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U.S. Department of State

Mauritius Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

MAURITIUS

The Republic of Mauritius, a parliamentary democracy since 1968, is governed by a Prime Minister, a Council of Ministers, and a National Assembly. The President, who is nominated by the Prime Minister and confirmed by the National Assembly, serves as Head of State, with largely ceremonial powers. Fair and orderly national and local elections, supervised by an independent commission, take place at regular intervals. There are numerous political parties and partisan politics is open and robust. The judiciary is independent.

A paramilitary Special Mobile Force under civilian control is responsible for internal security. This force, under the command of the Commissioner of Police, is backed by a general duty police force. Both forces are largely apolitical and generally well trained. While human rights violations are infrequent, members of the security forces committed some abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The standard of living is high, with average per capita gross domestic product of approximately \$3,400 per year. The Government is successfully diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respects the human rights of its citizens, but problem areas remain. There continued to be occasional reports that police abused suspects and detainees as well as delayed their access to defense counsel. Discrimination and violence against women is a problem. In a significant

step, in May the Government passed legislation outlawing domestic violence. Child labor remains a problem. In a positive step, the Government decided to introduce human rights education in secondary schools and is now preparing a curriculum for introduction in 1998. In November police inspectors participated in the first human rights training seminar for law enforcement officials in the country.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

However, no progress was made in resolving the cases of two persons who died in police custody, one December 1996, the other in 1994. Human rights lawyers asserted that the police were attempting to conceal the facts surrounding the deaths and were not conducting thorough, unbiased investigations.

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 observed it. However, there were approximately one dozen published reports of alleged police brutality involving mistreatment of individuals, including suspects in custody.

Prison conditions generally meet minimum international standards.

The Government has permitted prison visits by foreign diplomats, the national ombudsman, a team from the U.N. Commission for Human Rights, and the press. The Government is investigating conditions and treatment in police holding cells.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. In most cases, but not in all cases, suspects are provided prompt access to family and defense counsel.

The Constitution prohibits 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 Judicial Committee in the United Kingdom (the Privy Council). There are no political or military courts.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right. Defendants have the right to private or court-appointed counsel. The 1995 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 undergoing judicial review and has not been implemented. The constitutionality of the law may be questioned.

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

The Constitution prohibits such practices, government authorities generally respect these provisions, and violations are subject to legal sanction. Both human rights lawyers and police authorities said that illegal entry by the intelligence apparatus has ceased. The acting Commissioner of Police stated that police do not use illegal wire taps on telephones.

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. More than one 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 Ramgoolam 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, but it was undermined by a decision of the Supreme Court in July that is expected to result in the opening of broadcasting to private parties, except for local news programming, which will remain under government control pending passage of legislation for complete liberalization. The Government did not challenge the Court's decision, and appears prepared to comply with it. Television and radio news reporting maintained a progovernment slant, although the Mauritius Broadcasting Corporation allowed opposition figures slightly more air time than it had previously. Sky News from the United Kingdom and Canal Plus from France are available to the public on a subscription basis.

The Government respects academic freedom.

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. In June 1996, the Commissioner of Police decided not to authorize a trade union march 12 hours before it was to have begun. Police later informed union leaders that they would be prosecuted because they had addressed the crowd that had gathered despite the ban. In August the police demanded that the union leaders surrender their passports. They subsequently withdrew this demand. An inquiry began to determine who had initially instructed police to prosecute the trade unionists, but its results were not available at year's end.

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. The Government considers 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 to change their government peacefully, and citizens exercise this right in practice. Free and fair national elections based on universal suffrage were held in December 1995. The remote and isolated islands of Agalega and St. Brandon are an exception to universal suffrage. Their nearly 500 citizens have no representation in the National Assembly.

In the National Assembly, up to eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented.

Of the 66 National Assembly seats, 6 are held by women.

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

A number of human rights groups are organized and active, and operate without government restriction, investigating and publishing their findings on human rights cases. Government officials cooperate with and respond to the views of human rights groups.

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. In a positive step, the Government decided to introduce human rights education in secondary schools and is preparing a curriculum for introduction in 1998.

Women

Violence against women, particularly spousal abuse, is widespread, according to the Ministry of Women's Rights and Family Welfare, attorneys, and nongovernmental organizations. In August the Government took a significant step to address these problems by enacting legislation that outlawed domestic violence and provided mechanisms to protect women and children in particular. Officials report that the number of spousal abuse cases has been rising in the last 3 years due primarily to better reporting. Between August and November, 66 protection orders were issued and an additional 35 were under investigation.

Women have traditionally played subordinate roles in society, and societal discrimination continues. Women do, however, have access to education, employment, and government services.

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 mandatory up to the age of

12, and the Government plans to increase this to the age of 15.

Incidents of child abuse are occasionally reported; private voluntary organizations claim that the problem is more widespread than is publicly acknowledged. Most government programs are administered by the state-funded National Children's Council, which provides counseling, investigates reports of child abuse, and takes 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 government services. The law requires organizations that employ more than 10 persons to set aside at least 3 percent of their positions for the disabled. The law does not 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 but rarely lead to violence or open confrontation. Creole and Muslim minorities attempted to keep public attention focused on alleged societal injustices and Hindu discrimination against them. Some Creole political groups allege that they received unequal treatment from police, including being subjected to a greater degree of force.

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, or about 20 percent of the work force. Many of the unions are small, having less than 1,000 members. Eight 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 state 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 EPZ workers are unionized, these workers are covered by national labor laws. 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. Labor unions are independent from the Government and press wage demands, establish ties to domestic political parties, and address political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike. In practice, however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. 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 dismissal is unjustified. There were no major strikes during the year.

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. Wages are established by the National Remuneration Board (NRB), whose chairman is appointed by the Minister of Labor, but most unions are able to negotiate wages higher than those set by the NRB. About 12 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.

About 90,000 people work in the EPZ. While there are some EPZ-specific labor laws, such as provisions allowing EPZ employers to request up to 10 hours per week of paid overtime from their employees, workers in these firms enjoy the same basic protections as workers in other firms.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and not practiced in fact. Forced or bonded labor involving children and domestic workers is prohibited by law and does not exist.

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

The legal minimum age for employment of children is 15 years. However, children unable to attend secondary school often seek apprenticeships in the trades. The Government plans to increase mandatory education to 9 years of schooling, which would keep children in school until the age of 15, rather than the current requirement, age 12. There are also plans to establish vocational schools to train those who leave school early.

The Ministry of Labor is responsible for enforcement and conducts frequent inspections. Child labor in homes, on farms, and in shops is common in Rodrigues, which is the principal problem area because of the difficulty in monitoring. Forced or bonded labor involving children and domestic workers is prohibited by law and does not exist (see Section 6.c.).

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 \$10.50 (231 rupees) per week, while the lowest weekly wage for a non-EPZ worker is about \$12.50 (274 rupees). This is below the level needed to provide a decent standard of living for a worker and family, but the actual market wage for most workers is much higher due to the present labor shortage and collective bargaining. The standard legal workweek in the industrial sector is 45 hours. In the EPZ, an employee may work an additional 10 hours per week, although at a higher hourly wage.

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 through voluntary compliance 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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