

Pre-conditions for Elections Programme in Southern Africa (PEPSA) Baseline Analysis Questionnaire			
Country	Mauritius	Researcher	Bertha Chiroro
<i>Please enter your answers in the space below each question.</i>			
[I] Country Political Context (Introduction Section of the SADC Principles)			
General			
1. <i>Has the country undergone a democratic transition? If so, when and how?</i>			
<i>Mauritius is one of the most stable and democratic countries in Africa. (SADC PF 2000). The country's first democratic elections were held on the 7th August 1967, and Mauritius became independent from Britain on 12 March 1968.</i>			
2. <i>Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?</i>			
<ul style="list-style-type: none"> • <i>International Covenant on Economic Social and Cultural Rights;</i> • <i>Int. Covenant on Civil and Political Rights;</i> • <i>Int. Covenant on the Elimination of all Forms of Racial Discrimination;</i> • <i>Convention on the Elimination of all Forms of Discrimination Against Women;</i> • <i>Convention on the Rights of the Child;</i> • <i>African Charter on Human and Political Rights (ratified 1992);</i> • <i>African Charter on the Rights and Welfare of the Child (ratified 1992).</i> 			
<i>(Source: UNDP Human Development Report, 2004).</i>			
Political parties			
3. <i>Is the country a multi-party democracy?</i>			
<i>Yes. The Mauritius political system has historically forged governing alliances thereby mitigating ethnic, religious and ideological cleavages through parliamentary coalition building.</i>			
4. <i>How many political parties are registered and active?</i>			
<i>About 71 political parties registered and 3 coalitions are active.</i>			
5. <i>How many parties are represented in the legislature?</i>			
<i>Three parties which came out of different coalitions, the MSM/MMM alliance, Labour (MLP) and PMXD alliance, and the OPR.</i>			
6. <i>Do political parties have programmes?</i>			
<i>They do have programmes outlined in there party manifestoes.</i>			
7. <i>Which party is the ruling party?</i>			
<i>The MMM/MSM alliance.</i>			
8. <i>What is the total number of elected parliamentary seats and share of seats for the ruling party?</i>			
<i>MMM/MSM has 54 seats out of a total of 70 seats in the national Assembly</i>			
9. <i>Which one is the main opposition party?</i>			
<i>PTR/PMXD alliance.</i>			

10. <i>What is its share of the elected parliamentary seats?</i>
<i>PTR/PMXD has 6 seats out of a total of 70 seats in the National Assembly.</i>
11. <i>How is the participation of parties in elections regulated and legislated?</i>
<i>The Mauritius Constitution and Representation of the Peoples' Act.</i>
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
<i>Parties are generally aware.</i>
13. <i>If so, what is their attitude towards the principles?</i>
<i>Positive, would want to see reforms especially on foreign observation implemented in their country.</i>
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
<i>Supportive of reforms which promote SADC principles.</i>
Civil society
15. <i>What is the state of civil society organisations?</i>
<i>A healthy and vibrant civil society that cuts across cultural cleavages exists (EISA 2004).</i>
16. <i>Is the legal and political environment conducive for civil society organisations to operate?</i>
<i>A progressive and democratic political environment exists.</i>
17. <i>What specific roles do CSOs play in the electoral process?</i>
<i>Civics have a limited role in the electoral process, they are mute about electoral reforms. Even after the Sachs report there was very little debate or comments from civil society about electoral issues. Government had to set up a select committee of parliament to examine the commission's recommendations.</i>
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<i>Civil society is extremely weak in Mauritius, with the multitude of political parties actively competing with CSO's in all areas of conventional CSO activities.</i>
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
<i>CSOs are aware but rather Luke warm about electoral reforms.</i>
20. <i>If so, what is their attitude towards the principles?</i>
<i>They have not come forward about issues to do with electoral reforms.</i>
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
<i>They have not taken an active role.</i>
22. <i>Are CSOs engaged in civic and voters education?</i>
<i>Traditionally CSOs are not involved in voter education. Electoral Supervisory Commission and political parties play a crucial role in voter education.</i>
Media
23. <i>What economical/ legal/or political constraints restrain the media in general?</i>
<ul style="list-style-type: none"> • <i>No legal constraints;</i> • <i>State use/abuse of public media;</i> • <i>Lack of code of conduct for media during election time.</i>
24. <i>Is there an independent media council?</i>
<i>N/A.</i>
25. <i>Are the state media independent?</i>
<i>Radio and television remain the monopoly of the state accused of being sometimes a propaganda machine these accusations are from the opposition parties.</i>
26. <i>Do the state media perform the role of a public service broadcaster?</i>
<i>Yes, but this is regarded as a threat to Mauritius democracy because of bias towards the ruling party.</i>

27. <i>Is there a self-regulatory body of the media?</i>
Information unavailable.
28. <i>Is there a media-monitoring project?</i>
There is a Media Watch Organisation (MWO). It was formed on 24 March 2003 its objective is to monitor media reporting from a gender and diversity perspective.
29. <i>Do the media have a general code of conduct and ethics?</i>
No.
30. <i>If so, how is this enforced?</i>
N/A.
31. <i>What specific role do the media play in the electoral process?</i>
<ul style="list-style-type: none"> • Information dissemination; • Voter education; • Opinion makers.
32. <i>Is there a specific code of conduct for election reporting?</i>
No written code.
33. <i>How is this enforced?</i>
N/A.
34. <i>What three (3) challenges face the media during elections?</i>
None.
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
The media is generally aware.
36. <i>If so, what has been/is its role in promoting the principles?</i>
Publicising the Principles and Debates around it in the media.
[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)
1. <i>What legislation provides for citizen participation in the political process, especially in elections?</i>
The Constitution of Mauritius as amended 1981, The Representation of the People Act 1981
2. <i>How does citizen participation in the political process (especially before and during elections) take place?</i>
Political rallies and political campaigns.
3. <i>What legislation provides for political freedoms including freedom of association, political movement and freedom of speech?</i>
Mauritius Constitution 1981
4. <i>Are these freedoms and political tolerance allowed by political actors during electioneering?</i>
A very plural society where tolerance is one of the assets tolerance of racial, minority and ethnic groups. The constitution provides for a model for tolerance, inclusion of racial minority and ethnic groups through the block voting system and the allocated seats to the best losers during the elections.
5. <i>What is the frequency and regularity of elections in the country (consider both national and local government elections please)?</i>
Regular elections held since 1967. National assembly, Regional Assembly and local government council elections are held every five years.
6. <i>Are the dates of elections specifically predetermined by a relevant constitutional or legislative provision?</i>
No.
7. <i>To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?</i>

<i>No public funding of political parties All parties are granted free air time on national radio and television depending on the candidates, press is largely unrestricted but there are allegations of bias towards ruling party in reporting on television and radio.</i>
8. <i>What is the exact role of the judiciary in the electoral process?</i>
<i>To resolve electoral disputes.</i>
9. <i>Does the judiciary exhibit impartiality in handling electoral matters?</i>
<i>Considered very impartial by all stakeholders and no evidence of its rulings on elections being challenged.</i>
10. <i>Which Electoral Management Bodies (EMBs) have the responsibility to run elections?</i>
<i>Electoral Supervisory Commission, Electoral Commissioner, Electoral Boundaries Commission.</i>
11. <i>What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?</i>
<i>ESC, responsible for the conduct of elections and the whole electoral process and vote registration. Electoral Commissioner, Prepares electoral register management of electoral staff and ensure elections are held in accordance with electoral legislation. Electoral Boundaries Commission delimits and reviews boundaries.</i>
12. <i>How independent and impartial are these EMBs in discharging their electoral mandates?</i>
<i>Totally independent and EMBs largely accepted by political parties and all stakeholders.</i>
13. <i>Which institutions are responsible for conducting voter education?</i>
<i>ESC and political parties.</i>
14. <i>In what ways do these institutions coordinate their efforts in undertaking voter education?</i>
<i>ESC coordinates all efforts by means of press releases, communiqués, radio and TV notices and posters affixed in conspicuous places.</i>
15. <i>Is there a political culture of acceptance and respect of election results by political parties?</i>
<i>Election results generally accepted by all candidates because of the legitimacy and credibility of electoral process which is well anchored in electoral law. The legitimacy of the electoral authority is largely accepted by political parties and all candidates.</i>
16. <i>If not, why do political parties contest election results?</i>
<i>Mauritian parties rarely contest election results except in 1972 over the issue of counting.</i>
17. <i>What the legal provisions exist for the management for election-related disputes?</i>
<i>The electoral law provides for the right process to channel grievances via the judicial process.</i>
18. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<i>The Judiciary.</i>
[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)
1. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
<i>Constitution and the Electoral laws namely the Representation of the People Act.</i>
2. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
<i>A culture of pluralism civil rights and liberties has been institutionalised in Mauritius. Freedom House (2005) gives Mauritius a rating of 1 on civil liberties.</i>
3. <i>If not, what possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
<i>There is the office of ombudsperson appointed by the president and also an office of the ombudsperson for children.</i>
4. <i>To what extent is the election environment free, fair and peaceful?</i>
<i>The electoral process guarantees fairness to parties, Observer missions including the SADC PF declared the 2000 elections Free and fair and peaceful. (EISA 2004)</i>

5. <i>How is voter registration conducted and by whom?</i>
<i>ESC carries out Annual voter registration through door to door and voter registration centres by the electoral officer .A house to house enquiry is carried out by a canvasser during afternoons and weekends usually in January of every year. Each household is called upon a return form B whilst new voters will be required to fill in a new qualification form C. Failure to fill in form B is an offence of which a penalty not exceeding 500 rupees.</i>
6. <i>Is voter registration conducted periodically around elections or continuously?</i>
<i>Annually and continuously towards election time ESC officer can extend time for registration.</i>
7. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
<i>Process acceptable to all.</i>
8. <i>How is the voters' roll prepared and by whom?</i>
<i>Prepared by electoral officers under ESC a continuous process done at the beginning of each year.</i>
9. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
<i>Updated during year and mobile units and registration centres by ESC.</i>
10. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
<i>Voters roll is open to public inspection and scrutiny. The provisional registers are made available for consultation to members of the public during a fortnight in various registration centres eg schools, village halls, community and social welfare centres remote areas are attended by mobile units so that can either apply for registration or make corrections to their entries.</i>
11. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
<i>It is considered satisfactory by all stakeholders (EISA 2002) Political parties are free to ensure that their followers are registered.</i>
12. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
<i>Stakeholders are satisfied with the announcement of election dates by the president (EISA 2004) ESC, Political parties and candidates.</i>
13. <i>What legal provisions regulate private and public funding for political parties?</i>
<i>There is no public funding of political parties and no regulations for private funding, Parties mobilise funding through donations.</i>
14. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
<i>No public funding of political parties raise own funds from donations gifts and members contributions.</i>
15. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
<i>They are satisfactory, there are limits to what candidates can use approx. US\$10 000 No policy on disclosure of private funds.</i>
16. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<i>Location of polling stations has never been an issue.</i>
17. <i>Where does counting of votes take place?</i>
<i>In designated counting centres in the constituency.</i>
18. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<i>Not in the case of Mauritius.</i>
19. <i>What legal provisions regulate election monitoring and observation?</i>
<i>A Representation of the People's Act 2005 was amended to provide for the invitation and</i>

accreditation of observer missions in Mauritius.
20. Which institutions are responsible for facilitating election monitoring and observation?
ESC and candidates' agents.
21. Who is allowed to monitor and observe elections? Why?
ESC and candidates and their agents because there was no provision for foreign observers in The Constitution.
22. Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?
Issue under discussion in the amendment to the Representation of the people Act bill
23. Do observers get deployed two (2) weeks before the voting day?
N/A The issue is under discussion
[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)
1. What are the legislated qualifications for voting?
Section 42(i) of the constitution provides that a person shall be qualified to be registered as an elector if he is a commonwealth citizen of not less than the age of 18 years by 15th august of the current year.
2. What are the legislated disqualifications from voting?
Those that are mentally ill, Those under a death sentence imposed upon them by a court in any part of the commonwealth or serving a sentence of imprisonment exceeding 12 months.
3. Are these legal provisions for qualification and disqualification applied fairly during elections?
They are applied fairly to the satisfaction of all stakeholders.
4. Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?
They are satisfactory.
5. Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?
There is a culture of democracy and tolerance which has been cultivated for years since independence. Freedom House (2005) gives Mauritius a 1 on political rights the country is free.
6. Is there a code of conduct for political parties and to what extent do parties adhere to it?
No.
7. To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?
Political parties and candidates have full confidence in the EMBs they are well provided for by the state and efficient The EC and the ESC are fully able to perform their duties and no blame has ever been ascribed to them despite instances of dissatisfaction by opposition parties.
8. To what extent are the courts competent, effective and well resourced in dealing with electoral matters?
Courts are independent and impartial and well resourced.
9. What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?
Electoral law provides confidence in the electoral process and there is complete transparency as regards election details issues such as the voters roll, nomination of candidates, preservation of order at polling stations counting of votes and the final announcements of results.
10. What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?

<i>Not many of such cases except in 1976 there was a recount in one constituency where there was a slim margin, Supreme court resolved the issue.</i>
11. <i>What common irregularities tend to become a characteristic feature of elections and how have these been dealt with?</i>
<i>Scattered issues of violence and intimidation in the 70s but were well resolved by police, ESC and party candidates.</i>
12. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
<i>No.</i>
13. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
<i>Candidates and election agents allowed monitoring without restrictions.</i>
14. <i>What is the nature of the participation of women, youth and people with disabilities in the electoral process? Is it high or is it low and why?</i>
<i>Poor participation of women in the electoral process as candidates. Mauritius has the lowest figure of women represented in parliament. Out of the 70 legislatures only 4 are women and in a cabinet of 25 there is only one woman. However efforts are being made now by women and political parties to try by all means to meet the 30% representation of women prescribed by SADC by 2005.</i>
<i>Information unavailable on youth.</i>
<i>Information unavailable on people with disabilities.</i>
15. <i>Do observers get invited ninety (90) days before the voting day?</i>
<i>NO observers allowed this state of affairs might change now due to the new laws that are to be introduced before the July elections.</i>
16. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
<i>In 2000, although SADC-PF was not supposed to be observing because of constitutional restrictions, the SADC-PF observer mission was able to meet all stakeholders in the elections. No restrictions on exist for EMBs or the media.</i>
17. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
<i>N/A.</i>
18. <i>Are observers allowed access to all relevant national laws and regulations?</i>
<i>N/A.</i>
19. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
<i>N/A.</i>
20. <i>Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
<i>N/A.</i>