Media Law and Ethics in Mauritius

Preliminary Report proposes setting up of a Media Commission

The setting up of a Media Commission, chaired by a Media Ombudsperson, to adjudicate complaints about inaccuracy and unfairness in newspapers, journals, radio and television, as well as a law to protect journalists’ sources of information are amongst key proposals put forward by Mr Geoffrey Robertson, QC, in his Preliminary Report on Media Law and Ethics in Mauritius.

The latter’s services had been enlisted by the Prime Minister, Dr Navin Chandra Ramgoolam, to review Mauritius’ media law by surveying all law impacting upon the media, and report on how best to implement the media component of Government Programme 2010-2015, which stipulates Government’s commitment to securing privacy rights, freedom of expression and greater professionalism in the media.

The Preliminary Report presented to the local media, on 13 April 2013 in Port Louis by Mr Robertson,
recommends changes to law and practice. It considers the question of how the media should be regulated so as to comply with recognised ethical standards. The Report, which also contains a Code of Conduct, can be accessed online.

Main Recommendations of the Report

- The abolition of old colonial laws and punishing sedition
- The reinvigoration of the Media Trust which would be partly funded by Government to train journalists in ethical and professional standards
- The appointment of an Ombudsperson by the Judicial and Legal Service Commission. The Ombudsperson must have no political or media connections
- The Media Ombudsperson would also hear complaints against television and radio broadcasts and recommend to the Independent Broadcasting Authority whether the licence-holder should be fined or have its licence suspended. The existing IBA Complaints Committee would no longer operate
- The adoption of a Freedom of Information law to give Mauritian media access to important Government documents and information
- The issue of private television licences if fit and proper applicants come forward
- The ceiling for foreign direct investment in Mauritius media to Increase from 20% to 45%
- Reforms to liberalise defamation and contempt laws so that journalists doing their jobs, and editors, are not liable to be imprisoned in case of violation of such laws
- A privacy law similar to that which operates in France and the UK under the European Convention on Human Rights but with a strong public interest defence
- Abolition of the crime of contempt of the National Assembly
- A new law requiring courts to sit in public unless justice cannot otherwise be done.
**Taxation and Investment**

**Mauritius and Monaco sign Double Taxation Avoidance Convention**

A Double Taxation Avoidance Convention (DTAC) between Mauritius and the Principality of Monaco was signed on 13 April 2013 by the Vice-Prime Minister, Minister of Finance and Economic Development, Mr Xavier-Luc Duval, and the Minister of Foreign Affairs of Monaco, Mr. José Badia.

The signature of the DTAC follows fruitful negotiations between the two countries towards the conclusion of the DTAC in March 2012.

Both countries will, with the coming into operation of the DTAC, reap mutual benefits in terms of an in-flow of foreign investments which is considered to be one of the main engines of economic growth by generating trade activities, transfer of technology, promote the management skills of entrepreneurs and create employment opportunities. The DTAC will serve as a powerful inducement for entrepreneurs of both Mauritius and Monaco to explore the possibilities for mutually profitable ventures.

Under this Convention, double taxation which is an impediment to cross-border activities will be eliminated. Provision is also made for reduced taxation at source or exemption on various sources of income which is an added incentive for an increase in cross-border activities.

Another advantage for Mauritius to enter a DTAC with Monaco is the avoidance of double taxation for investors investing in Mauritius from Monaco or vice versa and will also prevent fiscal evasion with mutual respect to taxes on income and capital gains by encouraging mutual trade and investment.

The DTAC will moreover provide significant advantages to companies investing either in Mauritius or in Monaco, in terms of capital gains, royalties, interest, dividends, income or profit. In this respect, the tax burden will be reduced significantly and the investors will avoid being taxed twice on the same income or profit.

Besides, the DTAC will guide investors of the tax treatment they may receive either in Mauritius or in Monaco. The Convention also provides for an exchange of information mechanism.

So far Mauritius has signed Double Tax Avoidance Agreements with 42 countries.

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**Equal Opportunities Commission**

**Guidelines for Employers come into force**

Guidelines, aiming at enlightening employers on ways and means to prevent discrimination at work and achieving equality of opportunities in the field of employment, have come into effect on 15 April 2013. The launching was made by the Chairperson of the Equal Opportunities Commission (EOC), Mr Brian Glover, in Port Louis.

These guidelines, issued under section 27 (3)(f) of the Equal Opportunities Act, have been prepared with a view to assist employers from both the public and private sectors with regard to the implementation of the Equal Opportunities Policy. The Policy is expected to be ready by 31 July 2013.

Section 9 of the Act provides that every employer needs to draw up and apply an equal opportunity policy of work with a view to mitigating risks of discrimination and promoting recruitment, training, selection and employment on the basis of merit. These guidelines outline various aspects that have to be taken into account by the employer while drafting the equal opportunity policy.
First Annual Leadership Series Forum
Mauritius’ financial system needs innovation and consolidation, PM says

The importance for Mauritius to innovate and consolidate its financial system and Government’s commitment in increasing substance in this sector to attract global competencies and funds were amongst key issues underscored by the Prime Minister, Dr Navinchandra Ramgoolam, at the opening of the first annual Leadership Series Forum held on 4 April 2013 at the Labourdonnais Waterfront Hotel in Port Louis.

The first annual Leadership Series Forum entitled, Road map to the Future: Building Mauritius as a Regional Financial and Business Centre, served as platform to exchange views about the global strategy to build together Mauritius as a Regional Financial and Business Centre. The event, organised by Business Outlook, TIME Magazine in collaboration with the Board of Investment, saw the participation of over 70 participants from both the private and the public sectors.

In his keynote address at the Forum, the Prime Minister stated that positioning Mauritius as a financial centre is an important feature in the overall strategic development of the country to further implement the paradigm shift in our economic development. We are therefore confident that our aim of making of Mauritius a regional financial centre is going to be successful, he stressed.

Dr Ramgoolam also reiterated Government’s unflinching commitment to ensure that the country stays ahead of the curve to meet the ever-changing expectations and the demands of the market in the financial services sector. The Prime Minister further gave an overview of the Mauritian economy which has developed from a mono-crop economy to a well diversified one with more than ten sectors contributing to the economic growth of the country with an average annual real GDP growth rate of 5% over the last 45 years.

For his part, the Vice-Prime Minister, Minister of Finance and Economic Development, Mr Xavier-Luc Duval, reiterated the strategic position of Mauritius located next to Africa which, according to him, has enormous potentials for the region while registering positive growth as compared to the rest of the world.

Mauritius to feature in special section in TIME magazine

It is to be highlighted that this year, Mauritius will be featured in a special section in TIME magazine which will focus on the strengths and opportunities for the country in becoming a financial hub in the region. This special section will include a special feature related to the financial services sector and the business and investment opportunities available by establishing the country as a major regional financial centre.
African Union
Sixth Conference of African Ministers in charge of Integration hosted by Mauritius

The sixth Conference of African Ministers in charge of Integration (COMAI VI) hosted on 18 and 19 April 2013 by Mauritius focused its deliberations on the theme Governance of Integration. The aim was to find ways and means reviewing the manner the integration process has been pursued since the adoption of the Abuja Treaty in June 1991.

COMAI VI, organised in the context of the 50th Anniversary of the OAU/AU celebrations, was preceded by a preparatory Meeting of Experts on 15 and 16 April 2013 with the election of the Bureau. The Bureau was composed of Mauritius as Chair, Zimbabwe - first Vice Chair, Benin - second Vice Chair, Tunisia - third Vice Chair, and Congo Brazaville as Rapporteur.

The Conference, held at Intercontinental Hotel, Balaclava, was opened by the Acting Prime Minister, Dr Ahmed Rashid Beebeejaun, in the presence of the Deputy Chairperson of the African Union Commission, Mr. Erastus J.O Mwencha, the Minister of Foreign Affairs, Regional Integration and International Trade, Dr Arvin Boolell, and his Peers from the African continent.

During their respective speeches, the eminent personalities underscored the importance of integration to reduce poverty and to better the lives of Africans.

Twenty-nine African countries attended the Conference out of which 11 were represented at Ministerial level. The Conference was also attended by six Regional Economic Communities (RECs), namely SADC, COMESA, EAC, ECCAS, ECOWAS and CEN-SAD. Representatives of UNECA, AfDB, UNDP and World Bank were also present.

COMAI is an annual statutory meeting that brings together African Ministers in charge of Integration, with the primary purpose of addressing matters relating to the integration of the African continent.

COMAI VI – Main Recommendations

- The Civil Society, media, and Youth associations to be closely associated with the integration process in terms of policy formulation and decision making process.
- Need for Member States to work towards progressively ceding part of their sovereignty in line with the constitutive Act and the Abuja Treaty in order to accelerate the integration process.
- (Member States to implement speedily the decisions and legal instruments dully signed and ratified.)
- The African Union Commission (AUC) to develop a harmonised monitoring and evaluation framework and integration observatory at continental level. for effective monitoring and evaluation of the integration process, the meeting requested
- Member States to remain committed to the process related to the establishment of the continental Free Trade Area and the implementation of the Action Plan for boosting Intra African Trade
- The AUC to develop a study in order to take into consideration the specificities of islands and Landlocked countries and propose ways and means for their rapid integration, as well as convene a consultative meeting on the “Blue Economy”.

Opening of the Conference by the Deputy Prime Minister
E-judiciary system launched

Phase I of the e-judiciary project is materialising with the launch, on 04 April 2013, of the e-Judiciary system on a three-month pilot basis at the Commercial Division of the Supreme Court in Port Louis. The system, which provides for an electronic platform for the lodging of cases and case management, will thereafter be extended to the civil division and appellate jurisdiction of the Supreme Court and finally to all subordinate courts.

The e-judiciary system is also expected to accelerate the readiness of a case and an Attorney will be in a better position to lodge a case wherever he is, even if he is abroad.

It is to be highlighted that the introduction of the e-filing and case management system is part of reforms undertaken within the Judiciary for a few years now with the assistance of the Investment Climate Facility for Africa [ICF] and the support of the Government of Mauritius.

The prime aim was and remains the enhancement of the investment climate in Mauritius through the establishment of a justice system capable of resolving civil and commercial disputes effectively and speedily and which is attractive to investors. The other two parts of the project have already been implemented, with the setting up of a special division of the Supreme Court devoted to commercial cases only and a Mediation Division.

The e-Judiciary project

The e-Judiciary project took shape after the ICF agreed to fund for 75% of the total costs, the remaining 25% being met by the Mauritian Government.

The project is expected to review and reengineer the processes at the judiciary focusing on speedy access to information, tracking of cases and online payment, resulting ultimately in an improved service delivery to all stakeholders. Attorneys-at-Law will, without attending long court sessions, interact online with the Judge assigned to the case for case readiness.

Once the attorney has registered himself and has an account with the Supreme Court, by a click of the mouse and after filing up mandatory fields, he will be able to lodge a case within five minutes. Also, if the cash office is closed, as long as the attorney has sufficient credit in his or her account with the Supreme Court, he or she can lodge a case. The filing can be effected seven days per week and 24 hours a day and anywhere in the world. Similarly, pleadings can be done at leisure even after working hours.

Furthermore, the system will allocate a case to a court usher automatically if the attorney wishes to retain the services of the usher.

An attorney can keep track of all the cases lodged by him or her and view all the pleadings exchanged or requests sent to the Judge. Any action taken by any attorney will require the stand of his opponent before the Judge gives his or her order. No attorney can give the name of a counsel as appearing in a particular case without filing a certificate signed by the counsel that indeed he or she has been instructed to appear in a particular case.
Child protection and development
Two more Ministries join Protocol of Collaboration

A Memorandum of Understanding (MoU) for effective and coordinated collaboration as regards the welfare and protection of children has been signed, on 19 April 2013 in Port Louis, by the Ministry of Local Government and Outer Islands and the Ministry of Social Integration and Economic Empowerment with the Ministry of Gender Equality, Child Development and Family Welfare.

The MoU sets in place effective working-together mechanisms to ensure that signatories commit their institutions to clear-cut and coordinated action relating to child protection and development as well as take full responsibility and ownership for services falling under their scope of action.

In October 2012, six Ministries and Departments joined the MoU, namely the Ministry of Youth and Sports, the Civil Status Division, the Ministry of Education and Human Resources, the Ministry of Health and Quality of Life, the Attorney General’s Office and the National Children’s Council.

The draft Protocol of Collaboration from two other stakeholders - the Commissioner of Police and the Ministry of Social Security, National Solidarity and Reform Institutions - is still in the pipeline.

Law Enforcement
The Police and Criminal Evidence Bill introduced in the National Assembly

The Police and Criminal Evidence Bill, which aims at bringing together in one enactment, subject to certain exceptions, the provisions which relate to the exercise by police officers of the powers to stop, enter, search, seize, arrest and detain; and the treatment and questioning of detainees, was introduced on 16 April 2013 in the National Assembly.

The Bill also provides for a statutory basis for provisional information; and amends certain provisions relating to evidence in criminal proceedings.

It sets out the provisions so as to better guarantee the citizen's constitutional rights to liberty, protection of property, freedom of movement and protection of the law. The Bill accordingly limits the power of a private person to make an arrest and provides that a person shall not be arrested on the basis of an allegation without an enquiry being carried out.

The Police and Criminal Evidence Bill also:

- increases the penalty for non-attendance of witnesses
- gives the Court a general power to exclude unfair evidence
- makes it an offence to interfere with witnesses or potential witnesses in criminal matters
- provides for the enforcement of the rights of victims of offences
- introduces the concept of spent convictions for the purposes of sentencing
- makes statutory provision for the regulation of the admissibility of confessions.

Coordinated approach required to ensure welfare of children
**Road Accidents**

Figures show an increase of 2.6% in 2012

Some 156 persons lost their lives during the year 2012 as a result of road accidents against 152 in 2011 showing an increase of 2.6%, according to the latest figures released by Statistics Mauritius in its April 2013 issue of the Economic Indicators.

The number of casualties (fatalities and persons injured as a result of road accidents) increased by 2.3% from 3422 in 2011 to 3502 in 2012. Among the casualties, around 35% were riders of auto/motor cycles, 27% passengers, 18% pedestrians, 15% drivers and 5% pedal cyclists.

However, the number of road accidents decreased by 5.3% from 22387 in 2011 to 21195 in 2012. Among these accidents, 144 were fatal (caused death) against 132 in the preceding year, up by 9.1%. The total number of vehicles (motor and non-motorised) involved in road accidents in 2012 was 40922, that is, 550 or 1.3% lower than the 2011 figure of 41472.

At end of December 2012, some 421926 vehicles were registered at the National Transport Authority compared to 400919 at the end of December 2011, that is, an increase of 21007 or 5.2%. Some 25801 vehicles joined the fleet whilst 4794 were put out of circulation during the year.

The fleet consisted mostly of cars and dual-purpose vehicles (197849 or 47%) and motorised two-wheelers (173508 or 41%). The remaining 12% comprised vans, lorries, trucks, buses and other vehicles.

**Avian Influenza**

Mauritius reinforces vigilance at various entry points

Vigilance at several entry points in the country, namely at the port and airport, have been enhanced following the outbreak of Avian Influenza Virus A (H7N9) in China, where a number of cases have been detected.

Mauritian authorities are very much concerned with this situation and surveillance has been reinforced and necessary precautions are being taken to avoid an outbreak of the disease in Mauritius.

Measures to enhance surveillance at the airport include:

- Display of health advisory messages on avian influenza A (H7N9) to incoming and departing passengers;
- Screening for fever by a thermal camera of all arriving passengers;
- All passengers are required to declare their health status in the health declaration card;
- Close follow up of passengers from high-risk countries.

Vigilance is also being maintained at the Port.
Regional Meeting on HIV Prevention
A Country Roadmap to address HIV and TB in prison settings elaborated

A country roadmap to address HIV and tuberculosis (TB) in prison settings has been elaborated during a five-day Regional Meeting on HIV Prevention, Treatment and Care in Prison in sub-Saharan African, held from 8 to 12 April 2013 at La Pirogue, Flic en Flac.

The roadmap comprises 15 interventions for addressing HIV and TB in prisons. These are, amongst others, HIV testing and counseling; information, education and communication; HIV treatment, care and support; prevention of mother-to-child transmission of HIV; needle and syringe programmes; protecting staff from occupational hazards; vaccination, diagnosis and treatment of viral hepatitis; and, prevention of sexual violence.

The country working group made several recommendations, namely the re-actualisation of the AIDS Unit in prison; better management of antiretroviral stock, capacity building; condom promotion and distribution in prison setting; sensitisation campaigns on health and safety; and review of laws to promote effective and sustainable responses to sexually transmitted diseases, HIV /AIDS and TB in prisons.

Around 40 delegates from sub-Saharan African countries and 15 local participants attended the meeting. In a bid to familiarise participants with the health, HIV and drug dependence services available, visits were scheduled at: the Beau Bassin prison, detoxification centres of the Ministry of Health and Quality of Life, and at the National Aids Secretariat. Participants were given the opportunity to take stock of the Needle and Syringe Programme experience.

HIV Figures for Mauritius

A considerable decrease has been noted in the number of new HIV infections in Mauritius. For 2012, statistics show a 30% decrease in the number of new HIV cases detected monthly. The same trend is continuing to date. Around 540 cases were detected annually with a monthly average of 45 cases from 2006 to 2010.

In 2011 and 2012, the number of cases registered was 401 and 320 respectively compared to 568 cases in 2010. The monthly average for 2011 and 2012 were 33 and 27 cases. By end of December 2012, 5,508 cases of HIV and AIDS had been detected out of which 1,133 were females. The HIV Prevalence in Mauritius is 0.97%.

Quality of Service Framework for Broadband

The Information and Communication Technology Authority is setting up a National Quality of Service Framework for Broadband Internet Services to better monitor the quality of services offered by Internet Service Providers. This decision follows representations received regarding the quality of Internet services, particularly with regard to speed.

The development of the Framework will enable operators to determine their service levels and subsequently plan their network investment and capacity requirements; and, consumers to know whether they are receiving value for money.

Medical Council Act

Amendments will be made to the Medical Council Act to, amongst others, enhance the quality of health service, facilitate the temporary registration of non-citizens in line with the policy of Government to make Mauritius a medical centre par excellence, and review procedures to deal with complaints and disciplinary measures against doctors.

Network Readiness Index


The Network Readiness Index comprises the following sub-indices:

- Environment sub-index (Political and regulatory environment, Business and innovation environment)
- Readiness sub-index (Infrastructure and digital content, Affordability, Skills)
- Usage sub-index (Individual usage, Business usage, Government usage)
- Impact sub-index (Economic impacts, Social impacts).
Post-Flash Flood
Government Extends Support to the Victims

Following the flash floods of 30 March 2013 in Port Louis, Government has been providing financial assistance to the victims to help them face the difficult situation. Households affected by the floods in February 2013 have also received aid to help them replace materials lost.

Purchase vouchers amounting to Rs 100 000 each were presented, on 5 April 2013, by the Prime Minister, Dr Navin Ramgoolam, to 88 families who have lost their properties during the flash flood. The families are from the peripheral regions of Port Louis, such as Canal Dayot, Cité Valijee and Pailles.

In his address on the occasion, the Prime Minister stated that Government is giving all necessary support to the affected people. He reiterated the close and fruitful collaboration between the State, the private sector and civil society in helping the affected families and paid tribute to Mauritian citizens and private organisations as well as to all the emergency and rescue services who worked relentlessly to save lives, help people and assist in the rehabilitation works.

Government assistance has extended to some additional 215 households affected by the floods in March and February 2013, who received on 30 April purchase vouchers to help them replace materials lost.

In the broader context, from 2005 to 2013, Government has spent a total of Rs 3.7 billion in the construction of drains and bridges. The Prime Minister has emphasised that there is a need to go further and make a thorough review so as to enhance the levels of preparedness and rescue. Accordingly a team of experts from Singapore was in Mauritius at the beginning of April 2013 to make an assessment of the situation and review the overall strategy of dealing with flooding and minimising its effects.

It is recalled that the Port Louis flash flood claimed the lives of 11 persons. As a sign of humanitarian support and solidarity, during a solemn ceremony held on April 26 at the Treasury Building, cheques were presented to their families. A memorial in homage of the victims was also unveiled on April 29 at Rogers Square in Port Louis.