

# Mauritius

# 89

/100

FREE

<u>Political Rights</u>	37/40
<u>Civil Liberties</u>	52/60

### LAST YEAR'S SCORE & STATUS

89 /100    Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Mauritius’s open, multiparty system has allowed for regular transfers of power between parties through free and fair elections, and civil liberties are generally upheld. However, the political leadership remains dominated by a few families, and ethnic divisions are increasingly prominent in politics. Corruption is also a problem, journalists occasionally encounter harassment and legal pressure, integration of women into the political system has been slow, and LGBT+ people face threats and discrimination.

## Key Developments in 2019

- Incumbent prime minister Pravind Jugnauth and his Militant Socialist Movement (MSM) party won the November elections, securing a new five-year term in government.
- The new National Assembly chose MSM politician Prithvirajsing Roopun to serve as the country’s largely symbolic head of state in December.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	4/4
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The president, whose role is mostly ceremonial, is elected by the National Assembly to serve a five-year term. Prithvirajsing Roopun, an MSM lawmaker and government minister, was elected president in December 2019, following the previous month’s parliamentary elections.

Executive power resides with the prime minister, who is appointed by the president from the party or coalition with the most seats in the legislature. Pravind Jugnauth of the MSM, who had succeeded his father as prime minister when the latter stepped down in 2017, won a new term as a result of the 2019 elections, which were generally considered credible.

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>4/4</b>
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Of the unicameral National Assembly's 70 members, 62 are directly elected in 21 constituencies, including 2 members from a constituency representing the autonomous island of Rodrigues. Up to 8 "best losers" are then appointed from among unsuccessful candidates who gained the largest number of votes, in order to ensure fair representation of the country's different ethnic communities. The members of the National Assembly serve five-year terms. Rodrigues has its own elected Regional Assembly.

The MSM's Morisian Alliance won the November 2019 National Assembly elections with a total of 42 seats amid voter turnout of approximately 77 percent. The opposition National Alliance, led by former prime minister Navinchandra Ramgoolam's Mauritian Labour Party (PTR), took 17 seats, followed by former prime minister Paul Bérenger's Mauritian Militant Movement (MMM) with 9 and the Organization of the People of Rodrigues (OPR) with 2. Opposition leaders filed court challenges over alleged irregularities, but African Union observers concluded that the election was conducted peacefully and professionally.

**A3** 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>4/4</b>
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The Electoral Supervisory Commission has impartially supervised the electoral process.

Long-running discussions on electoral reforms and party financing laws continued in 2019, but no changes had been approved by the parliament at year's end. There is no law on the financing of electoral campaigns. Among other reforms under discussion was a proposal to introduce seats allocated by proportional representation; under the current first-past-the-post system in 2019, the MSM's coalition won 61 percent of the directly elected seats with 38 percent of the popular vote.

## B. Political Pluralism and Participation

**B1** 0-4 pts

<b>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</b>	<b>4/4</b>
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Political parties are generally free to form and operate. Roughly three dozen parties competed in the 2019 elections, and four were included in the resulting government.

**B2** 0-4 pts

<b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b>	<b>4/4</b>
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Since independence, political power has peacefully rotated among the three largest parties—the PTR, the MSM, and the MMM. The MSM has been in power since 2014, when it defeated the PTR.

**B3** 0-4 pts

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**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**4/4**

Voters and candidates are generally able to express their political choices without pressure from forces that are not democratically accountable. However, money plays an important role in politics, and there is no law to regulate the financing of electoral campaigns. De facto dynastic control may also limit intraparty democracy in some cases; of the prime ministers since independence, all but Bérenger have been members of the Jugnauth (MSM) or Ramgoolam (PTR) families.

**B4** 0-4 pts

**Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?**

**3/4**

Citizens from all ethnic communities enjoy full political rights, though the Hindu majority is considered to hold most positions of political influence. Parliamentary candidates must declare their identification with one of four communities: Hindu, Muslim, Sino-Mauritian, or General Population—which includes people of African descent. The eight appointed seats are allocated with the aim of ensuring fair representation for these communities.

Women hold a handful of cabinet seats and other high-level political positions, but are generally underrepresented in politics. Fourteen women secured seats in the 2019 parliamentary elections. Local elections require that at least one-third of political parties' candidates in each district be women, and a similar rule has been considered for national elections.

Discrimination against LGBT+ people can discourage their active political participation.

## **C. Functioning of Government**

**C1** 0-4 pts

<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>4/4</b>
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Elected officials are duly seated and generally able to make policy without improper interference or major political disruptions.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>3/4</b>
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The country's anticorruption framework is robust but inconsistently applied. The Independent Commission Against Corruption has had some successes since its founding in 2002, and few citizens report paying bribes, but a majority reportedly believe that the government needs to do more to tackle corruption.

In 2018, Ameenah Gurib-Fakim, who was elected as the country's first woman president in 2015, resigned after allegations emerged in the media that she had made thousands of dollars in personal purchases using a credit card issued to her by a nongovernmental organization.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>3/4</b>
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The government openly debates the country's budget in the National Assembly, publishes it and other legislation online and in the press, and maintains a National Open Data Portal. However, Transparency International has noted concerns about opaque hiring and appointment processes that may be affected by nepotism and cronyism. The European Commission and Transparency International have also highlighted the lack of laws guaranteeing the right to access government information.

# Civil Liberties

## D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	3/4
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The constitution guarantees freedom of expression. Several private daily and weekly publications report on the ruling and opposition parties, but the state-owned Mauritius Broadcasting Corporation's radio and television services generally reflect government viewpoints. A small number of private radio stations compete with the state-run media.

Journalists occasionally face legal pressure. Amendments to the Information and Communication Technologies (ICT) Act in 2018 expanded the types of online speech that could be deemed false, harmful, or illegal and increased the maximum penalty to 10 years in prison. Several defamation suits and ICT Act complaints were filed against journalists and media outlets during 2019. In September, Top FM and Top TV petitioned the Supreme Court to overturn the revisions to the ICT Act, claiming that they were unconstitutional.

**D2** 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	4/4
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Religious freedom is generally upheld. The government grants subsidies to six recognized groups: Hindus, Roman Catholics, Muslims, Anglicans, Presbyterians, and Seventh-day Adventists. Other groups may apply for tax-exempt status. Tensions

between Muslim and Hindu communities, including occasional incidents of vandalism at places of worship, have been reported.

**D3** 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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Academic freedom is generally upheld.

**D4** 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	4/4
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Personal expression and private discussion are generally unrestricted. However, critics of the 2018 ICT Act amendments have argued they could serve as a deterrent to unfettered online speech by ordinary users.

## E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?	4/4
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Freedom of assembly is usually upheld, though there have been isolated restrictions. The 13th annual Mauritius Pride March was canceled in 2018 after police said they might not be able to protect participants from opponents gathered along the parade route. No such problems were reported in 2019.

**E2** 0-4 pts

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**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?**

**4/4**

Civil society groups operate freely. However, many are reliant on government funding that could compromise their independence.

**E3** 0-4 pts

**Is there freedom for trade unions and similar professional or labor organizations?**

**4/4**

The constitution specifically protects the right to form and join trade unions, which represent about a quarter of the workforce. Unions regularly meet with government leaders, protest, and advocate for improved compensation and workers' rights. There are more than 300 unions in Mauritius.

## **F. Rule of Law**

**F1** 0-4 pts

**Is there an independent judiciary?**

**3/4**

The generally independent judiciary administers a legal system that combines French and British traditions. However, judicial independence has been questioned in some cases involving politicians.

Mauritius has maintained the right of appeal to the Privy Council in London.

**F2** 0-4 pts

**Does due process prevail in civil and criminal matters?**

**4/4**

Constitutional guarantees of due process are generally upheld. However, Mauritian criminal law allows police to charge suspects provisionally and hold them for months until a formal charge is issued. Due to court backlogs, a majority of those being held in prison are in pretrial detention, and many detainees reportedly wait years before facing trial.

**F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>3/4</b>
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Mauritius is free from war, insurgencies, and other major threats to physical security. However, allegations of abuse by police continue to be reported. The Independent Police Complaints Commission (IPCC), which replaced a predecessor body and began operating in 2018, has the authority to investigate complaints and make recommendations. As of 2019 the IPCC had received hundreds of complaints, a substantial portion of which involved alleged physical assaults.

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>3/4</b>
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The 2008 Equal Opportunities Act prohibits discrimination based on race, ethnicity, sex, sexual orientation, and other categories, and it established the Equal Opportunities Commission (EOC) to investigate possible violations. Though the law and the EOC do not allow discrimination in the workforce, some citizens argue that positions of economic leadership are closed to ethnic minorities. Women generally earn less money than men for equal work.

LGBT+ people face discrimination and the risk of targeted violence in practice. Laws that criminalize same-sex sexual activity remain on the books but are rarely enforced.

# G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

<b>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</b>	<b>4/4</b>
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Residents are generally allowed to move freely within Mauritius, but there are some restrictions on travel to the Chagos Islands, which are disputed between Mauritius and Great Britain. Mauritians are free to change their place of residence, employment, and education.

**G2** 0-4 pts

<b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b>	<b>3/4</b>
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Mauritius is considered to be one of the most business-friendly countries in Africa. However, the Non-Citizen Property Restriction Act imposes some limits on noncitizens' acquisition of real estate. Corruption can hamper business activity.

**G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>3/4</b>
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The government generally does not limit personal social freedoms, though same-sex unions are not recognized. Spousal rape is not specifically criminalized. The law provides penalties for domestic violence and protection and assistance for victims, but enforcement and resources remain insufficient to curb the problem.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**2/4**

There are legal protections against exploitative working conditions, but the roughly 40,000 migrant workers in the manufacturing and construction sectors can face abuses. There have been reports of employers confiscating workers' passports, and of migrant workers becoming beholden to recruitment agents who charge huge fees for placement in a job. Both foreign and Mauritian women and girls have been targeted by sex traffickers. While the government has made some efforts to prosecute sex and labor traffickers and provide services to victims, these efforts are generally inadequate.

**On Mauritius**

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Global Freedom Score

**89/100** Free

*Other Years*

2019

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