



2008 Human Rights Report: Mauritius

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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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 2005 the Social Alliance, a coalition led by Prime Minister Navinchandra Ramgoolam, defeated the party alliance of the Mauritian Militant Movement (MMM) and the Militant Socialist Movement (MSM) in national elections judged by international and local observers to be generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported: security force torture and abuse of suspects and detainees; prison overcrowding; harassment and intimidation of journalists; official corruption; violence and discrimination against women; abuse and sexual exploitation of children; discrimination against persons living with HIV/AIDS; restrictions on labor rights, antiunion discrimination, forced labor, including by children, and child labor.

As part of a series of measures to reform the judiciary, reduce caseloads in the Supreme Court, and improve the previously fragmented approach to family law, the government established the Family Court, which became operational on January 7.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On August 29, the four police officers involved in the 2006 death in custody of Rajesh Ramlugon were charged with abuse of authority and concealing evidence; the case was ongoing at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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.

Prison and Detention Center Conditions

There were reports of torture and abuse of prisoners, overcrowding, and drug abuse in prisons. The maximum security prison, which was closed in October 2007 following a visit of the UN Subcommittee on the Prevention of Torture, reopened on May 16 after a follow-up visit by the subcommittee. The Central Prison, which has a capacity of 677, held 1,048 prisoners. On May 22, three detainees at the maximum security prison were hospitalized following a fight between two rival groups.

Unlike in the previous year, there were no reports that prisoners died from poor medical care, although 17 died from natural causes.

During the year the independent National Human Rights Commission (NHRC), which accompanied the UN Subcommittee on the Prevention of Torture during their 2007 prison visits to the country and Rodrigues Island, registered eight complaints from prisoners.

The government permitted prison visits by independent observers, including the press, NHRC, local nongovernmental organizations (NGOs), and the UN. Local NGO Association Kinouete also ran programs to rehabilitate 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 Coast Guard and Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. The police commissioner reports directly to the Prime Minister's Office. Police corruption and abuse of detainees were problems. The NHRC investigates allegations of police abuses and may report such cases to the Office of the Director of Public Prosecutions (DPP), an independent entity. As of August the NHRC had received 68 complaints of physical or verbal abuse by police: 29 complaints were withdrawn or dismissed for lack of substantiation; 10 cases were referred to the appropriate authorities for follow up; and 29 cases remained under investigation.

The Police Complaints Investigation Bureau registered three cases of corruption against police officers during the year; the governmental Independent Commission Against Corruption registered 70 complaints of corruption against police officers.

The investigation continued into the September 2007 arrest of a police officer in the Passport and Immigration Office for aiding four undocumented persons to transit the country.

Orientation training for all new police recruits included a segment on human rights; management officers were required to take a refresher course, which was offered several times yearly. More than 200 qualified candidates participated in human rights courses during the year.

Arrest and Detention

The constitution and law require arrest warrants and that the accused be read his/her rights, including the right to remain silent and the right to an attorney. The law requires that suspects be brought before the local district magistrate within 48 hours. Police generally respected these rights, although police sometimes delayed suspects'

access to defense counsel. Minors and those who did not know their rights were less likely to be provided prompt access. Detainees have prompt access to family members. 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, approximately one-third of the prison population was in pretrial detention. Pretrial detainees generally remained in remand for three to four years before being tried. Time served in remand did not apply to subsequent sentences.

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 16 other judges who also serve on the court of criminal appeal, and the court of civil appeal. Magistrates sit on the intermediate court, the industrial court, and the 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. Crimes carrying the death penalty or life imprisonment are sent to the Supreme Court, while crimes of medium severity are sent to intermediate courts and lesser crimes to district courts.

As part of a series of measures to reform the judiciary, reduce the caseload burden on the Supreme Court, and improve upon the previously fragmented approach to family law, the Family Court became operational on January 7. Two full-time judges are assigned to the Family Court, which hears cases of divorce, child custody, and rights of access and alimony.

Trial Procedures

Defendants enjoy a presumption of innocence, and trials are public. 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. Defendants and attorneys have access to government-held evidence relevant to their cases, and defendants have a right of appeal. These rights were respected in practice, although an extensive case backlog delayed the process, particularly for obtaining government-held evidence.

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 as an alternative to the court system.

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; however, police intimidated radio journalists, and officials used libel laws to suppress media criticism of political leaders.

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.

Unlike the previous year, there were no arrests of journalists. On March 15, however, police interrogated two private radio journalists for three hours after they reported that the weekly ministers' cabinet meeting was cancelled because the prime minister was sick.

On July 1, the State Law Office requested that the charges for diffusion and publishing of false news be dropped against two radio journalists and a newspaper chief editor who, in November 2007, reported an alleged racketeering case involving the police. On August 18, the State Law Office withdrew the libel charges and dropped the suit.

The government owned and regulated the sole domestic television network, and opposition parties and media experts regularly criticized the station for its progovernment bias and unfair coverage of national assembly debates. International television networks were available by subscription or via a cable box.

Internet Freedom

Unlike the previous year, when the government blocked access to an international social networking site, there were no government restrictions to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, on June 7, police seized five copies of the Salman Rushdie novel, *The Satanic Verses*, from a bookstore and fined the owner 10,000 rupees (\$333); the book has been banned since 1989.

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. Foreign missionary groups were allowed to operate on a case-by-case basis. Although there were no regulations restricting their presence or proselytizing, each missionary was required to obtain both a resident permit and a work permit. The Prime Minister's Office must approve issuance of these documents, and in practice there were limits on the number of missionaries issued the requisite permits.

Societal Abuses and Discrimination

There were reports of increasing animosity among the Hindu population towards the Assembly of God Church due to its proselytizing and the high rate of conversion among Hindus. Societal animosity was also directed toward missionaries from the Church of Jesus Christ of Latter-day Saints.

Approximately 120 Jews resided in the country. On August 17, there were reports of graffiti proclaiming support for Osama Bin Laden and Hamas written on the walls of the local Jewish community organization's headquarters.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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. However, the government has cooperated with the UN High Commission for Refugees and has not expelled or returned refugees to countries where their lives or freedom would be threatened. The government did not grant refugee status or asylum.

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 2005 national elections were generally free and fair, with the opposition Social Alliance defeating the ruling MMM-MSM alliance. Political parties operated without restriction or outside interference.

There were 12 women in the 71-seat National Assembly. Following the September cabinet reshuffle, there were two female ministers in the 22-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 ethnic groupings: Hindu, Muslim, Sino-Mauritian, or general population. For this purpose, "general population" refers to the Creole and

Franco-Mauritian communities. Based on these categories, in the National Assembly there were 41 Hindus, 19 members of the general population, 10 Muslims, and one Sino-Mauritian. In the cabinet there were 15 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 a widespread public perception of corruption in the legislative and executive branches. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem.

On September 5, police arrested and released on bail the chairman of the Mauritius Ports Authority following an investigation into allegations that he had accepted 25,000 euros (\$35,000) from a Dutch company that obtained a 2006 contract to dredge the harbor. The government dismissed the chairman, and the investigation continued at year's end.

The governmental Independent Commission Against Corruption, which investigates allegations of corruption, received one complaint of corruption against an immigration official; the case was under investigation at year's end.

Ministers and commissioners are required to make a disclosure of family assets, including assets of spouses and children, upon taking office and at the dissolution of the National Assembly or of the Regional Assembly.

The law provides for access to government information, and the government generally complied with requests from noncitizens and foreign media as well as from citizens.

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.

Local human rights NGOs worked to assist persons with HIV/AIDS, rehabilitate former prisoners, promote women's rights, and support the lesbian, gay, bisexual, and transgender community. The government regularly consulted NGOs in formulating policy and worked in partnership with UN bodies and the local branch of Amnesty International.

An ombudsman is appointed by the president to investigate complaints against public servants, police officers, and prison guards. Investigations may be initiated by individual citizens, cabinet ministers, or members of the National Assembly.

The government cooperated with international governmental organizations and permitted visits by UN representatives or other organizations.

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, gender, disability, or language, 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 law. Rape is punishable by up to eight years' imprisonment. By October there were 52 rape cases reported to the police, of which 31 were prosecuted, convicted, or punished during the year. Many victims chose not to report or prosecute their attackers due to cultural pressures and fear of retaliation.

The law criminalizes domestic violence; however it was a major problem. Domestic violence activists complained that police did not effectively enforce the law. More than 5,000 domestic violence cases were reported during the year. Anyone found guilty of violating a Protection Order may be fined up to 25,000 rupees (\$754) or imprisoned for up to two years. The local NGO SOS Femmes reported that women remained in abusive situations for fear of losing financial support and that few filed complaints against their abusers. The Ministry of Women's Rights, Child Development, and Family Welfare maintained an abuse hotline and a Web page on legal protections for victims.

Prostitution is illegal; however, it was prevalent.

The law prohibits sexual harassment, but it occurred. Sexual harassment is punishable by up to two years' imprisonment. During the year the Sex Discrimination Division of the NHRC received 49 complaints, of which nine involved sex discrimination and nine involved sexual harassment; 19 of the 49 cases remained under investigation at year's end.

Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services. Women had equal access to credit and to own or manage businesses; however, women's rights activists reported that women were paid less than men in the private sector. The law criminalizes the abandonment of one's family or pregnant spouse for more than two months and the nonpayment of court-ordered food support. The law affords women broadly defined wage protections, and authorities generally respected the law in practice. The law protects women from being forced to carry loads above certain weight limits; however, remuneration is based on the amount that one was able to carry during a period of time, so women in agriculture were often paid less than men.

Children

The government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children.

Child abuse was more widespread than was acknowledged publicly, according to NGOs. 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. The state-funded National Children's Council and the Ministry of Women's Rights, Child Development, and Family Welfare provided counseling, investigated reports of child abuse, and took remedial action to protect affected children. The Police Unit for the Protection of Minors conducted public education programs on the sexual abuse of minors.

On July 1, police arrested three men for sexually exploiting a 12-year-old girl. On June 14, a woman was arrested for sexually exploiting a 13-year-old girl, and on January 12, authorities arrested a foreign resident for sexually exploiting a 12-year-old girl with the consent of her aunt and uncle. All three cases were under investigation at year's end.

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.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to or 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, while others were forced into prostitution by family members.

The Ministry of Women's Rights, Child Development, and Family Welfare maintained a hotline for reporting cases of child prostitution. The ministry also conducted information campaigns on child trafficking for NGOs, high school students, women, and other community leaders. The Minors Brigade and the Family Protection Unit conducted information campaigns on child prostitution and child sexual abuse for high school students and the population in general. The police sought ways to prevent child prostitution and prosecuted four cases during the year. The government drop-in center provided shelters, counseling, and education for victims of child prostitution.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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. The government effectively implemented a 2005 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.

Other Societal Abuses and Discrimination

The law protects the rights of persons living with HIV/AIDS from stigmatization and discrimination; however, there were reports of discrimination against such persons and their relatives.

During the year the local NGO PILS, which deals with HIV/AIDS issues, recorded 210 cases of discrimination against HIV/AIDS patients, including denial of access to public health care services. PILS relayed such cases to the Ministry of Health and Quality of Life, which initiated investigations of the doctors.

On April 12, the government amended the Immigration and Civil Status Acts to allow foreign citizens with HIV/AIDS to marry citizens; the law followed a public outcry over the case of a foreign citizen who was denied permission to marry a citizen due to her HIV/AIDS status.

Incitement to Acts of Discrimination

During an August 21 political rally, the secretary general of the Mauritius Labor Party referred to the former director of customs, a Canadian citizen, as a "worthless foreigner." In a 2000 political rally, the same official criticized the white skin of the then-minister of finance and urged party members to vote for their Hindu culture, religion, and language.

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, 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 Export Processing Zone (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 16 major labor federations served as umbrella organizations for smaller unions. The unionized workforce represented approximately 20 percent of the labor force.

The law allows unions to conduct their activities without government interference and provides for the right to strike; however, there are restrictions, and the prime minister may declare any strike illegal if he considers that it "imperils the economy." Before declaring a strike, the law 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 the Industrial Relations Commission; if the government does not respond within this time frame, the proposed strike can proceed. Worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals were unjustified. Foreign workers who participated in strikes could be deported.

b. The Right to Organize and Bargain Collectively

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 non-managerial workers, although most unions negotiated wages higher than those set by the NRB.

The law prohibits antiunion discrimination; however, the government did not always protect this right. For example, as of September 24, the Federation of Parastatal Bodies and Other Unions registered six cases of employees suspended or dismissed for their trade union activities. The law does not provide for the reinstatement of dismissed employees; however, employees can resort to the Industrial Relations Court to seek redress.

National labor laws cover EPZ workers; however, there are some EPZ-specific labor laws that condone longer working hours, 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 67,000 persons worked in the EPZ; only 10 percent belonged to unions.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that child labor occurred. The Ministry of Labor, Industrial Relations, and Employment (MOL) recorded one case of child labor during the year; the child was employed as a household servant.

Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children below 16 years of age and prohibits the employment of children between 16 and 18 years old from work that is dangerous, unhealthy, 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 2,200 rupees (\$66) and imprisonment not to exceed one year.

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

The MOL is responsible for the enforcement of child labor laws and conducted frequent inspections; however, it employed only 45 inspectors to investigate all reports of labor abuses, including those of child labor. During the year a man was prosecuted and fined 6,000 rupees (\$181) for employing five underage teenagers to work as apparel vendors in 2007.

The MOL developed vocational training programs to prevent employment of underage children.

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 562 rupees (\$17) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately 734 rupees (\$22) 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 MOL effectively enforced minimum wage law.

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. By law no worker can be forced 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 until or past 10 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. These standards were generally enforced. Unions have reported cases of underpayment for overtime in the textile and apparel industries due to differences in existing legislation and remuneration orders for the calculation of overtime hours.

The government set health and safety standards, and MOL officials inspected working conditions; however, the inadequate 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.