



Mauritius

Country Reports on Human Rights Practices - [2007](#)

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The Republic of Mauritius is a constitutional, parliamentary democracy of approximately 1.2 million citizens governed by a prime minister, a council of ministers, and a National Assembly. In July 2005 the Social Alliance, led by Prime Minister Navin Ramgoolam, defeated the coalition between the Mauritian Militant Movement (MMM) and the Militant Socialist Movement (MSM) in national elections judged by international and local observers to be free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The following human rights problems were reported: police abuse of suspects and detainees; allegations of corruption in the police force; prison overcrowding; violence and discrimination against women; abuse of children; children in prostitution and child labor; some restrictions on workers in the Export Processing Zone (EPZ).

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike previous years, there were no reports that the government or its agents committed any arbitrary or unlawful killings.

In June four officers of the Major Crime Investigation Team (MCIT) were charged in the 2006 case of Rajesh Ramlogun who died while in police custody. An autopsy revealed "intracranial hemorrhage of a traumatic nature." The medical office confirmed that the hemorrhage was caused by a violent blow to the head, and the deputy commissioner of police reported that the cause of death included violent actions by the MCIT. The case was 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 constitution and law prohibit such practices; however, there continued to be reports of police abuses.

As of August the National Human Rights Commission (NHRC) received 45 physical and verbal abuse complaints against police officers, of which 15 were withdrawn or dismissed for lack of substantiation; three additional cases were dismissed because legal procedures were already underway; two cases were referred to the appropriate authorities for follow up; and 25 cases remained under investigation.

Prison and Detention Center Conditions

Prison conditions generally met international standards, although there were reports of drug abuse, commercial sexual activity, and overcrowding. On October 18, following a visit by the United Nations Subcommittee on the Prevention of Torture, the maximum security prison closed after allegations of detainee torture. The Central Prison, which has a capacity of 677, held 1,090 prisoners.

According to the Commission of Prisons, seven detainees died from natural causes during the year.

Authorities separated prisoners deemed to be dangerous to the prison population and placed them in a high-security prison. Behavior of the prisoner, as opposed to the prisoner's conviction or sentence, determined where that prisoner was

placed. Women and children were separated from men. The Central Prison had a separate wing for women, which housed all of the women prisoners in the country. Pretrial detainees were held at a separate remand prison facility dedicated solely to pretrial detainees in Grand River North West.

The government permitted visits by independent observers including the press, the NHRC, diplomats, and the UN. One nongovernmental organization (NGO), Association Kinouete, actively involved in rehabilitating prisoners, was among the 29 NGOs given permission to visit prisoners. In July Association Kinouete, in collaboration with the Ministry of Finance and Economic Development and the private sector, began the implementation of a skills development program to rehabilitate 40 female prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police force is headed by a police commissioner who has authority over all security and police forces, including the Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. The NHRC, an independent organization, investigates allegations of police abuses and may report such cases to the Office of the Director of Public Prosecutions (DPP), an independent entity. The Police Complaints Investigation Bureau registered only one case of corruption against a police officer. The Independent Commission Against Corruption (ICAC) registered 70 complaints of corruption against police officers. On November 26, the media reported allegations of racketeering activities by members of the MCIT, formerly headed by the late Premnath Raddhoa. The investigation was still underway at year's end.

Orientation training for all new police recruits included a segment on human rights. A refresher training course was required of all lower and middle management officers who had completed either five or 15 years of service, and was offered several times yearly. More than 100 qualified candidates were trained. Human rights continued to be a topic included in all internal police courses.

Arrest and Detention

The constitution and law stipulate that warrants be obtained for arrests; that the accused be read their rights, including the right to remain silent and the right to an attorney; and that the accused be brought before the local district magistrate within 48 hours. Police generally respected these rights; however, in some cases police delayed suspects' access to defense counsel. Minors and those who did not know their rights were less likely to be provided prompt access. Indigent detainees were provided an attorney at state expense. A suspect can be detained for up to a week, after which the issue of bail is brought before a magistrate. Alternatively, if police concur, the accused may be released on bail the same day as the arrest. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail.

Due to a backlogged court system, authorities occasionally held prisoners in remand up to four years before they were tried. Time served in remand did not apply to subsequent sentences. Pretrial detainees comprised approximately 30 percent of the prison population and could potentially await trial in remand for an average of more than three years.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

The country's judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. The Supreme Court has a chief justice and six other judges who also serve on the court of criminal appeal, the court of civil appeal, the intermediate court, the industrial court, and 10 district courts. Final appeal may be made to the Privy Council in the United Kingdom.

The DPP determines which court hears particular cases based on the severity of the crime and anticipated punishment. All crimes carrying the death penalty or life imprisonment are sent to the Supreme Court, crimes of a medium level of severity are sent to the intermediate courts, and lesser crimes are heard before district courts.

Trial Procedures

Trials are public and juries are only used in murder trials. Defendants have the right to be present and to consult an attorney in a timely manner. An attorney is provided at public expense when indigent defendants face serious criminal charges. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf in the district courts. Defendants and attorneys have access to government-held evidence relevant to their cases. Defendants

enjoy a presumption of innocence and right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. The constitution provides for an ombudsman to investigate complaints from the public and members of the parliament against government institutions and to seek redress for injustices committed by a public officer or authority in official duties.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. Although the country has strict libel laws in place, these were rarely used against the media. However, on November 21, police arrested and charged two radio reporters and a newspaper editor for libel, after they revealed that a large sum of money was discovered in a police station locker used by the late Premnath Raddhoa.

The independent media was active and expressed a wide variety of views without restriction. There were four daily and 12 weekly newspapers and three private radio stations that offered diverse political viewpoints and expressed partisan views freely. The government owned and regulated the domestic television network, but international networks were available by subscription or via a cable box. Opposition parties and media experts regularly criticized the government-owned national television for its partiality and denounced interference from government officials in its news coverage policy. Television news covered mainly the prime minister and his cabinet member's daily activities. Opposition parties complained that reports of National Assembly debates were unfairly reported.

Internet Freedom

In general, the government respected access to the Internet; however, on November 9, there were reports that the Information Communication Technology Authority asked local internet service providers to restrict Internet user access to the international social networking Web site "Facebook," in response to a false profile created in the name of the prime minister. Except for this one-day restriction, Internet access was readily available and widely used by citizens. There were no other reports that the government monitored e-mail or Internet chat rooms.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Religious organizations that were present prior to independence, such as the Catholic Church, the Church of England, the Presbyterian Church, Seventh-day Adventists, as well as various Hindu and Muslim organizations, were recognized in a parliamentary decree. These groups also received an annual lump-sum payment from the Ministry of Finance and Economic Development (MFED) based upon the number of adherents as determined by the census. Charitable religious organizations (seven member minimum), spanned all major religions, were registered by the Registrar of Associations, and were recognized as legal entities with tax-exempt privileges, following application with the MFED to be recognized as a charitable institution. The government was not known to have refused registration to any group.

Foreign missionary groups were allowed to operate on a case-by-case basis. Although there were no government regulations restricting their presence or limiting their proselytizing activities, groups were required to obtain both a resident permit and a work permit for each missionary. The prime minister's office is the final authority on issuance of these required documents to missionaries. While there were no limits on the ability of missionaries to operate in the country, there were limits on the number of missionaries permitted to obtain the requisite visas and work permits. Whereas in previous years there were reports of Mormons being discriminately denied work and residency permits, no such problems have surfaced in the last three years.

On March 22, the Supreme Court ruled that a mosque in a residential area of Quatre Bornes could not use loudspeakers for the daily calls to prayer in accordance with the Noise Prevention Regulations. In April this led to public protests by some representatives of the Muslim community who considered the ruling as an infringement of religious freedom. The plaintiff and the mosque subsequently compromised on an acceptable decibel level for the use of loudspeakers.

As a result of the March judgment, the Ministry of Housing and Lands issued a policy requiring prior consultation with immediate neighbors of identified worship sites before issuance of a building permit.

Societal Abuses and Discrimination

Underlying tensions between various ethnic and religious groups persisted, but no violent confrontations occurred during the year.

Approximately 120 Jews resided in the country, although mainly expatriates, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government had no need to provide protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The government did not grant refugee status or asylum.

The government cooperated with the Office of the UN High Commissioner for Refugees in assisting refugees and asylum seekers by donating money.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

According to international and local observers, the July 2005 national elections were free and fair, with the opposition Social Alliance defeating the ruling MMM-MSM alliance.

There were 12 women in the 71-seat National Assembly (Note: One member of parliament was selected to be the attorney general, as allowed by constitutional provisions), and there were two female ministers in the 20-member cabinet.

Although historically the Hindu majority dominated politics, no groups were excluded from the political system. Authorities required National Assembly candidates to identify themselves with one of four distinct ethnic groupings: Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, "general population" described primarily the Creole and Franco-Mauritian communities. Based on these four categories, the 71-seat National Assembly had 41 Hindus, 19 members of the general population, 10 Muslims, and one Sino-Mauritian. Among the 20 members of the cabinet, there were 13 Hindus, three Muslims, three members of the general population, and one Sino-Mauritian.

Government Corruption and Transparency

The law provides criminal penalties for official corruption but the government did not implement these laws effectively. There was widespread public perception of corruption in the legislative and executive branches. Ministers and commissioners are requested to make a disclosure of family assets, including assets of their spouse and children, upon taking office and at the dissolution of the National Assembly or of the Regional Assembly. The ICAC, the agency set up to investigate allegations of corruption, and the media were the primary outlets to report acts of corruption. The Prevention of Corruption Act regulated such complaints. The commission registered 70 complaints of corruption against police officers; 36 were still under investigation and 34 were discontinued for lack of substantiation. ICAC received five complaints against immigration officials; four cases were still under investigation, and one was discontinued for lack of substantiation. In September a police officer in the Passport Immigration Office was arrested and charged with aiding and abetting four illegal Chinese immigrants in their transit through the country to England. Consequently, the police commissioner's office suspended the police officer.

The law provides for access to government information, and the government generally complied with requests.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The NHRC, which is composed of a former Supreme Court judge and three other members, investigates abuses by any public servant not already the subject of an inquiry by the DPP, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC has the authority to visit detention centers or prisons and to assess and make recommendations on conditions. The NHRC tried to resolve complaints through reconciliation, but if unsuccessful, could forward cases to the DPP (if criminal in nature), to the service commissions, or to the responsible authority in question.

The Foreign Affairs Ministry reported that four international organizations visited prisons, and 29 domestic NGOs and one International NGO had access to the prison.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the government generally enforced these provisions. Some societal discrimination occurred.

Women

The law prohibits rape, including spousal rape, and the police and judicial system enforced the laws. Rape is punishable by up to eight years' imprisonment. The law criminalizes domestic violence and provides the judicial system with power to combat this problem; however, in practice domestic violence against women, particularly spousal abuse, was a major problem. Anyone found guilty of violating a Protection Order is fined \$833 (25,000 rupees) or faces a maximum of two years' imprisonment. Many victims chose not to report or prosecute their attacker, presumably due to cultural pressures. The law also criminalizes the abandonment of one's family or pregnant spouse for more than two months, the nonpayment of court-ordered food support, and sexual harassment. SOS Femmes, a local NGO, reported that although many women remained in abusive situations for fear of losing spousal financial support, a small percentage of women did file complaints against their abusive partner. Some of the abusers were penalized according to legal provisions.

Prostitution is illegal, but there were reports that it existed.

The law prohibits sexual harassment but it occurred. The Sex Discrimination Division of the NHRC received 51 complaints, of which eight related to sex discrimination and nine to sexual harassment. Thirteen cases remained under investigation.

The Sex and Discrimination Act affords women broadly defined wage protections, and authorities generally respected the law in practice. Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services.

In the agricultural sector, the law protects women from being forced to carry loads above certain weight limits; however, managers determined remuneration by the amount that one was able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried loads that weighed less.

Children

The government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. The ombudsman for children's issues had responsibility for ensuring that the rights, needs, and interests of children were given full consideration by government, private authorities, individuals, and associations. The Child Development Unit of the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection enforced the laws and implemented policies and programs with regard to the welfare and development of children. The National Children's Council served as a platform for government institutions and NGOs to work together.

The law provides for free, universal, and compulsory education to 16 years. Authorities treated girls and boys equally at the primary, secondary, and post-secondary levels. Most children finished secondary education. More than 90 percent of primary students attended school.

The government provided full medical care for both boys and girls.

The law criminalizes certain acts compromising the health, security, or morality of a child, although the government was unable to enforce complete compliance with the law. Private voluntary organizations claimed that child abuse was more widespread than was acknowledged publicly. The state-funded National Children's Council and the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children. The Police Unit for the Protection of Minors also carried out talks on sexual abuse of minors.

Child prostitution was a problem, and the government targeted the practice as a law enforcement and prevention priority. There were reports that some schoolgirls, independent of third party involvement, engaged in prostitution for spending money. On August 13, police dismantled a large child prostitution network in the Goodlands region and arrested a 33-year-old woman in connection with the ring. On August 17, police also broke up two other child prostitution networks in the north of the island. The police charged two persons in connection with child prostitution.

The Service d'Accompagnement, de Formation, Integration et Rehabilitation de l'Enfant, a local NGO working for the rehabilitation of homeless children, reported that 20 street children currently dwelled in urban areas.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to and from the country; however, there were reports of child prostitution within the country. The law provides for up to 15 years' imprisonment for trafficking in persons. There were reports that some schoolgirls voluntarily worked in conjunction with prostitution rings and others were forced into prostitution by family members. The Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection ran a hot line for reporting cases of child prostitution. Government officials and agencies in the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection, in the Attorney General's office, and in the police department sought ways to prevent child prostitution and prosecute cases. NGOs and the government drop-in center provided shelters, counseling, and education for victims of child prostitution.

The Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection conducted information campaigns on child trafficking for NGOs, high school students, women, and other community leaders. In the context of the decentralization of the Minors' Brigade Police Unit, a unit specializing in cases involving minors, 41 police officers and police recruits received antitrafficking training in May. Seven vehicles were also delivered to the unit by the police force during the year. On August 28, officers in the Police Family Protection Unit received antitrafficking training.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, and the Training and Employment of Disabled Persons Board effectively enforced it; however, 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. There is no law mandating access to buildings for persons with disabilities. The law requires organizations that employ more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities. There were no reports of overt discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities.

Other Societal Abuses and Discrimination

In 2006 the government responded with the introduction of the HIV/AIDS Act 2006 for the protection of HIV/AIDS patients against stigmatization and discrimination due to a 2004 case where a woman was evicted from her rented house after she publicly revealed that she had AIDS. On August 12, the media reported that a citizen was not granted permission to marry an HIV positive South African citizen based on her HIV status. Authorities based their initial refusal on clauses of the Immigration and Civil Status Acts. Following lobbying by local NGOs, the couple was granted special permission to marry. By year's end the law had not been amended in accordance with the HIV/AIDS Act 2006.

Section 6 Worker Rights

a. The Right of Association

The constitution and the law provide for the right of workers to form and join unions of their choice without previous authorization or excessive requirements. The law explicitly protects the right of workers to associate in trade unions, and workers exercised this right in practice. With the exception of police, the Special Mobile Force, and persons in government services who were not executive officials, workers were free to form and join unions and to organize in all sectors, including in the EPZ; however, the law grants authorities the right to cancel a union's registration if it fails to comply with certain legal obligations. Approximately 350 unions represented 115,000 workers, and 13 major labor federations served as umbrella organizations for smaller unions. Unionized workforce represented approximately 20 percent of the labor force. The law prohibits anti-union discrimination.

b. The Right to Organize and Bargain Collectively

Labor unions are free to conduct their activities without interference, and the government protected this right. The law protects collective bargaining, and workers exercised this right. The National Remuneration Board (NRB), whose chairman was appointed by the minister of labor, set minimum wages for nonmanagerial workers, although most unions negotiated wages higher than those set by the NRB.

The law provides for the right to strike, but the Industrial Relations Act (IRA) requires a 21-day cooling-off period followed by binding arbitration; in practice, this made most strikes illegal. The government has 21 days to respond to any labor dispute and refer it to either the Permanent Arbitrary Tribunal or to the Industrial Relations Commission. If the government does not respond within 21 days, the proposed strike can occur. 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. The IRA grants the prime minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

Foreign workers are covered equally by labor laws but language problems interfered with exercising their rights. Those who participated in strikes faced the possibility of deportation. Authorities deported illegal foreign workers when they could be identified.

National labor laws cover EPZ workers, although unions had organized only 10 percent of EPZ workers. 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. Some employers reportedly established employer-controlled work councils for EPZ workers, effectively blocking union efforts to organize at the enterprise level. Approximately 65,000 persons worked in the EPZ.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

In August 2006 the government amended the Labor Act to raise the minimum employment age from 15 to 16, eliminating the inconsistency with the compulsory educational requirement through 16 years of age. The law prohibits the employment of children between the ages of 16 and 18 from work which is dangerous, unhealthful, or otherwise unsuitable for young persons. While the government generally respected this law, child labor occurred. According to the law, the penalties for employing a child are a fine of no more than approximately \$72 (2,200 rupees) and a term of imprisonment not to exceed one year.

Children worked in the informal section as street traders, in small businesses, in restaurants, in agricultural, and in small apparel workshops.

The Ministry of Labor, Industrial Relations, and Employment is responsible for the enforcement of child labor laws and conducted frequent inspections. The ministry employed 45 inspectors to investigate all reports of labor abuses, including those of child labor; however, law enforcement remained an issue due to the small number of labor inspection officers. On October 6, independently of the ministry's inspections, the Minors' Brigade arrested a man suspected of employing five underage teenagers to work as apparel vendors. The investigation was pending at year's end.

e. Acceptable Conditions of Work

The government established minimum wages, which varied by sector, and mandated that the minimum wage rise each

year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was approximately \$16 (517 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$21 (675 rupees) per week. Although these wages did not provide a decent standard of living for a worker and family, the actual market wage for most workers was much higher due to a labor shortage and collective bargaining.

The standard legal workweek in the industrial sector was 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ. In accordance with the Labor Act, no worker is bound to work more than eight hours a day, six days a week. Those who work more than their stipulated hours must be remunerated at one and a half times the normal salary. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary. For industrial positions, workers are not permitted to work more than 10 hours a day. If the worker has worked up to or past 10 p.m., the employer cannot require work to resume until at least 11 hours have lapsed. These standards were generally enforced. Unions have reported cases of underpayment for overtime in the textile or apparel industries due to differences in existing legislations and remuneration orders for the calculation of overtime hours.

The government set health and safety standards, and Ministry of Labor officials inspected working conditions; however, the small number of inspectors limited the government's enforcement ability. Voluntary employer compliance with safety regulations helped reduce the number of occupational accidents, with the ministry reporting a general trend downward in the number of industrial accidents over the past 10 years. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

