Submission to the Constitutional Review Commission
Rezistans ek Alternativ



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1. Foreword

1.1. The context surrounding the submission by Rezistans ek Alternativ

Rezistans ek Alternativ is making its submission to the Constitutional Review Commission in response to the Commission's invitation of the 26 August 2026. This submission is being done line with the electoral agreement "Accord électoral entre Rezistans ek Alternativ (ReA), Le Parti Travailliste (Ptr), Le Mouvement Militant Mauricien (MMM), Et les Nouveaux Démocrates (ND)" that was publicly signed on the 10th October 2024.

This signed agreement is the basis of the constitution for an alliance between the parties that now form the 'Alliance du Changement'. There are seventeen points that constitute this agreement, some of which directly involves constitutional amendments, namely:
i) Until the enactment of an electoral reform, there shall be an amendment to allow citizens of the Republic of Mauritius to stand candidate for General election without the mandatory obligation to classify themselves in any of the communal category;
ii) The introduction of the principle of the right to recall of Member of the National Assembly;
iii) The holding of regional elections to be guaranteed on the same principle as legislative elections;
iv) The necessity for the domestication of the International Covenant on Economic, Social and Cultural rights of the United Nations, that Mauritius ratified in 1976;
v) The introduction of the Rights of Nature;
vi) The inclusion of the values of the National anthem of the Republic of Mauritius, 'peace, justice and liberty';
vii) The insertion of the shared history of the Republic of Mauritius that is based on slavery and indentured servitude;
viii) The enforcement of existing constitutional rights for people living with disability;
ix) The introduction of digital rights;
x) The creation of a constitutional court to ensure timely judgement of constitutional violations.

1.2. The l'Alliance du Changement Contract

Those proposed amendments constitute a contract between L'Alliance du Changement and feature in its Manifesto, and in November 2024 a contract between the people of Mauritius who gave a clear mandate for those constitutional reforms. The setting of up of the present Constitutional Review Commission is part of the process to render effective the electoral mandate to the specific constitutional amendments approved by the electors of the Republic of Mauritius. Today the population of Mauritius has given a clear mandate to the government for

the enactment of those constitutional rights as a way to signify the break with the existing system, which is running out of steam and no longer fits the present times.

This submission is a step further in the concretisation of this mandate that the Constitutional Review Commission is now tasked to shape for the government to enact upon.

1.3. The legitimacy of the views of Rezistans ek Alternativ

The proposals are the product of popular movements in which Rezistans ek Alternativ has been part of and has contributed in formulating at this decisive moment of our Republic and for humanity. The unprecedented ecological and climate crisis, which small island States like Mauritius is facing, and calls upon a major shift in the way our society is being organised. Such challenges as examples, did not exist in the crafting of Mauritius constitution around its independence.

At the same time, the international order established after the Second World War is being reshaped, giving rise to social, political and economic crises across the world and the demand for the people for more participation in society.

For those non-exhaustive reasons, our young nation, which will mark sixty years of independence in 2028, needs more than ever to strengthen its constitutional shield, so that it can face the next fifty years with peace, justice , liberty and harmony.

1.4. Democracy, transparency and fairness

In accordance with the principles of democracy, transparency and fairness, Rezistans ek Alternativ calls upon the Constitutional Review Commission, in line with section 6 of the governing law of the Commission, to ensure the representation of parties that have submitted views for the present exercise be made public.

1.5. Structure of Submission

Rezistans ek Alternativ is making this submission in relation to the Constitutional Review Commission Act 2026, and its statutory **Section 4. Functions and powers of Commission**

2. Submission

2.1. Section 4.1.a - Strengthening the protection of fundamental rights, including the enshrinement of new generation rights relating to the environment, technology, health, education, and other economic, social and cultural rights recognised under international treaties;

2.1.1. Views

Mauritius ratified the International Covenant on Economic, Social and Cultural Rights on the 12th of December 1973 (accession)

2.1.2. Proposal

CHAPTER IIA — ECONOMIC, SOCIAL AND CULTURAL RIGHTS

3C. Right to Work and Free Choice of Employment
1. Every person has the right to work, including the right to the opportunity to gain his living by work which he freely chooses or accepts.

2. The State shall take appropriate steps to safeguard this right, including the implementation of technical and vocational guidance and training programmes, and economic policies directed to steady economic development.

3D. Just and Favourable Conditions of Work, Collective Bargaining, and the Right to Strike

1. Every worker has the right to just and favourable conditions of work, ensuring in particular—

(a) Remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind;

(b) Safe, healthy, and dignified working conditions;

(c) Equal opportunity for everyone to be promoted in employment to an appropriate higher level;

(d) Rest, leisure, reasonable limitation of working hours, and periodic holidays with pay, as well as remuneration for public holidays.

2. The Right to Collective Bargaining:

(a) Trade unions and employers or employers' organisations have the right to engage in collective bargaining regarding terms and conditions of employment, workplace democracy, and economic welfare.

(b) Any collective agreement legally entered into shall be binding on the parties thereto in accordance with Mauritian labour law.

(c) The State shall enact legislative and policy measures to promote voluntary collective bargaining and institutional mechanisms for dispute resolution.

3. The Right to Strike:

(a) Every worker has the right to strike in defense of their economic and social interests, including the right to organize and participate in peaceful industrial action, work stoppages, and picketing.

(b) The exercise of the right to strike may be subject to reasonable and justifiable limitations prescribed by law in a democratic society, strictly necessary for the maintenance of essential services whose interruption would endanger the life, personal safety, or health of the whole or part of the population.

(c) No worker shall suffer discrimination, dismissal, or disciplinary penalties solely on account of participating in a lawful strike or legitimate trade union activities.

3E. Right to Social Security and Social Insurance

1. Every person has the right to social security, including social insurance.

2. The State shall, within its maximum available resources, progressively realize the right of every citizen to protection against unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond their control.

3F. Protection of the Family, Mothers, Children and Elders

1. The family, as the natural and fundamental group unit of society, is entitled to widest possible protection and assistance by the State.

2. Special protection shall be accorded to mothers for a reasonable period before and after childbirth, including paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance shall be taken on behalf of all children and young persons, and elders without any discrimination for reasons of parentage or other conditions.

3G. Right to an Adequate Standard of Living
1. Every person has the right to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.

2. The State shall take appropriate steps to ensure the realization of this right, recognizing the fundamental right of everyone to be free from hunger and to have access to safe drinking water and sanitation.

3H. Right to Health

1. Every person has the right to the enjoyment of the highest attainable standard of physical and mental health.

2. The State shall take steps toward the full realization of this right, including—
(a) The provision for the reduction of stillbirth and infant mortality and for the healthy development of the child;
(b) The improvement of all aspects of environmental and industrial hygiene;
(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
(d) The creation of conditions which would assure all medical service and medical attention in the event of sickness.

3I. Right to Education
1. Every person has the right to education. The State agrees that education shall be directed to the full development of the human personality and the sense of its dignity.

2. Primary education shall be compulsory and available free to all; secondary education in its different forms shall be made generally available and accessible; and higher education shall be made equally accessible to all, on the basis of capacity.

3. The liberty of parents to choose for their children schools other than those established by the public authorities, conforming to minimum educational standards, shall be respected.

3J. Cultural Rights and Participation in Cultural Life

1. Every person has the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

2. The State shall respect and protect the cultural diversity of the Republic of Mauritius, ensuring that every citizen has the freedom to use their language, practice their culture, and preserve their heritage.

3K. Justiciability and Progressive Realization

1. The rights set forth in this Chapter shall be recognized as fundamental objectives of State policy.

2. Subject to subsection (3), the realization of these rights may be progressively achieved through legislative and other measures taken by the State, taking into account the resources available to the nation.

3. Nothing in this section shall prevent Parliament from enacting laws that render specific components of these rights (such as primary education, labour safety, or basic health access) immediately justiciable before the Supreme Court of Mauritius.

2.2. Section 4.1.b - The recognition of the rights of nature;

2.3. Proposal

CHAPTER IIA – THE RIGHTS OF NATURE

19A. Recognition of Nature as a Living Entity

(1) Nature, encompassing all ecosystems and biodiversity, together with their functions and services, within the sovereign territory and Exclusive Economic Zone of the Republic of Mauritius—including its terrestrial, coastal, , marine environments and the atmosphere above them—is hereby recognized as a living entity with inherent legal rights.

19B. Fundamental Rights of Nature

(1) Nature possesses the fundamental and inalienable right to:
(a) exist, persist, reproduce and maintain its vital cycles, structures, functions, and evolutionary processes;
(b) integral restoration and rehabilitation when damaged or degraded by natural or anthropogenic activities, distinct from any compensation owed to affected human populations;
(c) be free from severe pollution, toxic exploitation, and systemic practices that threaten its ecological balance or lead to the extinction of endemic species;

19C. Custodianship
Any citizen of Mauritius is a custodian of Mauritius natural heritage and a guardian of the Rights of Nature, have the legal standing (locus standi) and may act in their defence in accordance with subsection 19D.

19D. Legal Standing and Enforcement
Where an act or omission threatens or violates the rights recognized in this Chapter, affecting Nature

(1) Representative Actions
Any citizen of Mauritius, recognized community, or registered non-governmental organization may bring representation action proceedings in the public interest before the Constitutional Division of the Supreme Court to enforce the rights recognized in this Chapter on behalf of Nature.

(a) No order for costs shall be made against the applicants who bring such proceedings in good faith, unless they are frivolous or vexatious.
(b) The Court may make such orders as it considers appropriate to prevent, stop or remedy the harm, including orders for restoration or sum to the restoration fund established by law, applied only to that restoration, and shall not be paid to any claimant.

(2) Amalgamation of Representative Actions and Class Actions

Where proceedings under subsection 19D(1) and proceedings brought by or on behalf of a class actions claiming compensation for loss arising from the same act or omission are pending, the Constitutional Division of the Supreme Court may order that the class action proceedings be transferred to it and that both be heard together, in whole or in part, with evidence admitted in one being admitted in the other.

(a) Proceedings heard together under this subsection shall nevertheless remain separate proceedings, and in particular

(i) relief for the protection or restoration shall not be reduced, set off or made conditional by reason of any compensation awarded to any person, nor shall any compensation be reduced by reason of such relief;

(ii) the withdrawal, settlement or dismissal of either proceedings shall not affect the other, and no settlement shall bind Nature unless the Court approves it as being in the public interest;

(iii) a judgment dismissing proceedings under subsection 19D(1) shall not bar any claim for compensation, and a finding of harm in those proceedings may be relied on by the class;

(iv) any sum ordered for a restoration order shall be paid into the restoration fund

2.4. Section 4.1.c - The enshrinement of the core values of "peace, justice and liberty" in the Constitution;

2.4.1. Views

Adding these foundational principles which are found in our National Anthem to the opening article elevates them from implicit constitutional ideals to explicit, core tenets of the Mauritian State. This structural framing mirrors preamble-style declarations found in advanced constitutional frameworks, anchoring the Republic's democratic identity not just in its structural form of government, but in its substantive commitment to peace, social justice, and individual liberty.

2.4.2. Proposal

"Section 1
Mauritius shall be a sovereign democratic State, founded upon the enduring principles of peace, justice and liberty, which shall be known as the Republic of Mauritius"

2.5. Section 4.1.d - The reinforcement of the constitutional right to privacy, including the strict delimitation of covert surveillance to serious crime prevention, detection, or national security purposes;

2.5.1. Proposal

9A. Right to privacy and protection of personal data

1) Every person has the right to respect for his private and family life, his communications and his personal data.

(2) Every person has the right, against any public body or private person holding personal data concerning him —
(a) to be informed that such data is held, and of its purpose, and to have access to it;
(b) to have it rectified or erased where it is inaccurate or unlawfully held; and
(c) to have it protected against unlawful access, use or disclosure.

(3) No person shall be subjected to the interception of his communications, or to any covert surveillance or monitoring, by the State or by any private person, except under a law that —
(a) limits it to the prevention, detection or prosecution of serious crime, or to the protection of national security;
(b) requires the prior authorisation of a Judge, who shall be satisfied that it is necessary, proportionate, and that no less intrusive means is available, or, in a case of urgency, the confirmation of a Judge within 48 hours;
(c) limits its duration and scope, and provides for the destruction of data that is not required for that purpose;
(d) subjects it to oversight by an independent body that reports annually to the Assembly; and
(e) provides for the person concerned to be notified once notification no longer jeopardises its purpose, and for an effective remedy.

(4) Mass or indiscriminate surveillance of communications is prohibited.

(5) This section binds private persons as well as the State.

2.6. Section 4.1.e - An enhanced protection against discrimination for persons living with disabilities;

2.6.1. Views

CRPD: Mauritius ratified the UN Convention on the Rights of Persons with Disabilities in 2010, with three reservations: Braille and easy-read signage, the duty to protect in situations of risk and humanitarian emergency, and inclusive education. NGOs have repeatedly called for them to be withdrawn.

To ensure comprehensive protection, the term “physical or mental impairment” or “disability” can be added to the list of protected characteristics alongside race, caste, place of origin, political opinions, colour, creed, or sex.

2.6.2. Proposal

(a) In sections 3 and 16(3)
after “sex”, insert “, disability”.

Section 3
It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed , sex or **disability**, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms

(b) New subsections in section 16:
Section 16
(3) In this section, “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed, sex, or **disability** whereby persons of one such description are subjected to disabilities **disadvantages** 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.

(3A) In this section, “disability” includes long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.

(3B) For the purposes of this section, discrimination on the ground of disability includes a failure to make reasonable accommodation, that is, a necessary and appropriate modification or adjustment, not imposing a disproportionate or undue burden, to ensure that persons with disabilities enjoy and exercise their rights on an equal basis with others.

(5A) Nothing in this section shall prevent any law or measure designed to promote the equal participation of persons with disabilities, including in education, training and employment.

Section 16

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, caste, place of origin, political opinions, colour, creed, sex or disability to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of a local authority or any office in a body corporate established directly by any law for public purposes. Provided that nothing in this section shall prevent any law or measure designed to promote the equal participation of persons with disabilities, including in education, training and employment.

(c) New section 16A:
16A. Rights of persons with disabilities
The State shall take measures to ensure the accessibility of the physical environment, transport, information and communications, and to promote the education, training, employment and full participation in public and political life of persons with disabilities, and Parliament shall by law provide for the means of doing so.

2.7. Section 4.1.f - Whether newly defined rights ought to be substantive or procedural rights, and the resulting effect on the justice system and public administration, with due consideration to the separation of powers and the independence of the judiciary;

2.7.1. Views

Substantive rights define what each person is entitled to; procedural rights secure how that entitlement is protected and enforced. The two are mutually reinforcing. A substantive right without procedure cannot be enforced, and a procedure without a substantive standard protects nothing.

The Constitution of Mauritius already reflects this pairing. Sections 3 to 16 set out substantive rights; section 10 guarantees a fair hearing before an independent and impartial court, and section 17 provides redress when those rights are contravened, consistent with Articles 14 and 2(3) of the International Covenant on Civil and Political Rights.

We recommend that every new right follow the same model: a clear and limited substantive core, paired with procedural guarantees (access to information, participation, reasons for decisions and

an effective remedy before an independent court), so that the courts can protect the right without taking over policy choices that belong to Parliament and the Executive. Duties placed on the public administration should be mainly procedural (giving reasons, consulting, publishing and respecting time limits), but each should be measured against a substantive standard, so that formal compliance with procedure is never, on its own, enough to discharge the duty.

2.8. Section 4.1.g - The creation of an Electoral College to elect the President of the Republic, in order to increase the legitimacy and independence of the office;

2.8.1. Views

At present, the President is elected by the members of the National Assembly, who are themselves directly elected by the people. Our concern is that any electoral college introduced to replace this mechanism should not weaken its democratic basis.

2.9. Section 4.1.h - The creation of a Senior Officials' Appointment Committee which will make recommendations to the Government on the appointment of heads of major public institutions, other than those made by the service commissions already provided for in the Constitution;

2.9.1. Views

Hybrid Balancing: By utilizing a tripartite appointment structure for the CAA itself (Prime Minister nomination, Leader of the Opposition nomination, and consensus chairperson), it anchors democratic government participation while locking in bipartisan oversight.

Non-Encroachment Clause (Section 95C): Explicitly protects the pre-existing jurisdiction of Mauritius's current service commissions (PSC, JLSC/DSC), ensuring the CAA acts as a complementary high-level appointments body rather than a disruptive replacement.

2.9.2. Proposal

Chapter VIIA Establishment of Constitutional Appointments Authority

95A. (1) There shall be a Constitutional Appointments Authority for Mauritius, which shall be an independent body consisting of—

(a) a chairperson appointed by the President, acting after consultation with the Prime Minister and the Leader of the Opposition;
(b) two members appointed by the President, one acting on the nomination of the Prime Minister and one on the nomination of the Leader of the Opposition; and
(c) such legal or public integrity experts as Parliament may prescribe.
(2) No person shall be qualified for appointment as a member of the Constitutional Appointments Authority if they are a member of the National Assembly or hold active office in a political party.

Functions and Mandate

95B. (1) The Constitutional Appointments Authority shall be responsible for reviewing, vetting, and making recommendations to the President for appointments to high-level constitutional, statutory, and electoral offices as prescribed by Parliament.

(2) In executing its functions, the Authority shall ensure transparency, meritocracy, and insulation from partisan political interference, while upholding the democratic mandate of government nominations where expressly required by this Constitution.
Preservation of Existing Commissions

95C. (1) For the avoidance of doubt, nothing in this Chapter shall derogate from, diminish, or transfer the powers, functions, and constitutional independence vested in—

(a) the Judicial and Legal Service Commission;
(b) the Public Service Commission; or
(c) the Disciplined Forces Service Commission,
as established under Chapters IX and X of this Constitution.

(2) Where an appointment falls within the exclusive domain of the Commissions specified in subsection (1), those Commissions shall continue to exercise their respective jurisdictions independently.

2.10. Section 4.1.i - The setting up of a mandatory requirement for the holding of local government elections at constitutionally set intervals;

2.10.1. Views

To ensure that local government elections in Mauritius are protected from indefinite postponements and held regularly, local governance must be elevated from an ordinary statutory framework (the Local Government Act) to constitutional protection.

Under current laws, municipal elections have occasionally been postponed via ordinary legislative amendments. Embedding a rigid 5-year maximum window with strict dissolution timelines makes unauthorized delays unconstitutional and legally void.

In addition ReA proposes that the same new elector control of general elections be also applicable to local government elections: Right of Recall, Petition of Electors challenging electoral funding and electors control of application of Code of Conduct during electoral campaign.

Currently, the Constitution of Mauritius contains a dedicated chapter for the island of Rodrigues (Chapter VIA – Rodrigues Regional Assembly), but is otherwise silent on municipal and village local governments across the rest of the republic.

To constitutionalize local government elections, a new chapter should be inserted:

• Proposed Insertion: Chapter VIB – Local Government, to be placed immediately after Chapter VIA (sections 57A to 57I dealing with Rodrigues) and before Chapter VII (The Judicature).

2.10.2. Proposal

CHAPTER VIB - Local Government

57J Establishment and tenure of local authorities

1. There shall be a system of local government for Mauritius, comprising such municipal city councils, municipal town councils, and district or village councils as may be prescribed by an Act of Parliament.

2. Local authorities shall be composed of members freely and democratically elected by universal adult suffrage.

57K Mandatory requirement for holding of local government elections

Elections to all local authorities shall be held at constitutionally set intervals, and the period between successive general elections for a local authority shall not exceed five years.

1. Notwithstanding anything to the contrary in any other law or in this Constitution:

(a) The life of a local authority shall expire automatically at the end of five years from the date of its first sitting following a general election, unless sooner dissolved.

(b) Whenever a local authority is dissolved or its term expires, a general election for that local authority shall be held within 60 days of the date of dissolution or expiration.

2. No Act of Parliament, regulation, or executive action shall have the effect of postponing the holding of regular local government elections beyond the maximum period stipulated in subsection (1), except during a period when a public emergency is in force under Section 18 of this Constitution, and any such postponement shall not extend beyond a cumulative total of 12 months.

3. The Electoral Commission, established under Section 38 of this Constitution, shall have general direction and supervision over the registration of electors and the conduct of all elections to local authorities.

57L Direct Elector Control and Democratic Accountability Mechanisms

To deepen grassroots democracy and ensure continuous accountability, the electorate of a respective municipal, town, or village council ward shall possess the following enforceable constitutional rights:

1. Right of Recall: Registered electors of a local authority ward shall have the constitutional right to recall an elected councillor before the expiration of their mandate, through a formal petition supported by a prescribed threshold of registered voters , on grounds of mis-conduct such as non-performance, breach of public trust, or violation of the civic mandate.

2. Petition of Electors Challenging Electoral Funding: Electors shall have the standing to petition an independent electoral tribunal or court to challenge the legitimacy of a local candidate's election or financial returns on the basis of undeclared, excessive, or opaque electoral financing, ensuring strict transparency and compliance with campaign spending limits.

3. Electors' Control and Application of the Code of Conduct: The conduct of political parties, candidates, and agents during local electoral campaigns shall be governed by a statutory but voluntary Code of Conduct enforceable by the Electoral Commission, empowering electors to formally report, trigger investigations into, and penalize practices such as treating, bribery, environmental pollution by campaign materials, or undue influence.

2.11. Section 4.1.j - The introduction of Public Interest Litigation and Class Actions;

2.11.1. Proposal

To amend section 17

(1) Where any person or an association acting in the interest of its members, alleges that any of sections 3 to 16 has been, is being, or is likely to be contravened—

(a) in relation to him;

(b) in relation to a group or class of persons of which he is a member;

(c) in relation to a group or class of persons who cannot reasonably act on their own behalf;

(d) in relation to any entity entitled to legal protection; or

(e) in the public interest, or on behalf of any person, group, class, or any other legal subjects

whose fundamental rights under sections 3 to 16 are affected, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person, or association may apply to the Supreme Court, any division of the Supreme Court or any other judiciary body for redress on his own behalf, on behalf of that group or class, on behalf of any other legal subjects, or in the public interest.

(2) The Supreme Court, any entitled division or any other judiciary body shall have original jurisdiction to hear and determine any application under subsection (1)...

(3) No order for costs shall be made against a person who brings proceedings in the public interest in good faith, unless such proceedings are found by the Court to be frivolous or vexatious.

(4) The Court may refuse to entertain proceedings under section 17(1A)(b) to (e) where it is satisfied that the applicant does not act in good faith or that the proceedings constitute an abuse of process.

(5) Where public interest proceedings and class proceedings arise from the same act or omission, the Court may order that they be heard together while remaining separate proceedings.

2.12. Section 4.1.k - The consecration of the principle of freedom of information, subject to exceptions and implementation conditions which shall be the subject of subsequent detail-specific legislation;

2.12.1. Proposal

(1) Every person has the right of access to information held by the State, by any public body or by any private person or entity, where the information relates to —
(a) the use of public funds or public property, including public contracts, concessions, licences and subsidies;
(b) the environment, including emissions, discharges, pollution and any activity that affects or is likely to affect an ecosystem;
(c) public health or safety; or
(d) any other matter of public interest.

(2) Public bodies shall publish, on their own initiative, information of public interest concerning their functions, decisions and use of public funds.

(3) The right in subsection (1) may be restricted only by a law that is reasonably justifiable in a democratic society, for the protection of —
(a) national security, defence or international relations;
(b) the prevention, investigation or prosecution of offences, or the fairness of judicial proceedings;
(c) the privacy and personal data of any person;
(d) trade secrets and commercially sensitive information, the disclosure of which would cause substantial harm to the competitive position of the person concerned; or
(e) the deliberations of the Cabinet, for such a limited period as may be prescribed.

(4) No restriction under subsection (3) shall apply where the public interest in disclosure, including the disclosure of wrongdoing or of a serious risk to health, safety or the environment, outweighs the harm that disclosure would cause.

(5)There shall be for the purpose of this section a Whistleblower Disclosure Protection Mechanism (WDPM) that falls under the aegis of the Director of Public Prosecution office.

5a. Is defined as a Whistleblower, any person who makes a public disclosure in the public interest.

5b. The Whistleblower Disclosure Protection Mechanism shall protect any whistleblower making good-faith disclosures in public interest. Any whistleblower under the protection mechanism, shall enjoy absolute civil immunity which shall override all statutory or contractual obligations of confidentiality, including banking secrecy.

5c. In the event of abusive or strategic litigation against public participation (SLAPP) initiated against a whistleblower, the court shall dismiss the action and impose a statutory civil fine upon the moving party.

5d. Prohibition of Retaliation and Gagging Measures. No employer shall discharge, demote, suspend, threaten, harass, or otherwise discriminate against an employee in relation to a disclosure as per subsection (6a).

5e. A whistleblower shall incur no civil, criminal, disciplinary, or contractual liability for any damage caused by a report, provided they had reasonable grounds to believe the disclosure was necessary to reveal a violation in the public interest.

5f. Scope of Protection and Financial Rewards. Protections under this Act shall comprehensively cover any information from which the identity of the whistleblower can be directly or indirectly deduced. These protections shall further extend to:

(i) any individual or non-profit private legal entity facilitating or assisting the whistleblower in the reporting process;
(ii) any individual connected to the whistleblower who faces a risk of workplace retaliation; and
(iii) any legal entity that the whistleblower controls, owns, or is employed by. Upon successful verification of a disclosure that leads to an enforcement action or monetary recovery, the Authority shall grant a financial award to the whistleblower, to be calculated and paid in accordance with the prescribed schedules of this Act.

2.13. Section 4.1.l - The creation of a new Court of Appeal within the Supreme Court, consisting of Judges of appeal, in order to provide for appeals from decisions of Judges at first instance, while maintaining the right of final recourse to the Judicial Committee of the Privy Council;

2.13.1. Proposal

Replace 80. Court of Appeal
(1) There shall be a Court of Appeal for Mauritius, which shall be a division of the Supreme Court.

(2) The Court of Appeal shall have jurisdiction to hear and determine appeals from decisions of Judges of the Supreme Court exercising original jurisdiction, such appeals or applications in respect of arbitral awards as may be prescribed, and such other jurisdiction and powers as may be conferred upon it by this Constitution or any other law.

(3) The Judges of the Court of Appeal shall be the President of the Court of Appeal and such number of Judges of Appeal as may be prescribed by Parliament.

(4) A Judge of Appeal shall not exercise the original jurisdiction of the Supreme Court.

(5) No person shall be qualified for appointment as a Judge of Appeal unless he has held office as a Judge of the Supreme Court, or has been entitled to practise as a barrister before the Supreme Court, for not less than 10 years.

(6) Sections 77, 78 and 79 shall apply to the President of the Court of Appeal and to Judges of Appeal as they apply to puisne Judges.

(7) Nothing in this section shall affect the right of appeal to the Judicial Committee under section 81.

2.14. Section 4.1.m - The establishment of a Constitutional Division of the Supreme Court for timely adjudication of constitutional and human rights matters;

2.14.1. Proposal

To amend section 80 of the Constitution by changing the title and inserting :
Constitutional Division and Courts of Appeal

80A. Constitutional Division of the Supreme Court

(1) There shall be a Constitutional Division of the Supreme Court which shall have original jurisdiction to hear and determine—
(a) any matter regarding an alleged violation of the Constitution of the Republic of Mauritius; and
(b) any other matter connected therewith or prescribed by an Act of Parliament.

(2) Subject to Section 83, the Constitutional Division shall be a court of first instance for constitutional relief and interpretation.

(3) The Judges of the Constitutional Division shall be sitting Judges of the Supreme Court, designated to serve on the Division by the Chief Justice.

2.15. Section 4.1.n - The expansion of the jurisdiction of the Public Bodies Appeal Tribunal to include all public sector recruitment and promotion disputes;

2.15.1. Proposal

Amendment to Section 91A

(1) There shall be a Public Bodies Appeal Tribunal which shall, notwithstanding section 119, have jurisdiction to hear and determine appeals made by any person aggrieved by a final decision relating to recruitment, selection, appointment or promotion taken by a Commission established

under this Constitution, or by any Commissioner or other person exercising powers delegated by such Commission, as may be prescribed by law.

(2) The Public Bodies Appeal Tribunal shall also have jurisdiction to hear and determine appeals against final decisions relating to recruitment, selection, appointment or promotion made by any public body, including statutory bodies, parastatal organisations, local authorities, state-owned enterprises and other public sector institutions, as may be prescribed by law.

(3) No decision relating to recruitment, selection, appointment or promotion shall be excluded from the jurisdiction of the Public Bodies Appeal Tribunal solely on the ground that such decision was taken after consultation with, with the concurrence of, or on the advice of the Prime Minister.

(3A) Every person aggrieved by a decision relating to recruitment, selection, appointment or promotion in the public sector shall have the right to appeal to the Public Bodies Appeal Tribunal, subject to such reasonable procedures and time limits as may be prescribed by law.

2.16. Section 4.1.o - The reinforcement, if necessary, of the independence of the Director of Public Prosecutions;

2.16.1. Views

We support strengthening the independence of the office of the Director of Public Prosecutions.

However, the Director of Public Prosecutions shall publish discontinuance of criminal proceedings and shall lay an annual report on the work of the Office before the Assembly. In any matter of significant public interest, the Director may, and on request shall, make public the reasons for a decision not to institute, or to discontinue, criminal proceedings, without prejudice to any pending proceedings, the presumption of innocence or the privacy of any person.

2.17. Section 4.1.p - The introduction of a right to recall members of the National Assembly for serious misconduct or offences;

2.17.1. Proposal

35B. Right of recall

(1) Registered electors entitled to vote in a Constituency in a general electoral shall have the constitutional right to recall an elected member before the expiration of their mandate, through a formal petition supported by a prescribed threshold of registered voters , on grounds of mis-conduct such as non-performance, breach of public trust, or violation of the civic mandate. The electors of a constituency have the right to recall the member of the National Assembly elected to represent them, so that members remain accountable to their electors between general elections.

(2) A recall may not be initiated during the member's after two years in office or not during last year before the next general election.

(3) A recall shall take effect only where it is supported, in successive stages and within prescribed time limits, by a substantial proportion of the electors of the constituency, so as to prevent frivolous or politically motivated attempts.

(4) The member concerned may, at any stage, challenge before an independent body whether the recall procedure has been properly applied. Such a challenge is limited to questions of procedure and shall be decided promptly.

(5) Where a recall takes effect, the seat shall become vacant and a by-election shall be held, at which the recalled member may stand as a candidate.

(6) A court of law can initiate procedures for the right to recall of a member of National Assembly, after a fair hearing, for serious misconduct in the exercise of his mandate, subject to provision (3) to (5) of this section.

(7) Parliament shall by law provide for the procedure, thresholds and time limits governing the exercise of the right of recall.

2.18. Section 4.1.q - The introduction of anti-defection provisions for members of the National Assembly;

2.18.1. Views

Anti-defection provisions should respect the MP freedom of conscience. Any issue regarding the destitution of any MP shall be subject to the right to recall mechanism.

2.19. Section 4.1.r - The introduction of a broad constitutional principle of transparency and integrity in the political sphere as a framework for future, detail-specific legislation on the subject, including the regulation of political party electoral funding;

2.19.1. Views

On the 4th December 2025, the government launched a national consultation on electoral reform, as promised in its 2025-2029 programme. All issues concerning the electoral reform will be addressed within this channel

2.20. Section 4.1.s - The introduction of stronger safeguards to ensure the integrity, security, fairness and transparency of the electoral process, including the strengthening of the powers and independence of the Electoral Commissioner and the Electoral Supervisory Commission and the facilitation of a faster access to justice in electoral matters;

2.20.1. Proposal

7A. Election petitions

(1) Any person who voted or was entitled to vote at an election may present an election petition to the Supreme Court questioning the election of a member, including on grounds relating to the income, expenses or funding of the member's campaign.

(2) Notwithstanding any time limit prescribed by any other law, a petition on grounds relating to electoral income and expenses may be presented within 21 days after the member's return of electoral income and expenses has been filed with the Electoral Commissioner and made available to the public. Where no return has been filed, the 21 days run from the last day on which it was required to be filed.

(3) No election petition shall be dismissed as out of time where any other information on which it is founded was not available to the petitioner within the time prescribed, provided that the petition is presented within 21 days of that information becoming available.

(4) Where members are elected from party lists, this section applies to the electoral income and expenses of the party that presented the list.

(5) An election petition shall be heard and determined within 6 months of being lodged, and any appeal within 3 months. Once begun, the hearing shall proceed from day to day. No appeal shall lie from an interlocutory decision, and where a Judge ceases to sit, the proceedings shall continue on the existing record.

41A. Integrity of the electoral process

Every election shall be conducted in a manner that is free, fair, secret, secure and transparent. The Electoral Supervisory Commission and the Electoral Commissioner shall be independent, shall not be subject to the direction or control of any other person or authority, and shall have such powers and resources as are necessary to ensure the integrity of elections.

41B. Reporting of misconduct by candidates

(1) Every elector may report to the Electoral Supervisory Commission a breach by a candidate of the code of conduct for elections established under any law.

(2) Where the Commission finds a prima facie case, it shall refer the matter forthwith to a Judge of the Supreme Court. The Judge shall determine it as a matter of urgency, after hearing the candidate, and may make such order as is proportionate to the breach, including, for a serious breach, an order removing the candidate's name from the ballot paper.

(3) Parliament shall by law provide for the code of conduct and for the procedures, time limits and safeguards governing reports, investigations and determinations under this section.

2.21. Section 4.1.t - Any other associated matters which the Commission may think relevant in line with the objects of the Bill.

2.21.1. Reconnaître que la société Mauricienne fût fondé sur le système de l'esclavage et la coolitude (engagisme) dans un passé colonial

To amend section 3 of the Chapter 2 of the Constitution by inserting as first paragraph
CHAPTER II – PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

3 Fundamental rights and freedoms of the individual

We, the people of the Republic of Mauritius,

Recalling that our islands, uninhabited before the colonial era, were peopled by women and men who came, by force or by choice, from different part of the world, and that our nation was born of their encounter;

Recognising that Mauritian society was founded, under successive colonial powers, on the system of slavery and, after its abolition, on the system of indentured labour;

Honouring the memory of the enslaved and the indentured, whose labour, suffering and resistance built this country, and of all who contributed to our common history;

Acknowledging that this past of exploitation has left lasting consequences in our society, which the State has the duty to recognise and to remedy;

Mindful of the struggles for freedom, independence and democracy that united our diverse peoples;

Resolved to build a nation united in its diversity, founded on human dignity, equality, social justice, the rule of law and respect for our common natural heritage;

Affirm this Constitution as the supreme law of the Republic.

2.21.2. Le droit aux citoyens de la République de Maurice de se présenter aux élections comme tels, sans aucune obligation faite à ces derniers/dernières de se classifier de façon communale

2.21.2.1. Views

We are aware that electoral reform, including the requirement for candidates to declare their community, is also being considered separately by the Government. However, the right to stand for election is a fundamental democratic right, and its conditions are set by the Constitution itself, in the First Schedule. The Constitutional Review Commission Act expressly entrusts the Commission with strengthening the integrity and fairness of the electoral process. We therefore recommend that the Commission give its views on this specific matter at an early stage, so that the Government can proceed with its electoral reform on a sound constitutional basis and without delay.

2.21.2.2. Proposal

Strengthening the Right to Stand Candidate

Here is how Section 33 of the Constitution of Mauritius would read with Article 25 of the International Covenant on Civil and Political Rights (ICCPR) incorporated as its opening paragraph:

Proposed Amendment

33. (1) Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Section 16 and without unreasonable restrictions -

(a) to stand candidate in periodic general elections and to take part in the conduct of public affairs, directly or through freely chosen representatives;

Qualifications for membership

Subject to section 33 (1) and 34, a person shall be qualified to be elected as a member of the Assembly if, and shall not be so qualified unless, he –

(a) is a Commonwealth citizen of not less than the age of 18 years;
(b) has resided in Mauritius for a period of, or periods amounting in the aggregate to, not less than 2 years before the date of his nomination for election;
(c) has resided in Mauritius for a period of not less than 6 months immediately before that date; and
(d) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly.

Justification

Integrating Article 25 directly into Section 33 grounds the technical qualifications for parliamentary membership in core international human rights obligations, explicitly establishing citizens' participatory political rights as the foundational principle governing the composition of the National Assembly.