



Mauritius

Country Reports on Human Rights Practices - 2006

Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

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; 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).

The most serious human rights challenge facing the country was police abuse of detainees and suspects.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed one detainee in police custody. On January 14, Rajesh Ramlogun died while in custody of officers of the Major Crime Investigation Unit (MCIU). The Deputy Commissioner of Police investigated the case and reported that the cause of death included violent actions by the MCIT. Charges against three of the seven MCIT officers involved were dropped; the case against the remaining four was still 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.

On September 15, local media reported that a 16-year-old detainee at the Correctional Youth Center was placed in solitary confinement and forced to sleep naked on the floor for 48 hours. One detainee died in the custody of MCIT officers on January 14 (see section 1.a.).

Disciplinary actions have not yet been taken against three police officers who in 2005 assaulted a man accused of being a drug addict. The National Human Rights Commission (NHRC) established that there was a case for a breach of the Code of Discipline. The NHRC recommended that an outside officer hear the case rather than a police officer from the Office of the Commissioner of Police.

Out of the 179 complaints received by the NHRC, 116 were complaints against police officers for physical brutality, verbal abuse, and other offenses. Ten reports were sent to the Office of the Minister of Human Rights for appropriate action. Five reports were referred to the director of public prosecutions (DPP). The other cases were still under investigation. The Complaints Investigation Bureau received 108 complaints against police officers for assault and one complaint for corruption. Ten cases were referred to the authorities for follow-up measures and the remaining cases were still under investigation.

Prison and Detention Center Condition

Prison conditions generally met international standards, although there were reports of drug abuse, commercial sexual activity, and overcrowding. The Central Prison, which has a capacity of 677, held more than 1,000 prisoners.

Unlike the previous year, there were no reports of death due to riots. According to the Commission of Prisons, 10 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 rather than a conviction or a sentence determined prisoner placement.

The government permitted visits by independent observers including the press, the NHRC, diplomats, and the UN. One nongovernmental organization (NGO), actively involved in rehabilitating prisoners, was among the 18 NGOs given permission to visit prisoners. The government permitted Red Cross Mauritius to hold regular training programs in the prisons. For example, 25 prisoners from the Richelieu prison received first-aid training on a part-time basis for six weeks. No prison personnel have been trained thus far.

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 Mauritius Police Force is a national force headed by a commissioner of police 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 National Human Rights Commission (NHRC), an independent organization, investigates allegations of police abuses and may report such cases to the DPP, an independent entity.

There were reports of police corruption in the forms of bribery and internal corruption within the force. Complaints could be filed either directly through the Complaints Investigation Bureau or to the Independent Commission against Corruption (ICAC). In June a police officer was arrested and formally charged after he was accused of accepting a bribe. In September he was found guilty and sentenced to 12 months in prison.

The orientation training for all new police recruits includes a segment on human rights. A refresher training course is required of all lower and middle management officers who have completed five or 15 years of service. The two-week refresher course is carried out several times every year.

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.

In September Ras Natty Baby (Joseph Nicolas Emilien), a popular seggae artist who was known for critical social commentary in his music, was released after having been detained for three years.

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. Approximately 22 percent of the prison population were pretrial detainees.

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.

The independent media were 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.

The government has the ability to counter press criticism by using libel laws but did not use these measures.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was readily available and widely used by citizens.

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, the Seventh-day Adventists, Hindus, and Muslims, are recognized in a parliamentary decree. These groups also receive an annual lump-sum payment from the Ministry of Finance based upon the number of adherents as determined by the census. Newer religious organizations (which must have a minimum of seven members) were registered by the Registrar of Associations and were recognized as legal entities with tax-exempt privileges, following application with the Ministry of Finance and Economic Development 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 are no government regulations restricting their presence or limiting their proselytizing activities, groups must 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 are no limits on the ability of missionaries to operate in the country, there are limits on the number of missionaries permitted to obtain the requisite visas and work permits. During the reporting period, the government refused to grant work and residency permits to two Mormon missionaries; however, at least one other Mormon missionary received a work and residency permit.

Societal Abuses and Discrimination

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

There were approximately 50 resident Jews, most expatriates, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them 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 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 held on the basis of 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 70-seat National Assembly, 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 candidates for the National Assembly 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 70-seat National Assembly had 42 Hindus, 19 members of the general population, eight 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

There was widespread public perception of corruption in the legislative and executive branches. The ICAC and the media were the primary outlets to report acts of corruption. The Prevention of Corruption Act regulated such complaints. The ICAC reported 33 complaints filed against police officers: 16 investigations remained under way and 17 were discontinued due to lack of substantiation. Of the three complaints of corruption filed against immigration officials, one investigation was discontinued for lack of substantiation.

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

The Ministry of Foreign Affairs reported no international organization or international NGO requests to access prisons. A large number of domestic NGOs visited the prisons.

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 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 prosecute or report 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, although many women remained in abusive situations for fear of losing spousal financial support. A magistrate has the authority to order a spouse to pay child support, but there were reports that some spouses stopped working to avoid payment.

The Sex Discrimination Division of the National Human Rights Commission received 52 complaints, of which six related to sex discrimination and seven related to sexual harassment. The cases remained under investigation.

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.

Prostitution is illegal, but there were reports of prostitution. There were no reports of the country as a destination for sex tourism; however, there were instances of prostitutes targeting tourists in addition to wealthy citizens.

Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services. The government had three times as many women in parliament and twice as many female ministers than had its predecessor.

The Sex and Discrimination Act affords women broadly defined wage protections, and authorities generally respected the law in practice.

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 ensured 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 was established in 1995 to enforce the Child Protection Act and implement policies and programs with regard to the welfare and development of children. The National Children's Council served as a platform where government institutions and NGOs can work together.

The 2005 Education Act increased the age of free, universal, and compulsory education from 12 years 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, Family Welfare, and Child Development administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

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 (see section 5, Trafficking).

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 children in prostitution within the country. The Child Protection Act provides for up to 15 years' imprisonment for trafficking in persons. The law defines child as under age 18. 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, Child Development, and Family Welfare ran a hot line for reporting cases of children in prostitution. Government officials and agencies in the Ministry of Women's Rights, 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 children in prostitution.

In November the Center for Education and Development of Mauritian Children, a local NGO, launched a booklet as part of its outreach and awareness campaign. Since the December 2005 amendment of the Child Protection Act to include a section on child trafficking, the Ministry of Women's Rights, Child Development, and Family Welfare carried out information campaigns for NGOs, high school students, women, and other community leaders. In addition, three officers of the Ministry of Women's Rights were trained in India on human trafficking in June. The Police Unit for the Protection of Minors also carried out talks on sexual abuse of minors and risk behaviors in high schools and upper primary

schools. In November police officers who received training from the International Law Enforcement Academy conducted a class at the Police Training School on trafficking in persons.

Persons with Disabilities

The law prohibits discrimination against people 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.

Section 6 Worker Rights

a. The Right of Association

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 public officers, workers were free to form and join unions and to organize in all sectors, including in the EPZ (see section 6.b.); however, the law does give the 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. The law prohibits anti-union discrimination.

b. The Right to Organize and Bargain Collectively

According to the Mauritius Labor Congress (MLC), 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. There were no cases in which union activities were prohibited or limited by the government.

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 be carried out. 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 (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

In August 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.

Child labor occurred, as children were found working in the informal sector as street traders, in small businesses, in restaurants, and in agriculture. No cases of child labor were reported in the formal sector of the textile or apparel industries. However, there are still cases of children working in small apparel workshops (generally in neighborhood or family businesses).

The Ministry of Labor 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. The ministry's inspections during the year identified no cases of child labor.

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 MLC, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see section 6.b.). 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.