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## U.S. Department of State

### Mauritius Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### 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 a per capita gross domestic product of approximately \$3,550 per year. The Government is diversifying successfully 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. In a positive step, in December the National Assembly passed the Protection

of Human Rights Act, which provides for the establishment of a national human rights commission to investigate complaints against the police, including allegations of police brutality. Discrimination and violence against women, and abuse of children continued to be problems; however, legislation making domestic violence a crime was passed in March, thereby providing the judicial system with greater powers to combat the problem. Child labor remains a problem; however, new legislation was passed in July to address the problem. The Government continued to prepare a curriculum for human rights education for introduction in primary schools in 1999.

## **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.

Little progress was made in resolving the cases of two persons who died in police custody, one in 1996 and one in 1994. In 1994 three police officers were charged with manslaughter but found not guilty. An April preliminary inquiry into the 1996 case did not result in any charges being filed against police officers. 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 respected it; however, according to the Prime Minister, there were 132 complaints against the police reported between January and May. The most common form of alleged police abuse is the use of force to coercion a suspect to sign a confession. Police abuses also include delays in suspects' access to defense counsel.

In December the National Assembly passed the Protection of Human Rights Act, which provides for the establishment of a national human rights commission to investigate complaints against the police. However, the Commission is not to investigate complaints under investigation by the Ombudsman (see Section 4.).

Prison conditions generally meet minimum international standards.

The Government has permitted prison visits by foreign diplomats, the national Ombudsman, a team from the United Nations 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 suspects are provided prompt access to family and defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access.

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 Privy Council in the United Kingdom. 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. Because of questions concerning the constitutionality of the law, the Government promised to introduce legislation to amend the act in 1999.

There are no political prisoners.

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 had ceased. The acting Commissioner of Police stated that police do not use illegal wiretaps 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 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, but it was undermined by a Supreme Court decision in 1997. This decision resulted in the opening of broadcasting to private parties during the year, except for local news programming, which remained under government control pending passage of legislation for complete liberalization. One private news organization began local news broadcasts in July on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Local television and radio reporting maintained a progovernment bias and was criticized after the April by-election by an international electoral group. The group's report recommended that the Government examine ways to ensure that all parties are given fair access and time on the state-run local news programs. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable Network News, are available to the public by subscription.

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 rarely is refused, and groups have the right to challenge denials.

#### 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 1995, and a free by-election was held in April. In December the National Assembly passed legislation granting voting rights in the general elections to the 300 residents of the island of Agalega. Previously, they had not been represented in the National Assembly. This leaves only the residents of the island of Saint Brandon without suffrage. However, there are only about 100 fishermen on 6-to-12 month contracts living on the island.

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

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 actively investigating and publishing their findings on human rights cases operate without government restriction. Government officials cooperated with and responded to the views of human rights groups.

A constitutionally mandated Ombudsman investigates complaints of human rights abuses.

### **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. The Government generally respected these provisions. The Government continued to prepare a curriculum for human rights education for introduction in 1999.

## **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 March the National Assembly passed legislation outlawing domestic violence. The new law provides the judicial system with greater powers to combat this problem. According to officials, the number of reported spousal abuse cases has risen in the last 4 years, primarily due to greater awareness of women's rights and the Government's readiness to enforce them. Between January and July, 229 protection orders against abusive partners were issued, and a total of 306 orders have been issued since the legislation was enacted in 1997. A UNICEF-funded study reported 1,013 cases of domestic violence between November 15, 1997 and May 15, 1998. Women were the victims in 974 of these cases with alcohol being a contributing factor in 56 percent of the cases.

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. There is no system to compel fathers to pay child support. However, in July several amendments to the Criminal Code were enacted that made it a crime to abandon one's family or a pregnant spouse for more than 2 months, not to pay court-ordered food support, or engage in sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continues. However, women 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 until the age of 12, and the Government plans to increase this to age 15 once 60 new schools are authorized and built. In July the legislature passed additional provisions to the Protection of the Child Act, thereby making certain acts compromising the health, security, or morality of children a crime.

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 Child Development Unit at the Ministry of Women, Family Welfare, and Child Development, which provides counseling, investigates reports of child abuse, and takes remedial action to protect affected children. In 1997 there were 2,135 reported cases of child abuse, ranging from physical abuse, to neglect, to sexual abuse. Between January and April, 946 cases had been reported.

## **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. There is no law mandating access to public buildings or facilities. The law does not require that work sites be accessible to the disabled, making it difficult for people with disabilities to fill many jobs.

## **National/Racial/Ethnic Minorities**

Tensions between the Hindu majority and Creole and Muslim minorities persist but rarely led 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 alleged that Creoles received unequal treatment from police.

## **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 350 unions represent over 125,000 workers, or about 31 percent of the work force. Many unions are small, having fewer 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 12.5 percent of 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 they have pressed wage demands, established ties to domestic political parties, and addressed political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike. However, in practice 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. 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 19 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 85,000 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, including that by children, is prohibited by law, and not practiced in fact.

### **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 in January 2000. Six vocational schools were opened in January to 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 enforcement and conducts frequent inspections. According to the Ministry of Women, Family, and Child Development, 2,300 children between the ages of 12 and 14 were employed or looking for work as of mid-1997. Child labor in homes, on farms, and in shops is common on the relatively isolated island of Rodrigues, which is the principal problem area because of a difficulty in monitoring. Forced or bonded labor involving children 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 \$12.35 (309 rupees) per week, while the lowest weekly wage for a non-EPZ worker is about \$15.35 (384 rupees). This sum 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 a 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.

There are more than 9,000 legal foreign workers. 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 Mauritian employees, including the right to belong to a union. However, there were cases in which foreign workers obtained local legal counsel to redress their grievances.

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 by two-thirds since the act's passage. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment.

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