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U.S. Department of State

Mauritius Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

MAURITIUS

Mauritius is a parliamentary democracy governed by a Prime Minister, a Council of Ministers, and a National Assembly. The Head of State is the President, who is nominated by the Prime Minister and confirmed by the Assembly, and whose powers are largely ceremonial. Fair and orderly national and local elections, supervised by an independent commission, take place at regular intervals, most recently in 1995. The judiciary is independent, there are numerous political parties, both large and small, and partisan politics are open and robust.

A paramilitary Special Mobile Force and Special Supporting Units under civilian control are responsible for internal security. These forces, under the command of the Commissioner of Police, are backed by a general duty police force. They are largely apolitical and generally well-trained, but the police committed some human rights abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. About 85 percent of arable land is planted with sugar cane. There is a generally high standard of living; annual per capita income is approximately \$3,195. The country weathered well the global economic slowdown of the early 1990's and is now attempting to diversify its economy by promoting investment in new sectors, such as electronics, and developing the country as a regional financial center.

The Government's human rights record improved, but problem areas remained. There continued to be

occasional reports that police abused suspects and detainees. The Government continued to use the National Intelligence Unit to monitor opposition party activities. On at least two occasions the police denied demonstration permits, which are normally routinely granted. Violence against women and child labor appeared to be on the rise, despite government efforts to address these problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Extrajudicial Killing

There were no reports of political killings.

The investigation into the 1994 case of a suspect in police custody who burned to death in his cell is complete but the district magistrate has not communicated his findings to the Director of Public Prosecutions.

In December a suspect held in a police holding cell for 3 nights died of multiple blows. The Commissioner of Police called for an investigation, but observers complained that the police should not be responsible for investigating themselves in such matters.

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, but there were several unofficial reports of police brutality, involving mistreatment of individuals on the street as well as of suspects in custody. One prisoner died in custody as result of multiple blows. (See Section 1.a.).

Because of the Police Commissioner's crackdown on crime, prisons have become overcrowded and prison sanitation inadequate.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile and the Government generally observes these prohibitions. A 1994 constitutional amendment allows the police to hold a person arrested or detained for a drug offense without bail until a final determination has been made in the case. Parliament has not enacted implementing legislation or otherwise specified which drug offenses will be covered by this amendment (see Section 1.e.).

The Government does not use exile as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. Some critics believed that the executive interfered with the judiciary. Legal experts noted concern about overt manipulation of the judiciary as well as political influence over the Commissioner of Police, the Director of Public Prosecutions, and the Anticorruption Tribunal.

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 Judicial Committee in the United Kingdom (the Privy Council). There are no political or military courts. The judiciary provides citizens with a fair judicial process.

Defendants have the right to private or court-appointed counsel. The 1995 draft dangerous drugs act, which would permit law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, is being examined by a select committee before it is considered by the National Assembly. The constitutionality of the law may be questioned.

There were no reports of political prisoners.

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

The sanctity of the home is provided for in law and generally respected in practice. Search of personal property or premises is allowed only under clearly specified conditions by court order or by police action to stop a crime in progress. The Government's intelligence apparatus continued to carry out illegal surveillance of local opposition leaders and other major figures.

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. Debate in the National Assembly is lively and open. There were occasional complaints of government influence in editorial policies, but more than a dozen privately owned daily, weekly, and monthly newspapers presented varying political viewpoints, and they expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government did not use these laws to inhibit the press in 1996. Libel suits between private parties are common.

The Government monopoly in broadcasting continued, after the Ramgoolam Government took office in December 1995 and postponed introduction of legislation to liberalize the radio and television industries, saying that it needed to review the 1995 report that the previous Government had commissioned. Television and radio news reporting maintained a progovernment slant which drew sharp criticism from newspaper editors. Under a new management team, Mauritius Broadcasting Corporation began to allow opposition figures slightly more air time. "Sky News" from the United Kingdom and "Canal Plus" from France are available to the public on a subscription basis.

The Government generally respects academic freedom but has occasionally censored books, usually citing national security reasons.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice. Police permission is required for demonstrations and mass meetings; such permission is rarely refused and groups have the right to challenge denials. The Commissioner of Police denied at least two permits for demonstrations. One denial was based on a parliamentary act disallowing public gatherings on days during which the Parliament is sitting, although exceptions to the act had been made in the past. The permit denial was not delivered at least 48 hours prior to the planned demonstration, as is customary, and police arrested 11 labor leaders who attended. Their cases were pending.

c. Freedom of Religion

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

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

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

There are no refugees, and the Government deals with asylum requests on a case by case basis. The issue of the provision of first asylum has never arisen. There were no reports of forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right peacefully to change their government, and citizens exercise this right in practice. Free and fair elections based on universal suffrage were held in December 1995. The opposition coalition won all elected seats in the National Assembly, and Labor Party leader Navinchandra Ramgoolam was sworn in as Prime Minister, replacing Anerood Jugnauth, who had led the Government since 1982.

The remote and isolated islands of Agalega and St. Brandon are an exception to universal suffrage. Their nearly 500 citizens are not registered as voters and have no representation in Parliament.

In the National Assembly, up to eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented. Political parties often match the ethnicity of their candidates to the ethnic composition of particular electoral districts.

Six of the 66 members of the Assembly are women.

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

A variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

In October Mauritius hosted the 20th Ordinary Session of the African Commission on Human and Peoples' Rights. Mauritian NGO's actively participated in the NGO workshop that preceded the event. Issues such as the Dangerous Drug Act and stringent immigration policies were debated openly.

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, creed, or sex. The Government generally respects these provisions.

Women

Violence against women, particularly spousal abuse, is widespread and increasing, according to the Ministry of Women's Rights and Family Welfare, attorneys, and NGO's. In 1995 the number of reported cases of domestic violence against women rose to 966 compared with 425 in 1994. In the first half of

1996, 1,062 cases were reported to Children and Women Protection unit. The Government is working to increase awareness of the problem and to provide relief for victims by providing counseling and temporary shelter. It is also promulgating a law that would specifically address domestic violence. There are no special legal provisions concerning family violence. Police are generally reluctant to become involved in cases of spousal abuse.

Women have traditionally occupied a subordinate role in society, and societal discrimination continues. Nearly half of Mauritian women work outside the home.

Children

The Government placed strong emphasis on the health and welfare of children, and displayed a commitment to expand educational opportunities for children. Reported incidents of child abuse are infrequent and isolated, although private voluntary organizations claim that the problem is more widespread than publicly acknowledged. At present, most government programs are administered by the state-funded National Children's Council, which provides counseling and investigates reports of child abuse as well as remedial action to protect affected children.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law requires organizations which employ more than 10 people to set aside at least 3 percent of their positions for people with disabilities. The law does not, however, require that work sites be accessible to the disabled, making it difficult for people with disabilities to fill many jobs. There is no law mandating access to public buildings or facilities.

National/Racial/Ethnic Minorities

Tensions between the Hindu majority and Creole and Muslim minorities persist. A 1995 law that would have favored Hindu children in educational opportunities brought racial tension to the forefront during the December 1995 electoral campaign. The law was struck down by the Supreme Court and the tension eased, but bitterness remains, and the Creole and Muslim minorities attempted to keep public attention focused on alleged societal injustices against them. In March a soccer match erupted into a riot when spectators realized that Mauritian Muslims were cheering for an Egyptian team instead of the Mauritian team. Creole political groups claimed that cases of brutality by the predominantly Hindu police force are perpetrated almost exclusively against Creoles. There were numerous credible reports of the predominantly Hindu police force mistreating the predominantly Creole population of Rodrigues.

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. More than 300 unions represent over 100,000 workers, more than 20 percent of the total work force. With the exception of members of the "disciplined force" (i.e., the police and the Special Mobile Force) and persons in state services who are not public officers (e.g., contractors), workers are free to form and join unions and to organize in all sectors including in the export processing zone (EPZ). In the EPZ, however, only 10 percent of the work force is unionized, and employers continued to intimidate prospective union members. Labor unions are independent from the Government. Unions press wage demands, establish ties to domestic political parties, and address

political issues. Unions are free to establish federations.

Under the Industrial Relations Act (IRA), unions have the legal right to strike. In practice, however, the IRA requires a prestrike 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. Moreover, the IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in the industrial court if they believe that their dismissal is unjustified. According to Ministry of Labor statistics, there were five work stoppages.

Statutory minimum wage levels in the export processing zone (EPZ) are somewhat lower than elsewhere, but due to the country's labor shortage, actual wage levels are nearly double the minimum wage. Under the law, unions may and do establish ties with international labor bodies.

b. The Right to Organize and Bargain Collectively

The law protects the right of employees to bargain collectively with their employers. However, the collective bargaining process is weakened by excessive government intervention in the form of wage-setting in the state sector, which is generally used as the basis for private-sector pay. Wages are set by the National Remuneration Board, whose chairman is appointed by the Minister of Labor. About 12 percent of the labor force works for national or local government. The IRA prohibits antiunion discrimination. There is an arbitration tribunal which handles any such complaints.

The EPZ employs about 90,000 people. While there are some EPZ-specific labor laws, such as provisions allowing EPZ employers to require up to 10 hours per week of paid overtime from their employees, workers in this sector enjoy the same basic protections as non-EPZ workers.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and not practiced in fact.

d. Minimum Age for Employment of Children

The legal minimum age for employment of children is 15 years. The Ministry of Labor is responsible for enforcement and conducts frequent inspections. A threefold increase in the number of underage workers found by government inspectors in latter half of 1995 over the same period in 1994 led to increased government inspections. Inspectors issued warnings to the culpable employers. The Government estimated that children make up 0.7 percent of the work force. Child labor in homes, on farms, and in shops is common in Rodrigues, which remained difficult to monitor.

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 about \$11.55 (231.28 rupees) per week effective July 1, while the lowest weekly wage for a non-EPZ worker is about \$12.50 (250.05 rupees). While this is significantly below the level needed to provide an acceptable standard of living, the actual market wage for most workers is much higher due to the present labor shortage.

The standard legal workweek in the industrial sector is 45 hours. In the EPZ an employee may be required to work an additional 10 hours per week, although at a higher hourly wage.

The Government responded to a 1995 complaint to the International Labor Organization regarding the wages and living conditions of foreign workers by increasing the number of inspections carried out by the Foreign Labor Inspection Squad. Observers complain that the inspectors are easily bribed and are the only people allowed access to foreign workers who are not being otherwise protected by the labor laws.

The Government sets health and safety standards, and Ministry of Labor officials inspect working conditions and ensure compliance with the 1988 Occupational Safety, Health, and Welfare Act. The small number of inspectors limits the Government's enforcement ability, but the number of occupational accidents has been cut nearly in half since the act's passage. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment.

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