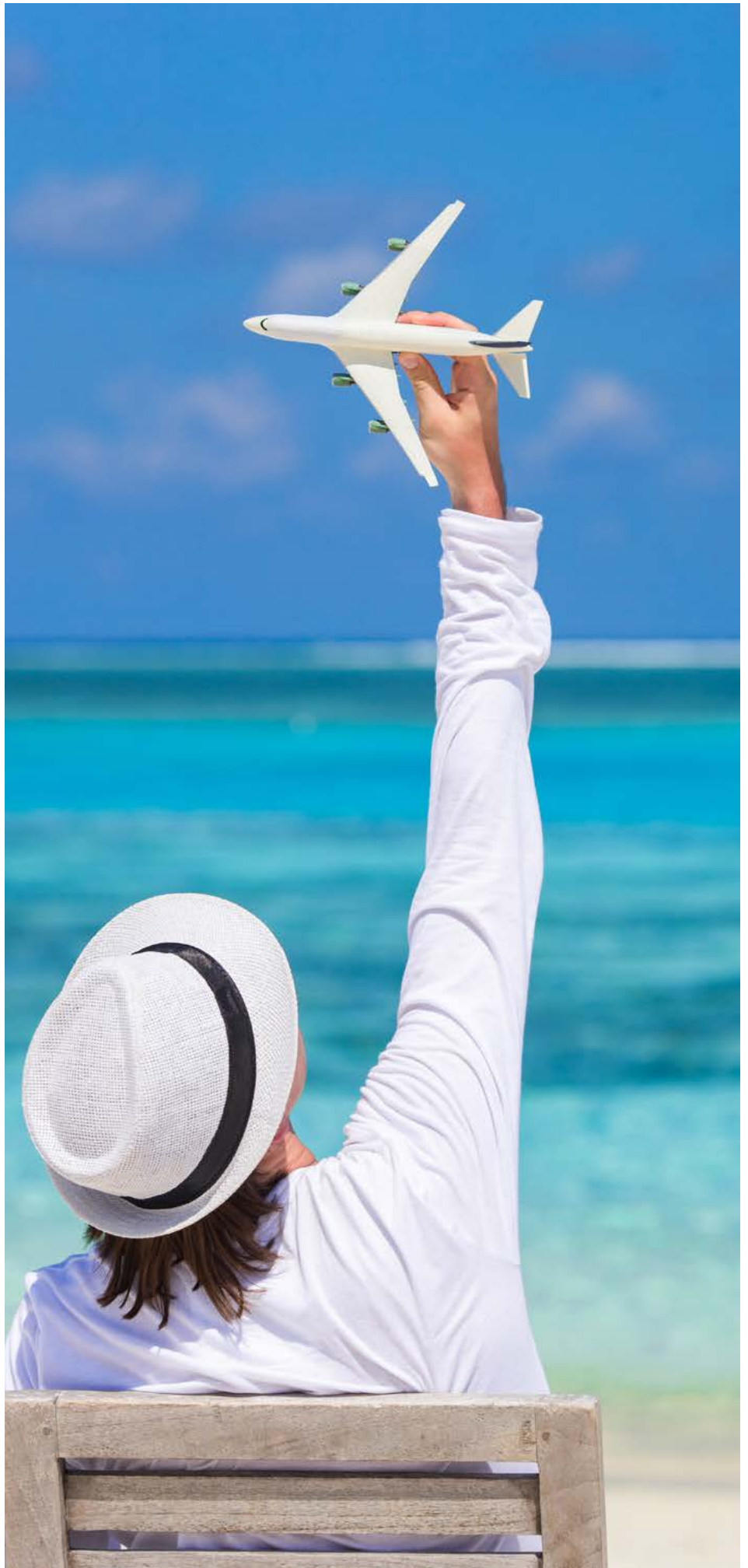
A restriction on a fundamental right must not be more severe than necessary to achieve its legitimate aim. Where the prosecution fails to demonstrate a real risk of absconding, a prohibition order becomes disproportionate – causing harm that is not justified by the objective it seeks to cure.

## Conclusion

Protecting the administration of justice and safeguarding fundamental rights are not competing objectives. They are complementary duties. A justice system that respects freedom of movement strengthens, rather than weakens, public confidence in the rule of law.

It would be high time that prohibition orders are not imposed as a matter of course but after a careful and genuine balancing exercise, grounded in evidence. It is time the Courts reclaimed their powers set out in section 14 of the Bail Act and gave full effect to the word “may”. Judicial discretion must be exercised with vigilance, not habit.

Freedom to travel should not be curtailed lightly. When it is restricted without necessity, the law ceases to protect and begins to harm. A justice system worthy of public trust is one that remembers that behind every case file is a human life whose dignity matters and who is presumed innocent until proved guilty.





Né en 1816, Rémy Ollier grandit dans une société coloniale profondément inégalitaire. Très tôt, il comprend que la dignité humaine ne peut dépendre ni de la couleur de peau, ni de l'origine sociale. Armé de sa plume et de ses idées, il choisit de lutter par les mots plutôt que par la violence, convaincu que la vérité et la justice finiraient par triompher.

Fondateur de La Sentinelle de Maurice en 1843, Rémy Ollier transforme la presse en un véritable outil d'émancipation. À travers ses écrits, il défend l'égalité civile, la liberté d'expression et les droits de la population de couleur. Il parle pour ceux que l'on refuse d'entendre. Il dérange, parce qu'il ose dire ce que beaucoup pensent tout bas.

Mais l'histoire nous enseigne que les pionniers paient souvent un lourd tribut. En janvier 1845, Rémy Ollier meurt dans des circonstances douteuses et à ce jour encore non élucidées. Sa mort fut un choc, mais elle ne réduisit pas son combat au silence. Au contraire, elle donna à ses idées une force nouvelle et durable.

Aujourd'hui, près de deux siècles plus tard, Rémy Ollier nous interpelle encore. Il nous rappelle que la démocratie n'est jamais acquise, que la liberté d'expression doit être protégée, et que la justice sociale exige courage, engagement et solidarité. Son héritage nous oblige à rester vigilants face à l'exclusion, aux discriminations et à l'indifférence comme inspiré par sa célèbre citation : "Personne ne saurait faire plier notre front brun que la liberté a peint des couleurs de son soleil. »

Rendre hommage à Rémy Ollier aujourd'hui, ce n'est pas seulement se souvenir du passé. C'est faire le choix de défendre les valeurs pour lesquelles il a donné sa vie : l'égalité, la dignité humaine et le respect de l'autre.

## EVENTS

### Hommage à Remy Ollier

Par Jean-Marie Richard

**Ebène 23 janvier 2026 : La National Human Rights Commission, NHRC a tenu cette année à saluer la mémoire de Remy Ollier à l'occasion du 181ème anniversaire de la mort du grand défenseur des droits civiques, politiques et humains durant la période coloniale de notre pays dans la première moitié du 19ème siècle**

C'est transmettre à nos jeunes le message qu'une seule voix, lorsqu'elle est juste et déterminée, peut changer le cours de l'histoire.

Pour rappel, il rédigea une pétition adressée à la Reine Victoria lui demandant expressément: « d'autoriser le gouvernement de Maurice à appeler un ou plusieurs hommes de couleur dans son Conseil. »

Que la mémoire de Rémy Ollier continue de nous inspirer, de nous unir et de guider notre marche vers une Île Maurice toujours plus juste, plus libre, et plus humaine, reconnaissant la dignité pour tous.



Buste de Remy Ollier  
au Jardin de la Compagnie, Port Louis

**La National Human Rights Commission entend ainsi mettre en lumière et valoriser les contributions des filles et fils du sol qui se sont illustres dans le combat contre l'injustice et pour la reconnaissance des droits au cours de notre histoire.**

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# EVENTS

## Commemoration of “Martin Luther King Day” at the University of Mauritius

by Jean Marie Richard

The official ceremony marking ‘Martin Luther King Day’ took place in a packed lecture theatre at the University of Mauritius on Wednesday, January 28, 2026. On this day, the National Human Rights Commission, NHRC, in collaboration with the Faculty of Social Sciences and Humanities of the University of Mauritius, organised a commemorative event to mark the day dedicated to the life, work and struggle of Dr Martin Luther King for the establishment of equal civil rights in the United States and against segregation in the southern states of the country.



*“Bann desandan esklav dan Moris inn sibir boukou diskriminasion, ostrasizasion, marzinalizasion dan diferan dimansion lavi sosiete, politik, ek lekonomi. Nou bizin rekonstrir nou memwar kolektif, pou dépas bann blesir pase à traver la vérité, reappropriasion, reafirmasion, rekonesans, respé.”*

The Vice President of the Republic, H.E. Robert Hungley:

The Vice President of the Republic H.E. Mr. Robert Hungley, G.O.S.K., guest of honour of this half-dayevent chose for the occasion to make his speech in Kreol Morisien. He had very strong words to draw a parallel, all things considered, with Rémy Ollier, whose death the country commemorated two days earlier in 1845, after a short life in the service of fundamental human rights in colonial Mauritius in the first half of the 19th century. Reframing the debate around Martin Luther King Day, the Vice President said: *“Pou bann Morisien desandan Afrikin, sa vedir revandik zot leritaz kreol avek pride. Sa vedir afirme ki bann desandan esklav på bann viktim eternel, kinn sibir soufrans ek mártir, me bann akter fier ek kreatif dan konstriksion enn nasion pliryel. Kouma Martin Luther King ti dir: “Nou pou sirmonte parski kourb liniver moral long, me li vers dan kote lazistis. Isi Moris, sa kourb-la pe apel nou pou rekonstrir nou memwar kolektif, pou depas bann blesir pase atraver laverite, reappropriasion, reafirmasiòn, rekonesans, respé.”*

*“Justice requires more than neutrality; it requires attention, reform, and sometimes courage to confront uncomfortable truths”.* The Attorney General, Gavin Glover, SC, also among the guests, said at the outset that the Rev. Martin Luther King: *“was, at heart, an advocate of conscience, someone who understood that law is not an abstract system of rules, but a moral instrument that either protects human dignity or corrodes it. His struggle was never against the idea of law; it was against laws devoid of justice, enforced without humanity, or designed to exclude.”* He also insisted that the law formally establishing rights does not mean much when the people subject to it are locked in the cycle of poverty

of discrimination, fear or institutional inertia.

*“Justice requires more than neutrality; it requires attention, reform, and sometimes courage to confront uncomfortable truths,”* he insisted before declaring that it was in this spirit that the government is engaged in the reforms of the justice system before recalling that “Dr. King also often spoke about responsibility, a word that often sits uneasily in modern discourse, but which he treated as central to freedom. »

This event brought together several institutions working in the wake of the historical reparation of slavery,

awareness, and its societal and historical consequences. This, a few days before the commemoration of the 191<sup>st</sup> anniversary of the abolition of slavery, on February 1, 2026, as well as many Civil Society organizations and NGOs: the Nelson Mandela Center Centre for African Culture, the Intercontinental Museum of Slavery Morne Heritage Trust, the Creole Speaking Union, PILS.

The Faculty of Social Sciences and Humanities of the University of Mauritius was the official partner of this event, while the Students’ Political Science Society, , was also involved in the organisation

## 'MO ENA ENN REV'

by students of the Creole Speaking Union

After the protocol part, students and teachers in Kreol Morisyen offered excerpts from Pastor King's famous speech at the Lincoln Memorial in Washington DC in Kreol Morisyen.

This was followed by a forum on the teachings and values of Pastor Martin Luther with Mr. José Moirt, a lawyer on reparative history from a nonviolent perspective, Pastor David White, a former member of the Council of Religions and educated in Atlanta, and Dr. Amar Mahadew of the Faculty of Law, who launched his book *Mauritius and African Human Rights*.

Several personalities from the diplomatic corps were also present at this event, the High Commissioner of South Africa, the Ambassador of Egypt, Junior Minister for Foreign Affairs, the American Chargé d'Affaires, the Chargé d'Affaires of Madagascar, the Director of the Equal Opportunities Commission, the Director of the Nelson Mandela Center for African Culture among others and several dozen students and teachers from the University of Mauritius. The event ended with a quote from Malcolm X, namely "YOU CAN'T BORROW YOUR FREEDOM FROM THE PERSON WHO PROFITS FROM YOUR CHAINS! FREEDOM IS TAKEN BY THOSE BOLD ENOUGH TO CLAIM IT"



## SNAPSHOTS OF THE DAY

Photos from left to right and top to bottom

Dr Verena Tandrayen Rughoobar, Dean of the Faculty of Social Sciences and Humanities Robert Hungley GOSK VP of the Republic Gavin Glover SC, Attorney General

Dr. Amar Mahadew handing over a copy of his book to Dr. Verena Tandrayen Rughoobar. Robert Hungley G.O.S.K during his speech in Kreol Morisyen.

A view of the audience. Presentation of the book by Dr. Amar Mahadew to Mr. Craig Halbmaier, U.S. Chargé d'Affaires and Prof. Rajen Narsinghen, Junior Minister of Foreign Affairs.

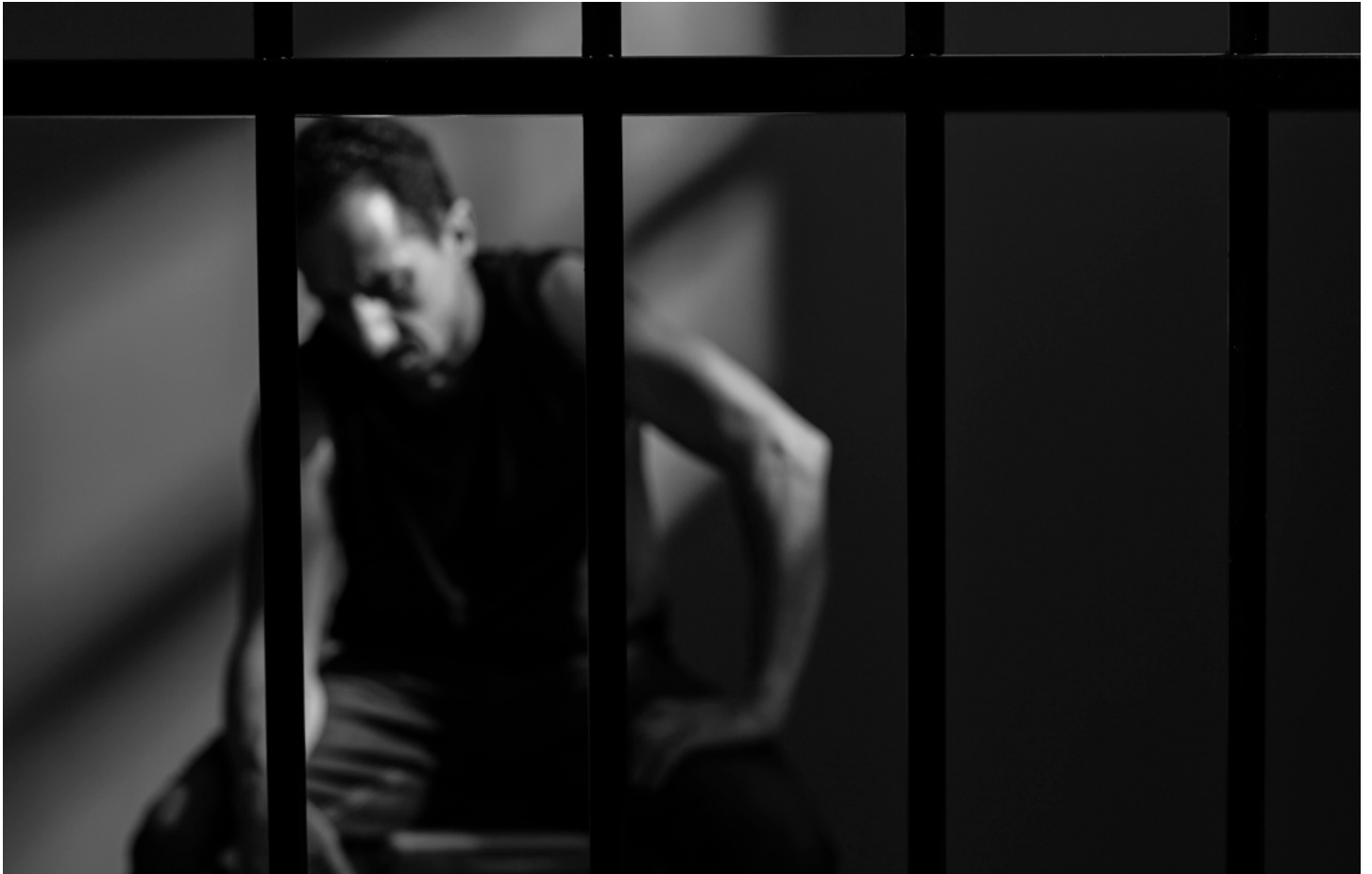
(photos credit Vikash Ramsamy)

*The National Human Rights Commission, in partnership with the Faculty of Social Studies and Humanities- University of Mauritius, The Intercontinental Slavery Museum, The Nelson Mandela Trust for African Culture, Le Morne Heritage Trust, Creole Speaking Union, Political Science Society.*

# TRIBUNE

## From Victim to Detainee: The Paradox of Human Trafficking in Mauritius

By Chevin Byragee



In the corridors of Mauritian guest houses and the bustling hubs of its labour sectors, a silent crime is festering. While the 2025 US Department of State Trafficking in Persons (TIP) report recognised Mauritius for making “significant efforts”, the reality on the ground is quite different; stalled investigations and judicial backlogs present a far grimmer picture. The legal system frequently confuses criminals and victims, often punishing the very people it is meant to protect.

### The Guest House Trap

The cycle of exploitation often begins with promises of employment, only to end in forced labour or prostitution. During police raids, victims are frequently arrested and charged with “prostitution”, a crime carrying in most cases a six-month prison sentence. However, this charge is often a symptom of trafficking.

Traffickers – often guest house owners – seize passports and use debt bondage to ensure compliance. When police arrive, the focus is typically on the act of prostitution rather than the underlying coercion. Consequently, the victim enters the legal system as a perpetrator, while the true architect of the crime remains free.

## Systemic Bottlenecks

Cases referred to the police's specialized TIP Unit often encounter a wall of administrative stagnation. Investigating trafficking requires hundreds of man-hours to untangle webs of international recruitment; yet, the unit is chronically understaffed. Furthermore, a lack of specialised training for first responders means officers often treat trafficked individuals as common criminals rather than victims of trauma.

## The Language Barrier and the "Remand Trap"

For foreign nationals from Thailand, Madagascar and South America, the Mauritian legal system is incomprehensible. An acute lack of qualified interpreters creates a "black hole" of communication, where the victim's true story is lost, making it impossible for the TIP Unit to build a credible case and leaving the victim feeling even more isolated and discarded by the state.

The most egregious failure, however, is the duration of remand. While a prostitution charge carries a six-month sentence, TIP investigations are so complex that victims often spend upwards of 2.5 years in jail waiting for trial. During this time, their passports inevitably expire. Instead of the state facilitating renewals, victims are then prosecuted for an "Illegal Stay". This constitutes a secondary victimisation by imposing further harm on individuals as a result of administrative delays beyond their control.

## The Challenges Faced by Traffic In-Person Officers during Investigations

Trafficking in persons (TIP) officers face numerous challenges that hinder effective prevention, investigation, and victim protection efforts. The international ramifications of trafficking cases further strain investigations, as they require cross-border coordination, legal cooperation, and information sharing that are often slow and complex. Additionally, limited manpower restricts officers' ability to respond promptly and conduct thorough investigations. The high cost of providing safe shelter and comprehensive care for TIP victims places a significant financial burden on the Police Force, frequently exceeding available resources. These challenges are compounded by insufficient support from information technology units, which affects data management, intelligence analysis, and case tracking. Finally, poor communication and coordination among key stakeholders such as law enforcement agencies, social services, NGOs, and judicial bodies create gaps in response efforts, ultimately weakening the overall effectiveness of anti-trafficking initiatives.

## A Call for Radical Reform in 2026


While Mauritius remains on "Tier 2" of the TIP report, the lack of convictions is a glaring issue. To break these invisible chains, the following measures would be imperative:

1. Administrative Amnesty: Passports and visas of victims must be automatically extended to prevent "illegal stay" charges.
2. Professional Interpretation: A dedicated fund for certified interpreters in languages like Thai and Malagasy.
3. Dedicated Funding: A ring-fenced budget for the TIP Unit and an increase in specialised personnel.
4. Universal Training: Victim versus accused identification training for all police officers.

Justice in Mauritius must mean more than just a closed file; it must mean the restoration of dignity for those who have had it stolen.



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