



Mauritius

Country Reports on Human Rights Practices - [2001](#)

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The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. The President, Sir Cassam Uteem, who was nominated by the Prime Minister, Sir Anerood Jugnauth, and confirmed by the National Assembly, serves as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in September 2000, were free and fair, and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There are numerous political parties, and partisan politics are open and robust. The judiciary is independent.

A paramilitary Special Mobile Force under civilian control is responsible for internal security. This force, commanded by the Commissioner of Police, is backed by a general duty police force. Both forces are largely apolitical, but were criticized for being inadequately trained to prevent and control rioting that broke out nationwide in 1999. Some members of the security forces committed serious human rights abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population is more than 1 million. The standard of living is high, with a per capita gross domestic product of \$3,274 (98,547.40 rupees). The Government is diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There was at least one alleged extrajudicial killing by a government agent, and during the year judicial inquiries were ongoing in at least seven cases of deaths in police custody. There continued to be reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government's monopoly in broadcasting local news and programming continued. In some cases, police restricted freedom of assembly. The National Human Rights Commission was established and began receiving complaints, primarily about police abuses. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor and forced child prostitution remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There was one report of the arbitrary or unlawful deprivation of life by the Government or its agents, and numerous reports of deaths in police custody. In August at the central prison, prisoners and a prison guard beat to death a man who had been charged with extorting money from them. The guard was suspended, and the guard and the prisoners were charged provisionally with murder. The investigation was ongoing at year's end.

In August a judicial inquiry began into the January 2000 case in which police shot and killed Rajen Sabapathee; the results of the inquiry are not expected to be released until early 2002.

In May the Prime Minister responded to a parliamentary question and stated that more than 13 detainees had

been found dead in police cells between 1996 and February (see Section 1.c.). The deaths were under investigation at year's end. Additionally, three more persons died in police custody in March and July; their deaths were under investigation at year's end (see Section 1.c.).

From 1996 to 2000, four death-in-prison cases were closed: Two hangings; one poisoning; and one death from natural causes. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect. Investigations continued into the 2000 cases in which three persons died while in police custody, one from pneumonia, one from burns, and one from poisoning.

The judicial inquiry continued into the 1999 death in police custody of a popular Creole singer, Kaya. Kaya's death sparked 3 days of rioting during which police shot and killed three protesters, one police officer died of cardiac arrest, and shops, homes, and churches were burned and looted, resulting in an estimated \$50 million (1,250 million rupees) in damages. In March two men were sentenced to 6 months of hard labor for their roles in the 1999 riots. Following a second inquiry into the death of another Creole musician, who was shot and killed by police during the 1999 riots, the Director of Public Prosecutions recommended in May 2000 that disciplinary proceedings be introduced against the three police officers accused of the killing of the second musician. No disciplinary proceedings had been introduced by year's end. In October 2000, the Government released a report on the riots, compiled by a judicial commission, that criticized the previous Government and the police for their handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. Although the commission did not investigate Kaya's death, it criticized the police for holding the musician in a high security area although the crime he was accused of did not warrant it (see Section 5). At year's end, the investigation into the death of Kaya continued; however, no actions were taken with regard to any of the deaths that occurred during the riots.

In December 2000, authorities arrested Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) and charged him with the killings of three rival Muslim political activists during the 1996 municipal election campaign (see Section 1.c.). By the end of 2000, police had arrested three other Hizbullah members in connection with the killings. Trials for all four suspects were pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse is the use of force to coerce a suspect to sign a confession.

In April a suspect in a high-profile murder case reported that police had beaten him and doused his head in water to extract a confession. The suspect recanted his confession, stating he only confessed because he wanted the torture to stop. In May a foreign national was detained for several hours on suspicion of stealing a bicycle; he later stated that his signed confession was coerced.

In December 2000, police arrested Hizbullah leader Cehl Meeah for a 1996 killing (see Section 1.a.). Supporters alleged that police mistreated Meeah in detention; Meeah was hospitalized 2 days later for observation and x-rays. The police commissioner appointed a high-level committee to investigate the allegations. The investigation was pending at year's end.

In the first half of the year, the police branch in Curepipe, in the central part of the country, received 36 complaints of police brutality; police in most towns received only 1 or 2 complaints of brutality during the same period. The Government reported that nationwide there were 108 complaints of police brutality filed between 1999 and 2000. In October and November 2000, approximately a dozen individuals detained by the Central Investigative Division (CID) of the police on suspicion of crimes including armed robbery and murder reported that police had beaten them during interrogation. In December 2000, the Commissioner of Police opened an investigation into the complaints; however, by year's end, no results had been announced.

No action was taken in the November 2000 case in which officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing. The officials refused to allow him access to embassy officials; ultimately he was released without charge (see Section 1.d.).

A judicial inquiry was ongoing into the circumstances behind the 1999 death in police custody of the popular singer Kaya (see Section 1.a.). On December 10, the decision to reopen the judicial inquiry was taken by the Deputy Prime Minister and communicated to the court; no further action was taken by year's end.

In response to the eight reported deaths in police custody between January 1, 1998, and February 28, 1999, (see Section 1.a.), the Commissioner of Police established in October 1999 a Complaints Investigation Bureau (CIB) to investigate complaints against police; it is funded and staffed by the police. The National Human Rights Commission, established in April, supervises the CIB (see Section 4); between April and August, the Commission received 24 complaints of police brutality. At year's end, the Commission was compiling its figures for the year.

Prison conditions generally met international standards; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison. Pretrial detainees are held separately from convicted prisoners.

There continued to be reports of deaths in police custody (see Section 1.a.). In March a man died after he was hit on the head, which reportedly occurred after he was arrested. In July one man died in police custody from injuries received during a beating; another man died as a result of hanging. In all three cases, the family members of the deceased accused the police of having a role in the deaths. Investigations into the deaths were ongoing at year's end. Investigations continued into the 2000 cases in which three persons died while in police custody, one from pneumonia, one from burns, and one from poisoning. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect.

The Government has permitted prison visits by foreign diplomats, the national Ombudsman, a team from the U.N. Human Rights Commission (UNHRC), and the press. During the year, the press, the UNHRC, and other international organizations made regular prison visits. The Government stated in 1999 that it would investigate conditions and treatment in police holding cells; however, it did not begin an investigation by year's end.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. In most cases, suspects are provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access.

In March police on the island of Rodrigues briefly detained the editor of the Rodrigues newspaper on a charge of publishing false information (see Section 2.a.). No action was taken in the November 2000 case in which officials of an antidrug squad detained and abused a foreign national for 2 days (see Section 1.c.).

In April 2000, an investigation by the Director of Public Prosecutions revealed that authorities in the southern part of the country held a man suspected of murder in police custody for 2 years without formally charging him with a crime. The man was released on bail in May 2000. It is unlikely that an official report of the 2000 judicial inquiry into this case will be released publicly.

Following public opposition, the Government did not implement the 2000 Public Security Act, which would allow police with the rank of assistant superintendent and above to detain individuals without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government did not implement the law in response to public opposition (see Section 2.b.). The political opposition at that time, which also opposed the bill, became the governing coalition in September 2000, and it is not expected to implement the bill.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants have the right to private or court-appointed counsel. In December 2000, the National Assembly passed a Dangerous Drugs Act, which allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel. At the same time, the National Assembly passed a constitutional amendment to permit the 36-hour detention of suspects without legal counsel.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Following public opposition, the Government did not implement, nor is it likely to implement, the 2000 Public Security Act, which would allow police of the rank of assistant superintendent and above to search any premises without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety (see Sections 1.d. and 2.b.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, in March police on the island of Rodrigues briefly detained the editor of the Rodrigues newspaper on a charge of publishing false information. His arrest followed the publication of an article that alleged that a Rodrigues man died as a result of injuries received in police custody. A hearing, initially scheduled for November, was postponed until February 2002.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties are common.

The government monopoly in broadcasting local news and programming continued. In the first half of the year, the Independent Broadcast Authority (IBA) was established. The IBA was created by the Independent Broadcasting Authority Act, which the National Assembly passed in August 2000. In June and July, the IBA began formulating licensing rules and hearing applications for broadcast licenses. Its mandate is to regulate and license all radio and television broadcasting, and the law provides for private ownership of broadcasting stations and the independence of the IBA. However, the IBA is composed of representatives of several government ministries and is chaired by Ashok Radhakisson, an appointee of the Prime Minister. The IBA also is subject to the Prime Minister on matters of national security and public order. In late December, the IBA authorized two private radio stations to receive broadcasting licenses; however, the stations were unable to begin broadcasting because they had not yet received "multicarrier" service. Also in late December, the IBA announced that a third radio station would be authorized to broadcast. All three private stations are expected to receive their licenses in early 2002.

A private news organization broadcasts local news on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, are available to the public by subscription.

Opposition and media observers criticized the state-owned Mauritius Broadcasting Corporation (MBC) for supporting the governing alliance in the September 2000 election campaign. The new Government stated following the elections that it would depoliticize the MBC. Representatives of the Mauritian Journalists Association noted in October 2000 that broadcast journalists reported less governmental pressure on their reporting, and the directors of the MBC met in November 2000 to discuss ways to make the MBC more apolitical; however, at year's end, no specific action had been taken.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in

practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. However, there is a right of judicial appeal, and in one high-profile case in August 2000 during the election campaign, the Supreme Court overturned a decision not to permit a demonstration. In this case, police refused to allow a public gathering to discuss alleged corruption by then-government ministers. The Supreme Court overturned this refusal, stating that the threats of defamation and disturbing the peace were not sufficiently compelling to prohibit the gathering. While groups have the right to challenge denials, they occasionally proceed with their demonstrations without police permission; in such cases, police usually disperse the demonstrators. The demonstration's leaders usually are warned verbally and sometimes briefly detained.

In July several unions representing sugar workers organized demonstrations to protest the Government's sugar sector restructuring plan (see Section 6.a.).

In December 2000, supporters of Hizbullah leader Cehl Meeah demonstrated on two occasions to protest his alleged mistreatment while in police custody (see Sections 1.a. and 1.c.). Police did not interfere with the demonstrations.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

Following public opposition, the Government did not implement the 2000 Public Security Act, which would allow the Commissioner of Police to proscribe any organization believed to promote or engage in terrorism. The act also would allow police to arrest any group of 10 or more persons who riot or threaten to riot and to arrest any individual present at the scene of a riot (see Section 1.d.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. While the Government is secular in both name and practice, for political reasons in the past it has favored the Hindu majority of the population with greater access to government patronage; however, there were no reports that this practice occurred during the year.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-Day Adventists, Hindus, and Muslims, are recognized in a parliamentary decree. These groups also receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of 7 members) are registered by the Registrar of Associations and are recognized as legal entities with tax-free privileges. No groups have been refused registration.

Foreign missionary groups are allowed to operate on a case-by-case basis. There are no government regulations detailing the conditions of their presence or limiting their proselytizing activities. Groups must obtain both a visa and a work permit for each missionary. Foreign missionaries sometimes are prohibited from residing in the country beyond 5 years (which would permit them to seek Mauritian citizenship), but religious organizations are permitted to send new missionaries to replace them.

d. Freedom of Movement Within the Country, Foreign, Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

The Constitution does not provide for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant asylum to refugees in general on the grounds that the country is small, has limited resources, and does not wish to become a haven for large numbers of refugees; however, the Government does provide first asylum on occasion. For example, in 1999 the Government allowed a Seychelles citizen and his family to remain in the country while they sought asylum in another country; they were granted asylum in another country in March 2000. In June 2000, two refugees from the Democratic Republic of the Congo sought asylum. The U.N. High Commissioner for Refugees (UNHCR) refused to grant them refugee status, and the Government expelled them to Zimbabwe at the end of July 2000. The Government cooperates with the UNHCR.

There were no reports of the forced return of persons to a country where they feared persecution.

In November 2000, a group of citizens who are natives of the Chagos Archipelago (also known as the British Indian Ocean Territory) won a lawsuit against the British Government that claimed they had been removed illegally from their homeland in 1971. In response to the lawsuit, the British Government ruled that the Chagossians could return to the outer islands of the archipelago but not to Diego Garcia. The Chagossians planned to visit the islands in November in preparation for their eventual return; however, the visit was postponed.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. According to international and local observers, free and fair national elections were held in September 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. Suffrage is universal except for approximately 100 fishermen on 6- to 12-month contracts who are residents of the island of Saint Brandon. These fishermen may vote on the main island provided they are registered and physically present on election day.

In August the Government released a study on the decentralization and autonomy of the island of Rodrigues, which called for the creation of a regional elected assembly in Rodrigues that would have authority over Government funds for Rodrigues, among other powers. No action was taken to implement this recommendation by year's end.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population. Of the 70 National Assembly seats, women hold 4, and there is one female minister. In the National Assembly, as many as eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented; there were eight such members during the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

Prior to April, the constitutionally mandated, autonomous Ombudsman investigated complaints of human rights abuses. In 2000 the Ombudsman received 710 complaints, 130 of which were resolved. The police, the Ministry of Education, and the Ministry of Health were among the government agencies listed in the complaints. Since the creation of the National Human Rights Commission (NHRC) in April, the Ombudsman no longer investigates human rights problems. In previous years, the Ombudsman presented an annual report to the Government that detailed the status of investigations into these complaints. In April the NHRC, which had been provided for by a 1998 law, was established. The NHRC is composed of a president of the commission, who according to the law, must be a former Supreme Court judge and three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it cannot investigate complaints that are already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC has the authority to visit centers of detention or prisons to assess and make recommendations on conditions. The NHRC first tries to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. Between April and August, the NHRC received 50 complaints, 24 of which were complaints of police brutality (see Section 1.c.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, religion, or sex, and the Government generally respected these provisions.

Women

Domestic violence against women, particularly spousal abuse, is a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGO's). The Protection from Domestic Violence Act criminalizes domestic violence and provides the judicial

system with greater powers to combat this problem. In March SOS Femmes, an NGO, published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of physical abuse. Alcohol or drugs was a contributing factor in nearly 70 percent of these cases. In November 2000, the Ministry of Women's Rights, Child Development, and Family Welfare released a study on domestic violence conducted by independent consultants. The study stated that 6,367 cases of domestic violence were reported to authorities between September 1998 and August 1999. According to the study, 1,242 protection orders were issued against abusive partners in 1999. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women's rights and the Government's readiness to enforce them. Nevertheless, many victims still choose not to prosecute or report their attacker, primarily due to cultural pressures.

Since women often depend on their spouses for financial security, many remain in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working in order to avoid payment. The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continues; however, women have access to education, employment, and government services. The Minister of Women, Family Welfare, and Child Development stated in August 1999 that 25.8 percent of managers are women.

Children

The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is free and mandatory until the age of 12; attendance at the primary level is 100 percent, but only 60 percent of children attend school at the secondary level (which includes the ages from 12 to 19). In May the Government announced an education reform plan that would increase mandatory education to the age of 16 by 2003. The plan would eliminate the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. As part of the plan, the Government announced that it would address the increase in secondary students by building new schools and converting some schools, including private schools, into a regional network of secondary schools. Under the plan, the Government is expected to start converting schools in 2002 and to start building additional secondary schools in 2003. The Government has started construction of 17 new secondary schools, which are scheduled to be completed by 2003. The Government also has started to build five new Form 6 schools planned to open in January 2003. Four colleges also are being extended, and four vocational colleges are being converted.

No action was taken during the year on the Government's 1998 plan to prepare a curriculum for human rights education to be introduced into social studies courses at the primary and secondary levels. The original goal was to implement the curriculum at the primary level in 1999 and at the secondary level in 2002.

The Government provides full medical care for children.

Although incidents of child abuse are reported, private voluntary organizations claim that the problem is more widespread than is acknowledged publicly. Most government programs are administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provide counseling, investigate reports of child abuse, and take remedial action to protect affected children. In June 2000, the Ministry announced that 3,350 cases of child abuse have been reported since 1997.

Under the law, certain acts compromising the health, security, or morality of a child are crimes. Child prostitution is a criminal act, but only the adult is an offender, while the child involved is given social aid (see Section 6.d.). Forced child prostitution is a problem (see Sections 6.c. and 6.d.). Child pornography also is a crime, and the child is offered social aid while the adult offender is prosecuted.

Child labor, including forced and bonded child labor, is a problem (see Sections 6.c. and 6.d.).

Persons with Disabilities

There is no discrimination against persons with disabilities, including mental illness, in employment, education, or in the provision of other state services. The law requires organizations that employ more than 10 persons to set aside at least 3 percent of their positions for persons with disabilities. There is no law mandating access to public buildings or facilities. The law does not require that work sites be accessible to persons with disabilities,

making it difficult for persons with disabilities to fill many jobs.

Religious Minorities

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year.

The country is a small island nation, and ethnic groups, known as "communities," are tightly knit. Interreligious or interethnic marriage is relatively rare. An individual's name easily identifies his or her ethnic and religious background. There is a strong correlation between religious affiliation and ethnicity. Citizens of Indian ethnicity are usually Hindus or Muslims. Citizens of Chinese ancestry usually practice Buddhism and Catholicism. Creoles and citizens of European-descent are usually Catholic. While there is concern among Hindu organizations that evangelical churches are converting Hindus to Christianity, the 1990 and 2000 censuses show that the proportions of membership in the various faiths have remained the same during the last 10 years: 50 percent Hindu, 32 percent Christian, 16 percent Muslim, and 2 percent other faiths.

In December 2000, police arrested and charged Cehl Meeah, the leader of the local chapter of Hizbullah, an international Shia Muslim group, and three others for the 1996 killing of three rival Muslim political activists (see Sections 1.a. and 2.c.).

In the wake of violent confrontations in February and May 1999 that were partially the result of ethnic tensions, the Government took steps to foster unity, including the establishment in 1999 of an annual National Unity Award, which is given to individuals who have implemented programs that promote national unity. In 1999 the President also formed a Committee for the Promotion of National Unity, which organized activities to foster goodwill between ethnic groups. Also in 1999, the heads of the Catholic Diocese and the Hindu House recommended that the President establish an interreligious council; however, such a council had not been established by year's end.

Some minorities, usually Creoles and Muslims, allege that a glass ceiling exists within the upper echelons of the civil service that prevents them from reaching the highest levels.

National/Racial/Ethnic Minorities

Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year. In 1999 there were several days of rioting and interethnic confrontations after a popular Creole singer died in police custody, resulting in four deaths and approximately \$50 million (1,250 million rupees) in property damage. In 2000 the Government released a report on the riots compiled by a judicial commission. The report criticized the previous government and the police for its handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. The commission made general recommendations to the Government and the police for handling similar future incidents (see Section 1.a.).

In November 2000, four men were found guilty and sentenced to life in prison for setting a fire at a Chinese social club in Port Louis in 1999 that resulted in seven deaths.

As a result of the ethnic violence that occurred in February and May 1999, several initiatives were taken in 1999 to improve relations between ethnic groups.

In 1999 the President established the Committee for the Promotion of National Unity, which consists of 20 members from a wide cross section of the public and private sectors. The Committee has sponsored a variety of activities to promote goodwill between ethnic groups. The Mauritian Council of Social Service (MACOSS), which serves as an umbrella group for NGO's in the country, created a conflict resolution working group to address ethnic tensions. The Mauritius Peace Initiative (MPI) and the MACOSS working group held meetings in 1999 and 2000. MACOSS holds meetings on the last Thursday of every month. The MPI last met in August 2000. In addition a group of citizens based in the northern part of the country formed an NGO in March 1999 geared toward promoting ethnic unity. During the year, they organized community events around religious holidays in which residents of all faiths participated.

In 1999 the Rodrigues Government Employees Association sued the Public Service Commission and the Government for placing different service conditions on those civil servants who were born and lived on the island of Rodrigues compared to civil servants who were born on the main island of Mauritius and worked on Rodrigues. In 2000 the Supreme Court rejected the association's suit; however, the group appealed. The request for an appeal was scheduled to be heard by the Supreme Court in January 2002.

Section 6 Worker Rights

a. The Right of Association

The Constitution explicitly protects the right of workers to associate in trade unions, and there is an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions are small, having fewer than 1,000 members. Ten major labor federations serve as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in government services who are not public officers such as contractors, workers are free to form and join unions and to organize in all sectors, including in the export processing zone (EPZ). Although only 10 percent of EPZ workers are unionized, these workers are covered by national labor laws (see Section 6.b.). The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers. The International Confederation of Free Trade Unions (ICFTU) alleged that employers have established employer-controlled work councils for workers in the EPZ. Labor unions are independent of the Government, and they have established ties to domestic political parties and addressed political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal (PAT) or to the Industrial Relations Commission (IRC), then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

In July the Government unveiled a plan for restructuring the sugar sector that included provisions for the early retirement of 9,200 sugar workers. In July several of the unions representing the sugar workers held demonstrations to protest the constitutionality of the plan and the details of the retirement package, which was decided upon without union input.

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively

The law protects the right of employees to bargain collectively with their employers. The ICFTU reported that the law does not protect trade unions adequately against acts of interference by employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance in 1997; however, new legislation still was pending at the State Law Office level at year's end. Minimum wages for nonmanagerial level workers are set by the National Remuneration Board (NRB), whose chairman is appointed by the Minister of Labor; however, most unions negotiate wages higher than those set by the NRB. Almost 13 percent of the labor force works for national or local government. The IRA prohibits antiunion discrimination. There is an arbitration tribunal that handles any such complaints.

Approximately 90,765 persons work in the EPZ. Workers in EPZ firms enjoy the same basic protections as workers in other firms; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers.

The ICFTU 2000 report stated that there was very little collective bargaining in the EPZ and that the National Remuneration Board determined wages after representations by employers and workers' representatives.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor outside the EPZ, and there were no reports that such practices occurred in the case of adults. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (see Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that are not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen are punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

The law prohibits forced and bonded labor by children; however, there were reports of forced child prostitution, which the Government has targeted as a top law enforcement priority (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respects this law in practice; however, child labor, including forced child labor, is a problem. According to Section 55 of the Labor Act, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

The legal minimum age for the employment of children is 15 years; however, children unable to attend secondary school often seek apprenticeships in the trades. Vocational schools train students who fail the primary education certificate exam taken by students at the end of the sixth year of primary education.

The Ministry of Labor is responsible for the enforcement of child labor laws and conducts frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 2,000 children between the ages of 12 and 14 were employed or looking for work in 1998. Child labor in homes, on farms, and in shops is common on the island of Rodrigues.

The Ministry of Labor is responsible for investigating reports of child labor abuses; 30 inspectors are employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During 2000 the inspectors performed approximately 5,000 inspections and at least 1 inspection of a report of child labor.

The law prohibits forced or bonded labor by children; however, forced child labor, namely prostitution, exists (see Sections 5 and 6.c.). In 2000 the new Minister of Women's Rights, Child Development, and Family Welfare released a 1998 study on the sexual exploitation of children that the previous government had withheld. Although it did not provide the number of child prostitutes, the study reported that children enter into prostitution as early as age 13; their clientele included industrialists, professionals, police officers, parliamentarians, and ministers. The Government has targeted child prostitution as a top law enforcement and prevention priority. In February the Ministry of Women, Child Development and Family Welfare established a hotline for reporting cases of child prostitution. In July a task force on prostitution at the Ministry commissioned a quantitative study on the magnitude of the child prostitution problem in the country. In July police broke up a prostitution ring involving adolescents in the north of the main island. During the year, both the Ministry and NGO's sponsored seminars on the dangers of prostitution for the public and schoolchildren. Some NGO's also have formed regional awareness networks and developed training materials for educators.

e. Acceptable Conditions of Work

The Government administratively establishes minimum wages, which vary according to the sector of employment, and it mandates minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ is \$12.30 (369 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ is approximately \$3.53 (106 rupees) per week; these sums do not provide a decent standard of living for a worker and family, but the actual market wage for most workers is much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector is 45 hours. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government sets health and safety standards, and Ministry of Labor officials inspect working conditions and ensure compliance with the law. The small number of inspectors limits the Government's enforcement ability; however, through voluntary compliance, the number of occupational accidents has been reduced. Workers have the right to remove themselves from dangerous situations without jeopardizing their continued employment.

In August an international NGO conducted a study commissioned by the Ministry of Labor comparing working conditions between men and women, particularly in the area of wages. The results of the study were not released by year's end.

In October 2000, the Minister for Training Skills Development and Productivity reported that there were 24,292 foreign workers in the country, of whom 20,081 worked in the textile sector. Since they often do not speak English, French, or Creole, it is difficult for them to demand their rights, which are the same as those of citizen employees, including the right to belong to a union. In June it was reported that a Ministry of Labor investigation indicated that many foreign workers did not receive all of the overtime wages to which they were

entitled; the companies at fault were instructed to remedy the situation or face legal action. Most of the companies complied, rather than face legal action; however, cases of those that did not comply were prosecuted. There were cases in which foreign workers obtained local legal counsel to redress their grievances.

f. Trafficking in Persons

The law prohibits trafficking in children, but does not specifically mention trafficking in adults. In 1999 there were reports from Madagascar that women and young girls were trafficked to the islands of Reunion and Mauritius for prostitution; however, there were no similar reports during the year. The penalties for those found guilty of child trafficking are a minimum fine of \$370 (10,000 rupees) or imprisonment for up to 5 years.