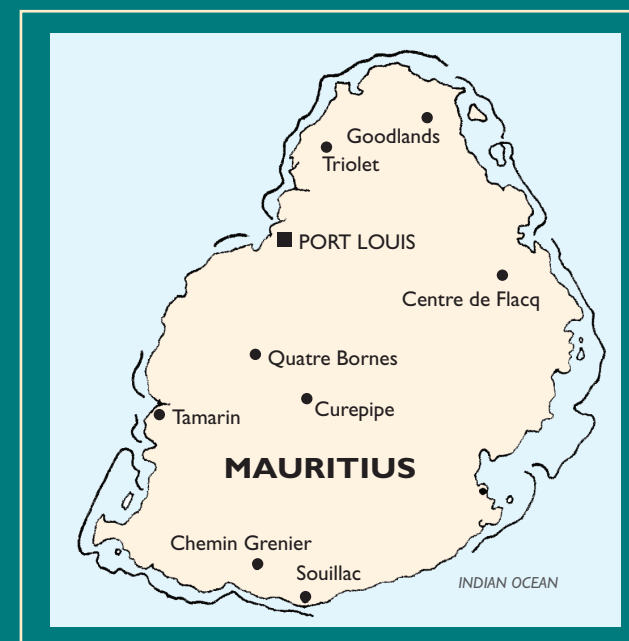


EISA gratefully acknowledges the generous financial support for this project from the Swedish International Development Agency (Sida), Harare and the Royal Danish Embassy (DANIDA), Pretoria



PROMOTING THE EFFECTIVENESS OF DEMOCRACY PROTECTION INSTITUTIONS IN SOUTHERN AFRICA

THE OMBUDSMAN AND THE NATIONAL HUMAN RIGHTS COMMISSION OF MAURITIUS



LA Darga



ISBN 978-1-920446-19-2



9 781920 446192

Order from: publications@eisa.org.za



EISA RESEARCH REPORT No 45

PROMOTING THE EFFECTIVENESS OF
DEMOCRACY PROTECTION INSTITUTIONS
IN SOUTHERN AFRICA

THE OMBUDSMAN AND THE
NATIONAL HUMAN RIGHTS COMMISSION
OF MAURITIUS

PROMOTING THE EFFECTIVENESS OF
DEMOCRACY PROTECTION INSTITUTIONS
IN SOUTHERN AFRICA

THE OMBUDSMAN AND THE
NATIONAL HUMAN RIGHTS COMMISSION OF
MAURITIUS

BY
LA DARGA



2009

Published by EISA
14 Park Rd, Richmond
Johannesburg
South Africa

P O Box 740
Auckland Park
2006
South Africa
Tel: 27 11 482 5495
Fax: 27 11 482 6163
Email: eisa@eisa.org.za
www.eisa.org.za

ISBN: 978-1-920446-19-2

© EISA

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of EISA.

First published 2009

EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.



Cover photograph: Yoruba Beaded Sashes

Reproduced with the kind permission of Hamill Gallery of African Art, Boston, Ma USA

CONTENTS

Preface	vi
About the author	xii
Acknowledgements	xiii
Abbreviations	xiv
Executive summary	xv
1 Introduction	1
2 Methodology	3
3 Contextual background	4
4 Constitutional and legal framework	6
5 Institutional governance and effectiveness	13
6 Interaction with the government	25
7 Interaction with other democracy protection institutions	28
8 Interaction with the public and non-state actors	29
9 Key research findings	33
10 Conclusion	36
11 Policy recommendations	37
References	38
Appendix	40
About EISA	43
Other Research Reports	45

PREFACE

This research report is the culmination of a project that EISA embarked on over three years, from 2007 to 2009, focusing on 'Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa'. The project, one of the components of a regional programme guided by the theme 'Consolidating Democratic Governance in the SADC Region: Phase II', has received financial support from the Swedish International Development Cooperation Agency (Sida) regional office in Harare, Zimbabwe, and the Royal Danish Embassy in Pretoria, South Africa. The seven elements of this regional programme are:

- Election quality
- Institutions of governance
- Gender equality and electoral processes
- SADC regional governance architecture
- The EISA annual symposium
- Regional resource centres
- The EISA democracy encyclopaedia

The overarching thrust of the programme is to improve governance architecture in Southern Africa, with a view to nurturing and consolidating democracy and sustaining peace and political stability, which are the key prerequisites for sustainable development and the eradication of poverty. The focus of this regional programme is consistent with EISA's vision of 'an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment'. The primary goal is to enhance the quality of electoral processes, improve the capacity of key national and regional institutions that are central to the achievement of democratic governance in the SADC region, and help to reverse gender imbalances in political participation and representation. The specific objectives of the programme are to:

- improve the quality of elections, with a view to advancing democratic governance;
- enhance the effectiveness of selected governance institutions;

- improve gender equality in the realm of governance;
- promote democratic governance and political integration through the SADC Organ on Politics, Defence and Security and its strategic plan, SIPO;
- expand and deepen the knowledge base in relation to democratic governance in the SADC region.

The aim of this particular project is to contribute to enhancing the institutional effectiveness of governance institutions.

Conventionally, studies of and research relating to the state and governance have tended to focus on the traditional arms of government – the executive, the legislature and the judiciary – and the separation of powers among them, with some attention paid to the bureaucracy or civil service. This focus has reduced the role of the state in governance to these organs of government, to the exclusion of other equally important statutory bodies established by the government itself, namely the democracy protection institutions (DPIs).

Although the establishment of DPIs is one of the more effective methods of promoting democratic governance in the SADC region, these institutions have received little attention in the existing policy and academic discourse on democracy and governance. With this research project EISA aims to fill this lacuna in the democracy and governance debate in Southern Africa by restoring these institutions to their rightful place.

DPIs are those statutory institutions established by governments specifically to protect democratic governance. They may be enshrined in the country's constitution, supported by legislation, or created by legislation. The constitutional provisions and enabling legislation reinforce their significance in governance architecture at the national level.

At the continental level, the African Union (AU) has also come to realise and recognise the importance of DPIs to the promotion of democratic governance. Article 15 of the African Charter on Democracy, Elections and Governance, which was developed with technical assistance from EISA and was ultimately adopted by the AU Heads of State Assembly in Addis

Ababa, Ethiopia, in January 2007, specifically elaborates principles and best practice relating to DPIs.

This article commits AU member states to:

- establish public institutions that promote and support democracy and constitutional order;
- ensure that the independence or autonomy of the said institutions is guaranteed by the constitution;
- ensure that these institutions are accountable to competent national organs;
- provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

The principles represent a clear commitment by African governments to strengthening the DPIs and promoting their institutional effectiveness. The aims are admirable, but, as the English aphorism goes, the proof of the pudding is in the eating. It is one thing for African governments to make such commitments, it is quite another to translate them into practice. In other words, as this report will illustrate, African governments do not always 'walk the talk'. Put somewhat differently, few African countries practise what the African Charter on Democracy, Elections and Governance preaches.

In 2008 EISA analysed three democracy protection institutions that are central to the achievement of democratic governance in the SADC region. These were: the Office of the Ombudsman, national human rights institutions (NHRIs), and electoral management bodies (EMBs) in 14 SADC member states. The analysis, which was guided by a list of questions, revealed different stages of institutional development in each country and established that the remit of the institutions differs from one country to another.

In 2009 the focus of the project shifted from the normative aspects addressed in the first stage to an assessment of the performance, effectiveness, independence and relationships of these institutions to other arms of government, other democracy protection institutions, and civil society,

within their operating environment. Empirical research was conducted by researchers in each country between March and July 2009 into two institutions – the Office of the Ombudsman and the national human rights commission – in the eight countries: Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zambia.

Conventionally, the Office of the Ombudsman is established to protect the people against violations of human rights, the abuse of power by public institutions, error, negligence, unfair decisions and maladministration, in order to improve public administration with a view to making governments responsive to people's needs and public servants more accountable to members of the public. This office has emerged as an important avenue for individual complaints against the actions of public authorities.

Typically, national human rights institutions are mandated to protect and promote human rights. A number of countries have established NHRIs which use the Ombudsman concept. The genesis of NHRIs lies in a resolution passed in 1946 by the United Nations Economic and Social Council inviting member states to consider the desirability of establishing local information groups or human rights committees to serve as vehicles for collaboration with the United Nations.

In 1991 delegates to the first International Workshop on National Institutions for the Promotion and Protection of Human Rights agreed on the Paris Principles, which were adopted a year later. The Paris Principles are a set of broad general standards which apply to all NHRIs, regardless of their structure or type. They are adopted by NHRIs and endorsed by the UN Commission on Human Rights and the UN General Assembly. Among the main principles are that the NHRI must:

- be independent and be guaranteed by statute or the constitution;
- be autonomous from government;
- be plural and diverse in its membership;
- have a broad mandate based on universal human rights standards;
- have adequate powers of investigation;
- have sufficient resources to carry out its functions.

The mandates of these two DPIs to address administrative and executive impropriety and ensure the respect and promotion of human rights suggest that they play an important role in exercising oversight over the executive and in promoting democracy, human dignity, and the rule of law. The overall objective of this research project, therefore, was to investigate the extent to which they have translated their mandate into action, thereby advancing and protecting democracy. The research examined the performance of the two institutions with regard to the following: legal framework, the effectiveness of institutional governance, independence, resources, and interaction with the other arms of government, the public, and non-state actors.

In July 2009 EISA convened a one-day policy dialogue forum during which senior officials of the 12 DPIs covered in the research, as well as the researchers, came together to deliberate on the findings. Thereafter, the researchers refined their reports, taking into account the input of the DPI officials. The culmination of the research project is eight country reports, in which the political, operational and resource conditions and constraints under which these institutions function are analysed.

The mere presence of offices of the Ombudsman and NHRIs in the SADC region is, in itself, an encouraging step, although not all SADC countries have these institutions in place. Where they do exist they do so in a variety of forms, with different nomenclatures, and each has its own character.

I acknowledge with gratitude all those whose input resulted in the successful implementation of the project. First and foremost, EISA's Executive Director, Denis Kadima, who contributed immeasurably to the conceptualisation of the regional programme on consolidating democratic governance in the SADC region, of which the DPI project is a part. I am grateful too to Ebrahim Fakir, Manager of Governance Institutions and Processes at EISA, for guiding the research process and editing the reports, thereby ensuring their quality. Without the selfless commitment and dedication of the project coordinator, Catherine Musuva, this project would not have seen the light of day. I take my hat off to her for her hard work.

The project would not have succeeded without the dedication of our research associates, based in the eight countries, who conducted the fieldwork. I

am equally indebted to the officials and staff of the democracy protection institutions, who supported the project with information and participated in the policy dialogue, and to the various respondents who willingly supplied the researchers with additional insights.

It would be remiss of me not to extend a special word of thanks to Professor Kader Asmal, former member of the South African Parliament and former Cabinet minister, who is currently a professor of law at the University of the Western Cape and who, despite his busy schedule, graced our multi-stakeholder dialogue workshop with his presence giving a thought-provoking and insightful keynote address on DPIs and setting the scene for what proved to be a lively discussion among the participants. I am pleased to report that some of Professor Asmal's ideas and thoughts have found a place in the reports.

Various other colleagues at EISA played their own distinctive roles in supporting this project and their contributions deserve acknowledgement. They are Kedibone Tyeda, Nkgakong Mokonyane, Maureen Moloi, Jackie Kalley, Alka Larkan, Oliva Fumbuka, Edward Veremu, Dipti Bava, Wallen Chidawanyika and Usha Kala. Our editor, Pat Tucker, and typesetter, Sue Sandrock, have done a marvellous job controlling the quality of our publications, for which we are hugely thankful.

Finally, I am profoundly grateful to our partners, Sida Regional Office in Harare, Zimbabwe, and the Royal Danish Embassy in Pretoria, South Africa, for their generous financial support.

In conclusion, I hope and trust that this research report will assist policy-makers to identify areas of organisational and institutional reform in order to improve the effectiveness, efficiency and responsiveness of DPIs and, in the process, deepen and entrench democratic governance in the SADC region.

*Dr Khabele Matlosa
Programmes Director-EISA, Johannesburg
September 2009*

ABOUT THE AUTHOR

L A Darga is the Managing Partner of StraConsult Ltd, a consulting and socio-economic research firm based in Mauritius. As Lead Consultant of StraConsult he has been involved for the past ten years in a series of research projects dealing with governance matters in Mauritius and elsewhere. He led the preparation of the Assessments of the State of Good Governance for Mauritius in 2002 and 2007 and Seychelles in 2007 for the United Nations Economic Commission for Africa and, in 2001, was the team leader for StraConsult when it carried out the first Survey on Corruption in Mauritius for the Independent Commission Against Corruption.

.

ACKNOWLEDGEMENTS

We thank the Ombudsman Office for diligently filling in the questionnaire they were sent and providing the necessary information for this report. We also thank Mr D Seetulsingh, chairman of the National Human Rights Commission, for sparing some of his precious time for an interview.

We are grateful to the Speaker of the National Assembly for granting us access to the Library of the National Assembly to look into parliamentary debates about the Ombudsman and the National Human Rights Commission.

I would also like to place on record the valuable support provided by my colleague Gilles D Joomun in the collection of data and the shaping of this report.

Finally, we thank EISA for giving us the opportunity to produce this research report.

ABBREVIATIONS

ACDEG	African Charter on Democracy, Elections and Governance
DPI	Democracy protection institution
DPP	Director of Public Prosecution
EISA	Electoral Institute of Southern Africa
MCIT	Major Crime Investigation Team
MNA	Member of the National Assembly
MMM-MSM	Mouvement Militant Mauricien-Mouvement Socialiste Militant
NHRC	National Human Rights Commission
NGO	Non-governmental organisation
ICAC	Independent Commission Against Corruption
DPP	Director of Public Prosecutions
PHR Act	Protection of Human Rights Act
PSC	Public Service Commission
DFSC	Disciplined Forces Service Commission
Sahringon	Southern African Human Rights NGO Network
SDD	Sex Discrimination Division

EXECUTIVE SUMMARY

Mauritius is considered one of the best governed, most stable and prosperous African countries. It is a sustained democratic state that has promoted economic and social development since it gained its independence in 1968.

In general, the government of Mauritius has managed democracy soundly. It has upheld the rule of law, shown tolerance for opposition parties, and enshrined fair electoral procedures, with regular alternation of power. The judiciary is considered to be independent, parliamentary democracy is vigorous and widely reported, and human rights are, in the main, upheld.

This report, commissioned by EISA is an assessment of two democracy protection institutions (DPIs) in Mauritius, namely the Ombudsman and the National Human Rights Commission (NHRC). The report is based on an analysis of the answers to a questionnaire designed by EISA, which was submitted to officials of the Ombudsman Office and the NHRC. Written sources, including web sites, reports, newspaper articles, and reports of parliamentary debates were also consulted in the preparation of the report.

The report examines the Ombudsman, whose role and functions are entrenched in the Constitution. The Ombudsman, which is an independent institution, though it is wholly financed by government funds, receives complaints about malpractice and the failure of public officers to deal with the needs of the public. Both our own knowledge of the Ombudsman Office and popular perception make it clear that the Constitution provides sufficient guarantees that the institution is free from external pressures, particularly from political pressure. However, the Ombudsman is subject to some regulatory constraints, such as its inability to investigate public institutions, among them the presidency and its officers and the Directorate of Public Prosecutions (DPP). The Ombudsman also has no power to prosecute contraveners and can only refer such cases to the DPP.

The Ombudsman works in close collaboration with most governmental institutions, local authorities and the Rodrigues¹ Regional Assembly and,

each year, presents a report to the president, which is also tabled before the National Assembly. However, the work of the Ombudsman is rarely featured in the media and it seems that few citizens are aware of the office's responsibilities.

The National Human Rights Commission was created in April 2001 following the enactment of the Protection of Human Rights Act of 1998. Its main responsibility is to ensure that human rights, as entrenched in Chapter II of the Constitution, are upheld. It has the power to investigate matters related to malpractice within the police force and the prisons administration.

In 2003 a Sexual Discrimination Division was set up within the commission to consider cases of sexual discrimination and harassment. Like the Ombudsman Office the NHRC is independent, though it is funded by the government. It also cannot engage in prosecution of human rights violators and must refer such cases to the DPP. The NHRC interacts frequently with the public and non-state actors such as the press and NGOs engaged in the fight against human rights violations.

The main findings of this research point to the need to improve the credibility of both institutions. Although the fact that they may only make recommendations and cannot institute legal action against offenders is perceived by citizens as a sign of ineffectiveness, our research shows that the two institutions are, in fact, doing their work effectively in line with their mandate.

The research also revealed that there is a tendency for citizens to file cases with various DPIs in an attempt to ensure that a solution is found to their problems. This practice points to the fact that the people of Mauritius are either suspicious about the effectiveness of the institutions or should be adequately informed, even educated, about their mandates.

- 1 Rodrigues is the main island of the outer islands that form part of the Republic of Mauritius. Located 560km to the north-east of Mauritius Island, it is 109km² in size and currently has a population of 37 600. In 2001 the Constitution and the Rodrigues Regional Assembly Act were passed, granting administrative autonomy to Rodrigues. The Rodrigues Regional Assembly was created in 2002 following elections on the island.

INTRODUCTION

Mauritius is recognised as one of the most stable democracies in the African region, with alternation of power at regular intervals and full respect for its Constitution and for human rights. It has adopted the following international human rights conventions – the dates in brackets are those on which the conventions were adopted:

- The International Covenant on Civil and Political Rights 1966 (12 December 1973)
- The International Covenant on Economic, Social and Cultural Rights 1966 (12 December 1973)
- The International Convention on the Elimination of All Forms of Racial Discrimination 1965 (30 May 1972)
- The Convention on the Elimination of All Forms of Discrimination against Women 1974 (9 July 1984)
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (9 December 1992)
- The Convention on the Rights of the Child 1989 (26 June 1990)
- African Charter on Human and People's Rights 1981 (19 June 1992)
- African Charter on the Rights and Welfare of the Child 1990 (14 February 1992)

National Human Rights Commission Annual Report, p 8

Mauritius also signed the African Charter on Democracy, Elections and Governance (ACDEG) on 14 December 2007.¹ Article 15 of this charter provides that state parties should establish public institutions to promote and support democracy and constitutional order. These institutions should be independent or autonomous and should be accountable to competent national organs. The state parties should provide these institutions with the necessary resources for them to be efficient and effective in their mission.

The following DPIs have been set up since independence in 1968:

- The Ombudsman, a constitutionally entrenched institution whose creation dates back to 1969. Its role is to investigate cases of maladministration and malpractice by public officers and institutions, including any local authority officer.
- The National Human Rights Commission, set up in 2001 for the better protection of human rights, for the better investigation of complaints against members of the police (except those which are the subject of investigation by the Ombudsman), and matters connected therewith or incidental thereto.
- The Ombudsperson for Children, established in 2003 to better promote children's interests and better protect children's rights in line with the Convention on the Rights of the Child, and to investigate complaints about violations of children's rights.
- The Independent Commission Against Corruption, created under the Prevention of Corruption Act 2002 to investigate cases of corruption in which public officials are involved. It is also responsible for promoting public awareness about corruption.

This report will focus solely on the Ombudsman Office and the National Human Rights Commission. Both institutions are assessed to determine their roles, functions, effectiveness and limitations. An examination of the context in which the two institutions were created is followed by a closer look at the constitutional and legislative framework of the institutions, highlighting the functions and powers conferred on them by the Constitution and the law. The institutional governance structure and effectiveness of both institutions is then examined, as are the resources at their disposal for the proper discharge of their functions and the limitations they face.

The Ombudsman and the NHRC do not operate in a political and social vacuum. We therefore examine their interaction with other stakeholders, namely, government and political institutions, other democracy protection institutions and the public and non-state actors.

METHODOLOGY

The methodology consisted of a two-fold approach.

On the one hand, data were collected from a questionnaire (see Appendix) provided by EISA and designed to establish the official stance of the two DPIs. Questionnaires were sent to the relevant institutions at the end of March 2009 and, although it was some time before a response was received, the research team was able to gather all the necessary information by the end of May.

In addition, data were collected from available resources, such as reports, written documents, and web sites, articles in the press and parliamentary debates, to provide a further analysis of the following points:

- A general overview of the institutions
- Institutional effectiveness
- Independence
- Institutional governance
- Interaction with the public and non-state actors
- Resources

CONTEXTUAL BACKGROUND

Mauritius became independent from Great Britain on 12 March 1968. The newly independent country's Constitution, which was drafted in 1967, provided for the creation of an Ombudsman Office to enquire into matters of maladministration and the denial of citizens' rights in the practice of government services.

It should be noted that Mauritius was among the first Commonwealth countries to adopt the Ombudsman. New Zealand was the first to introduce the model (in 1962), followed by the first African country, Tanzania, in 1966 (Reif 2004, p 215). The Constitution was drafted in the presence of all major political parties of the time, each of which had a say in its provisions. In this respect the legitimacy of the Ombudsman in Mauritius could not be questioned, as all parties were agreeable to its introduction. In fact, the legitimacy of the Ombudsman has never been questioned.

While the Constitution paved the way for the setting up of the Ombudsman Office, the office only became a reality in 1969 with the enactment of the Ombudsman Act.

The National Human Rights Commission was only set up in 2001 despite the fact that the Protection of Human Rights Act, in terms of which it was created, was passed in 1998. According to the current chairman, Mr D Seetulsingh (June 2009), it was set up in accordance with the trend in many developing countries to adopt the Paris Principles.

Defined in Paris at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights, in October 1991 and adopted by United Nations Human Rights Commission Resolution 1992/54 of 1992 and General Assembly Resolution 48/134 of 1993, the Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights (Wikipedia).

According to the Paris Principles, a national institution should:

- monitor any situation of violation of human rights it decides to take up;
- advise the government, the Parliament and any other competent body about specific violations, about issues related to legislation and its compliance with international human rights instruments, and about the implementation of these instruments;
- relate to regional and international organisations;
- be mandated to educate and inform in the field of human rights;
- possibly be given quasi-judicial competence.

Wikipedia

The most important characteristic of a national human rights institution, according to the Paris Principles, is independence. The appointment of commissioners and other key personnel must be given effect by an official Act, establishing the specific duration of the mandate, which may be renewable.

Mauritius's NHRC was constituted according to the Indian model (Seetulsingh June 2009). India's NHRC, established in 1993, was also modelled on the Paris Principles. Its main responsibilities include inquiring into violations of human rights or negligence in the prevention of such violation by any civil/public servant.

It may also intervene when there are allegations before a court of a violation of human rights. It is mandated to visit prisons and other reform institutions under the control of the state government and make recommendations about living conditions there and it must also educate and promote awareness of respect for human rights and encourage civil society to promote such respect (Wikipedia).

There was consensus in the National Assembly about the setting up of the NHRC and the commission was maintained when the government changed in 2005, with the chairman, who had been appointed in 2001, retaining his post.

CONSTITUTIONAL AND LEGAL FRAMEWORK

An entire chapter (Chap IX) of the Constitution is devoted to the Ombudsman, providing for the establishment of the institution, the manner in which the Ombudsman is appointed, the extent of his jurisdiction, his powers, the procedure to be followed when investigating, and other matters, including that an annual report be presented to the president of the Republic.

According to s 97 of the Constitution, the main role of the Ombudsman Office (hereinafter to be referred to as the Ombudsman) is to:

investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which –

- (a) a complaint under this section is made;
- (b) he is invited to do so by any Minister or other member of the Assembly; or
- (c) he considers it desirable to do so of his own motion.

CONSTITUTIONAL MANDATE

The Ombudsman's role and functions are clearly stipulated in Chap IX, while the Ombudsman Act of 1969 sets out the oath to be taken by the Ombudsman, the institutional arrangements for the setting up of the office, the procedures to be followed and the general administration of the office.

The Ombudsman is appointed by the president of the Republic in consultation with the prime minister and the leader of the opposition. The

president may also consult the leaders of political parties represented in the National Assembly, if he deems fit. The appointment of the Ombudsman is therefore accepted by all leading political parties. It must be noted here that the Ombudsman is reappointed every four years and although neither the Constitution nor the Ombudsman Act guarantees security of tenure (Hattea 2 September 2009) the current Ombudsman has been in office since 1990.

The Constitution is clear about who is eligible to be appointed Ombudsman and how the Ombudsman Office must function. It also indicates clearly the way in which the Ombudsman must conduct his investigations as well as the limits of such investigations. According to s 97 of the Constitution the Ombudsman is mandated to investigate:

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prison Service or any other service maintained and controlled by the government or any officer or authority of any such service;
- (d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;
- (e) the Rodrigues Regional Assembly or any officer of that Assembly;
- (f) any local authority or any officer of such local authority;
- (g) such other officers or authorities as may be prescribed by Parliament.

It is also important to note that section / article 97(2) of the Constitution provides that the Ombudsman Office cannot investigate matters concerning:

- (i) the resident or his personal staff;
- (ii) the chief justice;
- (iii) any commission established by this Constitution or its staff;

- (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;
- (v) any person exercising powers delegated to him by the Public Service Commission or the Disciplined Forces Service Commission, being powers the exercise of which is subject to review or confirmation by the commission by which they were delegated.

The prohibition against the Ombudsman investigating these institutions and persons is hard to understand in the light of the fact that he is mandated to investigate cases of maladministration in public institutions, and that both the PSC and the DFSC are perceived to be fraught with wrongdoing.

It should be possible for a person aggrieved by a decision taken by the PSC, which is responsible for recruitment of civil servants as well as promotion in the civil service, to challenge the decision.

However, only recently, with the passage of the Equal Opportunities Act, have an Equal Opportunities Division and an Equal Opportunities Tribunal been set up to deal with such cases.

As noted above, s 97 of the Constitution provides that the Ombudsman may investigate any action taken by any public officer or authority, apart from those excluded by s 97(2)(e), in the exercise of the administrative functions of that officer or authority. Complaints may be laid by any individual or body of persons other than

- (a) an authority of the government or a local authority constituted for purposes of the public service or local government or
- (b) any authority or body whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of money provided by public funds

Constitution, Chap IX s 97(3)

The complainant must be a resident of Mauritius or the complaint must be related to events that took place while the complainant was present in Mauritius.

In the course of any investigation the Ombudsman must allow the principal officer of the department or authority concerned, and any other person who is alleged to have taken or authorised the action in question, to comment on the allegations. Investigations must be carried out in private and the Ombudsman is given the freedom to conduct such investigations in a manner he/she believes to be appropriate.

In doing so the Ombudsman may request information from ministers or any other officers from any department or authority except for information relating to the Cabinet or if the attorney-general informs the Ombudsman that such information would be contrary to the public interest, particularly in relation to defence, external relations, or internal security.

The Ombudsman must submit an annual report to the president. The report is also tabled before the National Assembly. In other words, members of the National Assembly are made fully aware of the activities of the Ombudsman and can therefore question Cabinet ministers about cases concerning their ministries. However, the reports of the Ombudsman are rarely in the limelight and it seems that members of the National Assembly pay little attention to them.

The fact that members of the National Assembly, the media, and the general public pay little attention to the report of the Ombudsman indicates that the institution is not considered to be of central importance in any quest to challenge the state on wrongdoings or on the protection of democratic rights.

The NHRC has no direct constitutional grounding. It was set up in terms of the Protection of Human Rights (PHR) Act enacted in December 1998. Although the Act was brought into force by Proclamation No 2 of February 1999 the chairman and members of the Commission were only appointed in April 2001.

The role of the NHRC is to investigate written complaints made by any person who feels that any of his/her human rights, as set out in Chapter II of the Constitution, has been violated or is likely to be violated by the act or omission of a public officer or employee of a public body. The NHRC cannot, however:

- enquire into any private dispute between individuals or any complaint against private employers or professionals, eg, lawyers, doctors, etc;
- fine, imprison or in any other way punish any person against whom a complaint is made;
- give private legal advice.

The rights which fall under the scrutiny of the NHRC are:

- the right to life;
- the right to personal liberty;
- the right to protection from slavery and forced labour;
- the right to protection from inhuman treatment;
- the right to protection from deprivation of property;
- the right to privacy of home and other property;
- the right to secure the protection of the law;
- the right to freedom of conscience;
- the right to freedom of expression;
- the right to freedom of assembly and association;
- the right to freedom to establish schools;
- the right to protection from discrimination.

The NHRC also enquires into written complaints made by any person against an act or omission of a member of the police force.

The other functions of the NHRC, as stipulated in the PHR Act, are:

- (a) where it has reason to believe that an act or omission such as is referred to in the above-mentioned has occurred, is occurring or is likely to occur, of its own motion enquire into the matter;

- (b) visit any police station, prison or other place of detention under the control of the State to study the living conditions of the inmates and the treatment afforded to them;
- (c) review the safeguards provided by or under any enactment for the protection of human rights;
- (d) review the factors or difficulties that inhibit the enjoyment of human rights;
- (e) exercise such other functions as it may consider to be conducive to the promotion and protection of human rights.

The commission may not investigate matters related to economic, social, and cultural rights, such as the right to work, the right to an adequate standard of living, the right to education, the right to health services, the right to social security, and so on (<http://www.gov.mu/portal/site/nhrbsite/menuitem.13ef7036e52bb86512c7c91048a521ca/>). It is understandable that there is no need for direct intervention of the NHRC in the case of education and health services, which are provided free to all Mauritians by the government. However, other rights, such as an adequate standard of living and the right to work should fall under the scrutiny of the commission.

The NHRC consists of a chairman, who must be a former judge, and three other members, one of whom must be a judge or barrister of more than 10 years standing and the other two must be persons recognised for their knowledge or practical experience in relation to human rights. The chairman and members are appointed by the president on the recommendation of the prime minister. Section 3 of the PHR Act states that members of the commission are appointed for a term of four years or until they reach the age of 70, whichever occurs earlier.

Members are also eligible for reappointment for a second four-year term. However, a member of the commission may be removed by the president, acting on the advice of the prime minister, if the member is found to be unable to perform his/her function either because of misbehaviour or because of infirmity of body or mind.

The NHRC has the power to summon witnesses in relation to complaints it receives and to examine them under oath. It may also call for documents and other exhibits to be produced, if necessary obtaining an order from a judge in chambers in order to do so. The commission may also issue a warrant to enable officers from the NHRC to enter a building to extract any document or exhibits related to an enquiry.

For the purposes of an investigation the help of a police officer or any other public official may be requested through the commissioner of police or the secretary to Cabinet.

INSTITUTIONAL GOVERNANCE AND EFFECTIVENESS

INSTITUTIONAL GOVERNANCE

The Ombudsman Office, like any other government institution, must respect the code of ethics for government officers.

The staff, apart from the Ombudsman, who is appointed by the president, are recruited in the same way as other members of the public service, through the Public Service Commission. The staff comprises 14 persons, including the Ombudsman himself, one senior investigations officer assisted by a higher executive officer and an executive officer. The administrative staff includes an office supervisor assisted by four clerical officers, a word-processing officer, two office attendants and a driver. The Ombudsman also has a confidential secretary.

From information gathered from respondents we understand that there is no discrimination between men and women in the recruitment of staff. However, it should be noted that, of the four occupants of the position of Ombudsman to date, none has been a woman. The current Ombudsman, Mr S Hattea, has been in office since February 1990.

The NHRC has more staff than the Ombudsman Office. The current members of the commission are a former judge (the chairman), a former secretary for home affairs, a former magistrate and a former activist of the Mauritian branch of Amnesty International, who is a woman. The Sex Discrimination Division of the commission is headed by the chairman, with two women as members (a former judge and a social worker). At the head of the commission there are, therefore, three men and three women.

The other staff of the NHRC are one secretary to the commission, who is also the chief executive officer; nine human rights officers; eight administrative officers and five support officers. The total number of administrative staff is 23, of whom 15 are women.

Both institutions have only one office – in Port Louis, the capital city.

INSTITUTIONAL EFFECTIVENESS

The Ombudsman's is responsible for investigating any complaint made by a citizen of Mauritius concerning, *inter alia*:

- a wrong decision by a public administration;
- the failure of a public administration to take action;
- the perceived unjust manner in which a public administration has acted;
- an unreasonable delay in taking action, thus causing prejudice.

The Ombudsman may, on his own initiative, start an investigation, for example, after noticing reports in the media about a particular problem affecting the public. This is further explained below.

According to the latest published report of the Ombudsman 355 cases were reported to the office in 2007. With the backlog from the previous year added 548 cases were dealt with in total, of which 120 were rectified and two partly rectified.

As at the end of December 2007, 183 cases were pending (Hattea 2008). Table 1 indicates the work done by the Ombudsman in 2007. On average about 600 cases are received annually by the Ombudsman Office (annual reports 2001-2007). The Ombudsman explained that it may take anything from three weeks to three months to deal with a case. The duration of the investigation depends on the availability of information from the various parties involved. On occasion, these parties may include ministries, each of them with a different timetable.

An average of 200 cases remains pending at the end of each year. The Ombudsman Office's explanation (Questionnaire) for the existing backlog is that departments to which queries are sent do not respond in a timely manner and therefore the Ombudsman cannot reach a final decision. As explained above, it takes, on average, a maximum of three months to resolve a case – a period the Ombudsman considers acceptable (Questionnaire). However, some cases do take longer.

Table 1
Cases dealt with by the Ombudsman in 2007

Case intake in 2007	355
Cases dealt with in 2007*	548
Cases rectified**	120
Cases partly rectified	2
Cases not justified***	52
Cases explained****	128
Cases discontinued*****	55
Cases not investigated*****	8
Cases pending as at 31 December 2007	183

Source: Hattea 2008

* Including backlog from previous year

** Case resolved to the satisfaction of parties involved

*** The Ombudsman found there was no case to answer

**** An explanation has been received from the department to which the complaint has been referred

***** Investigation was started but removed by complainant

***** Case does not fall under the mandate of the Ombudsman

With regard to transparency and the dissemination of information the Ombudsman Office distributes its annual reports widely and freely to institutions such as the National Library and individuals can buy it at a nominal price of about US\$10. The report is also posted on the office's website and feedback from the public is elicited by means of a suggestion box located at the Ombudsman Office. It is, however, worth noting that there has never been a complete external evaluation of the performance of the office.

However, in 2009 the Ministry of Finance introduced performance-based budgeting, requiring any institution receiving public funds to implement programmes for the years 2009 to 2011. These programmes will provide the basis for financing the institutions. Proposed programmes should be achievable and should be monitored to ensure that they meet their targets.

The NHRC is set up in such a way that the legal background of the chairperson prevails. In terms of the PHR Act the chairperson must be a former judge with an in-depth knowledge of the Constitution and the human rights enshrined in it. The mechanism to deal with public complaints is well established in order to make the process efficient. On receipt of a complaint the commission examines all information submitted and calls for the production of documents and relevant materials in order to have a clear picture of the circumstances of a case.

The commission then hears the complainant and the respondent and attempts to resolve the matter by means of a conciliatory procedure, as required by s 4(3) of the Act. If the case cannot be resolved by conciliation the commission carries out a full enquiry. The procedure adopted is inquisitorial, not adversarial. The complainant may be assisted by counsel and his witnesses are examined in the absence of the respondent, so there is no cross-examination by either respondent or counsel. Thereafter the respondent and his witnesses are heard by the commission in the absence of the complainant. The commission may also hear independent/expert witnesses where necessary.

Section 3 of the PHR Act clearly stipulates that the commission must first attempt to resolve any complaint received through conciliation.

If a matter has not been settled by the commission, the commission may refer the matter to:

- the Director of Public Prosecutions, if it appears that an offence has been committed;
- the appropriate service commission, where it appears that disciplinary action should be taken;
- the officer in charge of a parastatal body or government-owned company, where it appears that disciplinary action should be taken against an employee.

The commission must also send its conclusions and any recommendations in writing to the minister responsible for human rights for appropriate action. It may also recommend, where appropriate, the granting of relief

to the complainant or any other person. It can also simply inform the complainant of the action taken.

As can be seen from Table 2 there was a notable increase in the number of cases reported to the NHRC between 2002 (one year after it officially began operating) and 2008 (the date of its latest available report). The number of cases has increased by a sizeable 50 per cent. This increase can be attributed to greater awareness by the public of the existence of the NHRC and its role.

Many of the cases dealt with by the NHRC are covered in the print and electronic media and therefore people are aware of its existence and know they can report cases of human rights violation to it. The main issues relate to the conduct of the police – 52.5 per cent of the total number of complaints in 2002 and 82.5 per cent in 2008. Table 2 also shows that the commission has done its work diligently, with 87.5 per cent of cases disposed of in 2002 and 83 per cent in 2008.

Table 2
Complaints dealt with by the NHRC
2002 and 2008

	Complaints received in 2002	Disposed of	Pending	Complaints received in 2008*	Disposed of	Pending
Complaints against police						
Brutality	31	24	7	60	43	17
Other	53	42	11	138	118	30
Sub-total	84	66	18	198	161	47
Complaints against public bodies						
Prison authorities	5	4	5	13	13	nil
Ministries/Depts	18	18	18	9	8	1
Parastatal bodies	9	8	9	2	2	nil
Local authorities	3	3	3	–	–	–
Gov-owned comps	–	–	–	2	1	1
ICAC				1	1	nil
Sub-total	35	33	35	27	25	2

Complaints within jurisdiction						
	119	99	53	225	186	49
Complaints against institutions other than public bodies (outside jurisdiction)						
Judiciary	21	21	nil	6	6	nil
DPP	3	3	nil	1	1	nil
Miscellaneous	17	17	nil	8	7	1
Sub-total	41	41	nil	15	14	1
Total	160	140	53	240	200	50

Source: Adapted from NHRC Annual Reports 2002 and 2008

*and complaints carried forward from 2006 and 2007

A backlog exists as the NHRC normally takes an average of six months to complete an enquiry. Information must be gathered from all parties and the commission must hold hearings. Mr Seetulsingh explained that most backlogs are cleared during the following year. However, we consider a six-month delay lengthy and believe it should be reduced to three months, as is the case with the Ombudsman Office.

A major area of concern with regard to human rights, and therefore a major challenge to the NHRC, is the need to reduce the number of allegations of abuse by the police and, more particularly, alleged brutality from police officers. Various cases are systematically reported each year, as shown in Table 2, and some have received extensive media coverage, among them the alleged bullying of a journalist by the police while he was covering a youth event (detailed below). More recently, police officers faced trial after the death of a suspect in their custody (also detailed below) – the suspect was allegedly tortured to make him confess to having committed a double murder. Police brutality remains a major concern for the protection of human rights in the country. It should also be noted that a Sex Discrimination Division (SDD) was set up within the NHRC in 2003, its main duty being to receive complaints from both men and women about sex discrimination or sexual harassment, though an analysis of the NHRC's annual reports indicates that it is mostly women who seek redress through the SDD.

The division enquires into the complaints received and tries to resolve them through conciliation. If no solution can be found and the complaint is

substantiated the matter is referred to the Director of Public Prosecutions or to another commission. The SDD may also recommend the granting of such relief to a complainant as it thinks fit. Table 3 indicates the number of cases dealt with in 2003 (the year the SDD was created) and in 2008 (the latest data available).

Table 3
Complaints dealt with by the SDD
2003 AND 2008

Category	2003			2008		
	No of cases	Disposed of	Pending	No of cases	Disposed of	Pending
Sex discrimination	14	12	2	13	10	3
Sexual harassment	24	18	6	25	18	7
Others	22	20	2	31	26	5
Total	60	50	10	69	54	15

Source: Adapted from NHRC Annual Reports 2002 and 2008

Though Table 3 only gives figures for 2003 and 2008, an analysis of the annual reports of the NHRC indicates that the number of cases received, disposed of, and pending remains more or less constant each year.

Apart from investigating, the commission makes a point, as suggested in the Paris Principles, of engaging in educating citizens about human rights. In its 2006 report the commission states:

The Commission is empowered to exercise such functions as it may consider to be conducive to the promotion and protection of human rights. To fulfill this mandate, the Commission conducted several workshops in 2006 on Human Rights, the Constitution, the Paris Principles, Training of Trainers, Local Government and Human Rights and NGOs and Human Rights. The target audience was teachers, students, municipal

and district councillors, the staff of local authorities, journalists, information officers, press attachés in Ministries.

The 2008 report also mentions that workshops have been organised for police officers, officers from the administrative cadre in the public service, and students from primary and secondary schools, including those in Rodrigues. The SDD also conducts talks for women in women's centres, for factory workers and for students.

The consistent increase in the number of cases of abuse by police indicates that the commission should ensure that police officers-to-be are aware both of the limits of their powers and of the scope of human rights.

As with the Ombudsman Office there has, to date, been no external evaluation of the impact of the commission. In terms of strategic planning and internal monitoring the NHRC is also subject to performance-based budgeting introduced by the Ministry of Finance and must prepare programmes which are achievable and monitored to ensure that it meets its targets.

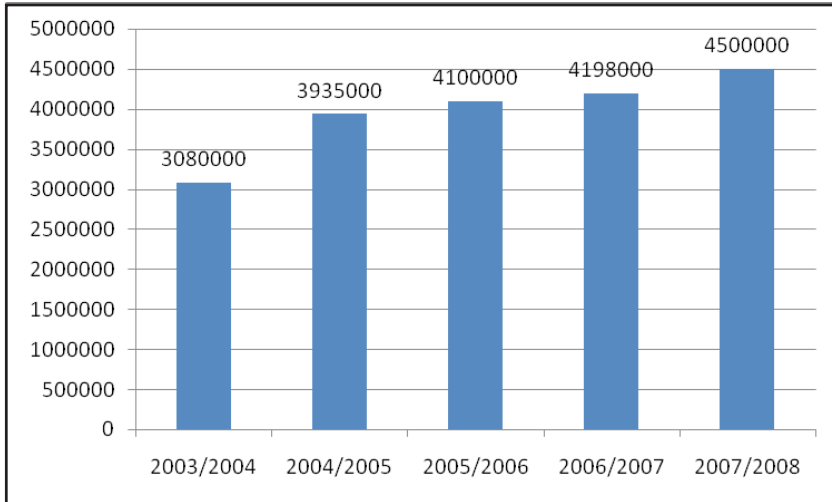
RESOURCES

The Ombudsman Office is funded by the Consolidated Fund voted directly by the National Assembly. Figure 1 shows the budget allocations to the office in the past five years.

The process of allocating a budget for the Ombudsman Office is simple. First, the budget returns, together with proposals for new posts and the filling of vacancies, are submitted to the Ministry of Finance and Economic Empowerment by February, taking into account the ceiling set for the department. At the beginning of June the financial operations officer and the accounting officer attend the Committee of Supplies held at the National Assembly, where the budget is approved.

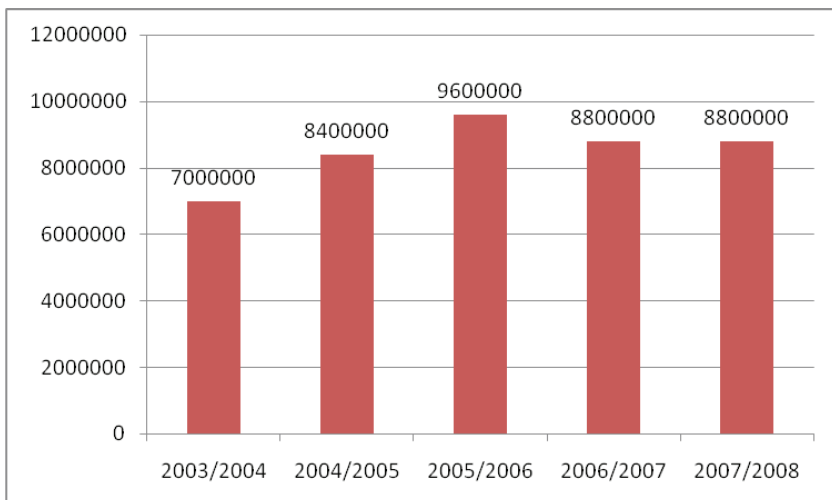
The office has received consistent increases, but these are fully used for day-to-day management and duties (response to Questionnaire) and the office does not have the funds to enable it to invest in new technologies such as computers to help its staff to be more efficient

Figure 1
Annual budget allocation for the Ombudsman for the past five years
(Mauritian Rupees)



The National Human Rights Commission, like the Ombudsman's Office, is funded by the government through the Consolidated Fund voted by the National Assembly.

Figure 2
Annual budget allocation for the NHRC for the past five years
(Mauritian Rupees)



According to the PHR Act the commission shall, not less than three months before the commencement of each financial year, submit to the Minister of Finance and Economic Empowerment an estimate of its expenditure. Based on these estimates the government allocates funds for the functioning of the commission at the end of the financial year (the end of June).

The PHR Act also stipulates that the commission's accounts should be audited by the director of audit and any expenditure incurred in connection with such an audit should be payable by the commission. The accounts of the commission, as certified by the director of audit, together with the audit report thereon are forwarded annually by the commission to the Minister of Finance and Economic Empowerment, who is responsible for tabling the audited report before the National Assembly.

LIMITATIONS

While the powers of the Ombudsman allow the office to investigate matters relating to public officials, one of the main constraints it faces is the action it may take in relation to such complaints. The Ombudsman's only recourse is to recommend further action to be taken by the relevant head of department or authority concerned. If no action is taken the Ombudsman may table his recommendations to any minister concerned, or to the prime minister or the National Assembly if he deems it fit. However, the Ombudsman cannot initiate any legal action against a public official.

As explained above, the Constitution does not allow the Ombudsman to investigate matters relating to the president of the Republic and his personal staff, the chief justice, any commissions established by the Constitution, the DPP or those following his instructions, or those acting on powers delegated by the Public Service Commission (which deals with recruitment in the public service) or the Disciplined Forces Services Commission (which deals with recruitment and promotion in the police and fire services).

This limitation can be questioned in as much as these persons or authorities may perform actions which aggrieve individuals in a manner which falls under the scrutiny of the Ombudsman.

In addition to the above, the Ombudsman may not intervene in the following:

- Cabinet matters
- Matters relating to defence, external relations and internal security
- Matters concerning foreign missions, eg, embassies, high commissions, and so on
- Court proceedings
- Private disputes
- Complaints against private bodies
- Complaints against local authorities and parastatal bodies.

However, in certain cases linked to local authorities and parastatal bodies, the Ombudsman may seize the parent ministries responsible for them.

As indicated above, the Ombudsman Office also faces financial constraints, which prevent it from acquiring equipment which would enable it to function more efficiently.

As is the case with the Ombudsman Office, a major constraint of the NHRC is the legal limitations on its powers of investigation. For instance, it cannot investigate complaints:

- of human rights violations which are reported two years after the event happened;
- against the police when the complaints are already being investigated by the Ombudsman;
- against:
 - the president or his personal staff;
 - the chief justice;
 - the Director of Public Prosecutions or any other person acting on the DPP's instructions;
 - the Commission on the Prerogative of Mercy, the Electoral Boundaries Commission, the Electoral Supervisory Commission, the Judicial and Legal Service Commission,

the Public Service Commission and the Disciplined Forces Service Commission;

- any person exercising powers delegated to him by the Public Service Commission and the Disciplined Forces Service Commission.

Moreover, it may not:

- enquire into any private dispute between individuals or any complaint against private employers or professionals – lawyers, doctors, and so on;
- fine, imprison, or in any other way punish any person against whom a complaint is made;
- give private legal advice.

The NHRC, furthermore, may not initiate legal action on its own but must refer cases in which it considers there are grounds for a trial to the Director of Public Prosecutions for criminal matters or to relevant commissions for other infringements of human rights. This can be considered a serious weakness. Had the commission been able to take cases directly to court in instances where investigations revealed serious violations of human rights it would have had more credibility.

INTERACTION WITH THE GOVERNMENT

The Ombudsman is a constitutional office and, as such, is independent. Section 101 of the Constitution states that:

- (1) In the discharge of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law.
- (2) In determining whether to initiate, to continue or discontinue an investigation under section 97, the Ombudsman shall act in accordance with his own discretion, and any question whether a complaint is duly made for the purposes of that section shall be determined by the Ombudsman.

The Ombudsman Office's only obligation is to submit an annual report to the president on the discharge of its functions. The same report is tabled in the National Assembly. However, responses by members of the National Assembly to these reports are almost non-existent (Hattea 2 September 2009). This may explain why the work of the Ombudsman is rarely featured in the media and therefore few citizens seem to be aware of the existence of the institution. It is worth noting, however, that the government followed one recommendation of the Ombudsman. In his annual report of 2003, the Ombudsman writes:

In my report for the year 1999 (see 26th Annual Report of the Ombudsman) I stated the following: '... I invite the authorities concerned to consider extending the jurisdiction of the Ombudsman so as to enable him to investigate complaints against local authorities. Presently we have to get round the problem by seeking the intervention of the Ministry of Local Government.

It would be infinitely better for the Ombudsman to be able to intervene directly with local authorities.' I am pleased to say that the Constitution has now been amended to that effect.

The Ombudsman is appointed in such a way as to ensure that he acts independently and transparently. He is appointed by the president in consultation with the prime minister, the leader of the opposition, and, if the President thinks it fitting, any leader of a party represented in the National Assembly. The Ombudsman may not be a member of the National Assembly or even a candidate in a general or local election. He also may not be a member of a local authority and may not perform the functions of any other public office (Constitution, chap IX s 96).

The Ombudsman Office interacts regularly with government, and particularly with government departments, in as much as the Ombudsman enquires into matters of maladministration within the civil service and local authorities, including Rodrigues. In 2007 the Ombudsman received the following cases:

Ministries/departments	254
Local authorities	60
Rodrigues Regional Assembly	<u>41</u>
Total	<u>355</u>

The 355 cases include 45 own-motion files (enquiries initiated by the Ombudsman himself), 12 in respect of ministries/departments and 33 in respect of local authorities.

Similarly, the NHRC is, by virtue of its responsibilities and functions, an independent body, a fact that is confirmed on its website (<http://www.gov.mu/portal/site/nhrbsite>). Moreover, as indicated above, one of the main tenets of the Paris Principles, on which the NHRC is based, is the independence of the institution from political and other interference.

An analysis of the history of the NHRC confirms that it does not seem to be subject to political pressure. The PHR Act was enacted in 1998 under a

government headed by the Labour Party. Two years later the Mouvement Militant Mauricien-Mouvement Socialiste Militant coalition took power and it is under this government that the NHRC was officially set up in 2001. A coalition led by the Labour Party came to power again in 2005 and, while the new government has fired a series of chairpersons and heads of institutions nominated by the previous government, the chairman of the NHRC and its members have been kept on, a clear indication that the commission is regarded as independent despite the fact that the PHR Act does not define it as an independent body.

Mr Seetulsingh explained that the NHRC, by virtue of its independence, is not answerable to government. Although it is placed under the aegis of the Prime Minister's Office it has the right to enquire into ministries and government departments, though there have been few violations of human rights reported in departments other than the police and prisons.

In its annual reports the NHRC makes a series of recommendations to government with regard to upholding human rights in the country. For example, in its latest report (2008, p 33), it recommends, among other things, that:

- the problem of women political representation could be solved by affirmative action;
- while maintaining the Judicial Committee of the Privy Council as a final court of appeal, a Court of Appeal which does not consist of judges of the Supreme Court could be set up to enable litigants to appeal locally;
- persons against whom an extradition order has been pronounced should not necessarily be imprisoned pending their extradition, if they have appealed against the order.

However, Mr Seetulsingh maintains that government does not always consider these recommendations despite the fact that annual reports are tabled before the National Assembly each year. This is a matter of concern as it indicates that the work of an important institution is not taken seriously by Parliament.

INTERACTION WITH OTHER DEMOCRACY PROTECTION INSTITUTIONS

Our interviews with the chairman of the NHRC and the questionnaire sent to the Ombudsman reveal that although there is interaction between the DPIs mentioned in the introduction to this report, each has its own legal framework, which is different from the others. For example, the Ombudsman is concerned with matters relating to maladministration in the public sector, while the NHRC focuses solely on human rights violations and cases of sexual discrimination. In the same way, the Independent Commission Against Corruption only deals with investigations into allegations of corruption and the Ombudsperson for Children is responsible for upholding the rights of children.

While each of these institutions has its own mission, the Mauritian public has a tendency to lodge the same complaint before all the institutions, largely in an attempt to ensure that one of them will find a solution to the problem. This fact reveals that, firstly, the institutions have not been able to educate citizens sufficiently for them to understand the mandate and jurisdiction of each. Secondly, there seems to be general suspicion about the effectiveness of the institutions, about their commitment to the cause of the citizen, and, to a certain extent, the citizen is not totally convinced that such institutions are free from external influence.

Both the Ombudsman Office and the NHRC state that each occasionally passes a case on to the other when it does not fall within their ambit. According to Mr Seetulsingh, however, this has not applied to more than about five cases a year.

INTERACTION WITH THE PUBLIC AND NON-STATE ACTORS

From information gathered through the questionnaire we understand that the Office of the Ombudsman does not interact with non-state actors and does not receive complaints from NGOs or trade unions. However, the very nature of the mandate of the Ombudsman to deal with complaints of any citizen about public administration is a vivid example of continuous interaction with non-state actors, that is, civil society at large.

The Ombudsman Office is responsible for investigating complaints from the public about maladministration and administrative inertia within public bodies. The office also has a suggestion/complaints box, which enables the public to comment on its work and point out failures to attend to particular issues.

Cases under investigation by the Ombudsman are rarely covered by the media. This may be because most of the cases reported to the Ombudsman are internal matters relating to ministries, government departments, or local authorities.

What follows is a sample of such cases:

Mr J M, a Forensic Technician of the Chemistry/Toxicology Section at the Forensic Science Laboratory (FSL), wrote to the Senior Chief Executive of the Prime Minister's Office to complain about the rejection by the Officer in Charge of the FSL of his application for leave without pay to complete his final studies at the London School of Law during the period 28 March 2007 to 29 September 2008. He was informed by the Officer in Charge that the ground for refusal was the exigencies of the service; that a replacement had to be sought before granting his application. In his letter J M argued that certain officers working at the FSL had left well before but no attempt had been made to replace them. So he felt he was not being treated fairly.

J M forwarded a copy of his above letter to me and sought my intervention.

The version of the Prime Minister's Office was that on account of the then prevailing staffing position at the Chemistry / Toxicology Section, J M could not be released as that would have meant leaving the Section to operate with only one officer. He was informed that his application might be considered at a later stage. In the meantime a vacancy existing at the Section had been reported to the Public Service Commission.

I continued to follow up the case with the Prime Minister's Office and one month later I was informed that J M had been granted study leave without pay as from 4 June 2007.

Hattea 2007

However, the Ombudsman makes a point of following up cases of maladministration mentioned in the press and initiating investigations into these. In his 2007 report he cites a series of such cases.

In mid-January 2007 a press article entitled 'Carcasses de voitures abandonnées', together with a photograph of the same, showed two wrecked vehicles abandoned on a plot of wasteland in Roches Brunes. It appeared that none of the authorities concerned had shown any 'concern' about this and what is even worse is that all this took place in a residential area.

I immediately summoned the Chief Executive of the Municipal Council to inquire into the matter and to take action forthwith.

The Police was contacted by the Municipal Inspectors with a view to tracing the owner(s) of the abandoned vehicles and it turned out that the vehicles belonged to the same person who was immediately contravened under regulations made by the Municipal Council.

A further inspection made one month later revealed that both vehicles had been removed from the bare land, much to the relief of the inhabitants of the neighbourhood.

The reactive response of the Ombudsman is to be commended.

The NHRC, by its very nature, should interact closely with all stakeholders concerned with the protection of human rights in the country. The commission receives a number of complaints each year from the public, as reflected in Tables 2 and 3, indicating that the public in general is aware that there is an institution which helps to protect their rights.

Moreover, a glance at the archives of the print media for the past five years shows clearly that the commission's work receives extensive coverage. Since its creation, two cases under the scrutiny of the NHRC have received frequent attention.

Case 1 concerns allegations in February 2004 that a journalist was beaten by the police:

A journalist covering a youth concert alleged that he was bullied by police in the parking lot of the stadium where the concert was taking place. The case was extensively covered by the press as a journalist was involved. The journalist, on the advice of his lawyer, lodged a case before the NHRC. The case was heard by the NHRC and was referred to the Director of Public Prosecutions. The three police officers involved were fined.

Case 2 concerns the death of a suspected murderer in police custody in January 2006.

Another case which was extensively covered in the press was that of a suspect in a double murder in the village of Lallmattie, in the east of Mauritius. The suspect died while he was in police custody and newspaper pictures showed clearly that he had bruises on the sole of his feet, which were alleged to have been the result of torture by police officers. The seven police officers of the Major Crime Investigation Team (MCIT) in charge appeared in court. The case was also heard by the NHRC following representations from the widow. The NHRC

officially blamed the MCIT officers for police brutality leading to the death of the suspect and referred the case to the DPP. Only four of the officers were formally accused and, at the time of writing, were still on trial.

The commission's annual reports are well covered by the media and the chairman is frequently called upon by the press to give his opinion on major issues related to the protection of human rights (*L'Express* 5 October 2003, 3 November 2003, 10 December 2004, 19 January 2006, 19 February 2006, and 21 October 2007, among others).

On the other hand, the role of the NHRC, especially with regard to combating police brutality, has often been criticised by NGOs advocating the protection of human rights in the country. For instance, a representative of Justice, which fights against police brutality, made a statement to one of the country's leading daily newspapers arguing that the PHR Act contains some lacunae, especially as it favours conciliation between parties rather than brutal coercive measures (*L'Express* 15 February 2004).

This opinion is shared by another NGO, the Southern African Human Rights NGO Network, which is represented in Mauritius. Its representative expressed the view that the commission should be given the power to pursue legally police officers found guilty of brutality (*L'Express* 26 April 2005).

Other NGOs, such as the Commission Justice et Paix and the African Human Rights League, have suggested that police officers be trained to better understand human rights.

KEY RESEARCH FINDINGS

Mauritius has established its credentials in terms of respect for human rights and the rule of law. However, democratic protection institutions are still needed to further consolidate democracy, to monitor constantly, and to blow the whistle when the rule of law and respect for human rights and democracy are flouted. The Office of the Ombudsman and the National Human Rights Commission are two such bodies.

The Ombudsman Office investigates alleged cases of maladministration on the part of public officers in ministries and local authorities such as the Rodrigues Regional Assembly and municipal and district councils.

The NHRC is mandated by Chapter II of the Constitution of Mauritius to investigate violations of human rights by public officials. It may also investigate the police and prisons where these are accused of violating rights of citizens.

INSTITUTIONAL GOVERNANCE AND EFFECTIVENESS

Both the Ombudsman and the NHRC deal with cases referred to them in an efficient and effective manner. The Ombudsman deals with an average of 300 cases a year, while the figure for the NHRC is an average of 200. According to the most recent reports of the two institutions, the majority of cases – 66 per cent in the case of the Ombudsman and 83 per cent in the case of NHRC – have been disposed of. However, backlogs exist at the end of each year. The two institutions have explained that their investigations depend on their receiving information from several government departments and that the information takes time to reach their offices.

The fact that both institutions must refer cases to the Director of Public Prosecutions has a considerable negative impact on their standing vis-à-vis citizens, who perceive the DPP's office as a black hole, which negatively affects the effectiveness of the referring institution.

The inability of the two institutions to investigate institutions such as the Office of the President, the DPP, the PSC and the Disciplined Forces Service Commission is a major restriction of their responsibility to citizens who may feel aggrieved by actions taken by these bodies.

It is worth noting, too, that in the almost 40 years of the existence of the Ombudsman Office it has never been subject to evaluation by an independent institution. The same applies to the NHRC, whose creation dates back eight years.

INDEPENDENCE AND INTERACTION WITH THE PUBLIC ACTORS

The Ombudsman Office, according to its constitutional mandate, is independent from any external influence. The Ombudsman is appointed by the president of the Republic in consultation with the prime minister and the leader of the opposition. The president may also consult the leaders of other parties represented in the National Assembly. In that respect it may be argued that the Ombudsman is not constrained by party politics.

In the same way, according to the provisions of the Paris Principles, in line with which the NHRC in Mauritius was created, the commission is independent. Although commissioners are appointed by the president in consultation with the prime minister it is important to note that the commission has had the same chairperson since 2002 despite the fact that there has been alternation of power during his mandate. This demonstrates that there is consensus about the current chairperson and about the composition of the commission. On the other hand, it is regrettable that recommendations made in the annual reports of the NHRC and, more particularly, the Ombudsman, tend to be ignored by members of the National Assembly.

With regard to the relationship of the Ombudsman and the NHRC with other DPIs, both stated that they have had to pass cases on when they do not fall under their respective mandates. This may be explained by the fact that citizens tend to address their complaints to multiple institutions simultaneously. This fact raises two important issues. The first is that the institutions have not been able to educate citizens sufficiently to

understand their mandates and jurisdiction; the second that citizens are general suspicious about the effectiveness of institutions (not merely the two institutions under review here) and their commitment to the cause of the citizen and, to a certain extent, citizens are not entirely convinced that the institutions are free from external influence. Hence they 'try their luck' with all of them.

INTERACTION WITH NON-STATE ACTORS

The Ombudsman does not deal with NGOs and trade unions, however, it receives regular complaints from members of the public who feel they have been victims of maladministration by public officers.

It is interesting to note that although the Ombudsman's work is rarely reflected either in the print or electronic media he monitors cases of alleged maladministration reported by the press and takes action.

The NHRC enjoys greater visibility in the press and, more particularly, when dealing with cases of brutality by police officers. It has, however, been criticised by some NGOs, which feel it should be empowered to take legal action against police officers found guilty of brutality instead of using conciliation. Others believe that it should actively engage in the education of police officers about human rights and their responsibility to protect them.

RESOURCES

Both institutions are funded by consolidated funds voted by the National Assembly and therefore receive funds from government each year. They must both submit their estimates to the Minister of Finance and Economic Empowerment, who uses these estimates in preparing the national budget and thereafter allocates the necessary funds. The funds allocated to both institutions seem to be fully used to pay staff salaries and costs related to their investigative activities.

The major concern of the Ombudsman Office is its inability to invest in new technologies, mainly updated information technology, which would enable its staff to be more efficient in their investigation and record keeping.

CONCLUSION

Mauritius has followed the path of democracy since the country's independence in 1968 and it is noteworthy that the Office of the Ombudsman was set up to promote democracy and was entrenched in the country's Constitution.

In this report we have analysed two democracy protection institutions, the Ombudsman and the National Human Rights Commission, two DPIs that are well established on the island and their functions understood by most citizens.

Their actions, especially those of the NHRC, receive good media coverage and, though neither institution has the power to prosecute those who threaten human rights and democracy in general, they have both constantly voiced their opinions and have been effective whistle-blowers.

The roles of the Ombudsman and the NHRC are recognised by most stakeholders as very important to the promotion of the protection of the island's citizens against any violation of their rights.

However, many observers, among them NGOs, have expressed the view that the DPIs should be given more power in order to be more effective and that the legislation should be amended accordingly.

POLICY RECOMMENDATIONS

- The first recommendation concerns the need for the NHRC to be given more extensive powers to take its cases to the courts directly, as a party. Such powers would greatly enhance its credibility with citizens and would make it more effective. Government should amend the PHR Act to allow this expansion of the commission's powers.
- With regard to the Ombudsman Office, there is serious cause for frustration in the fact that the public sector tends to drag its feet about responding to queries. Its powers to take action in cases of non-cooperation and in order to obtain prompt responses should be strengthened. This would require that the Constitution to be amended, which, in turn, requires the agreement of a minimum of 75 per cent of parliamentarians.
- Both institutions, but particularly the NHRC, should consider informing/educating the people of Mauritius about their functions and mandate in order to avoid the problem of cases being filed with several DPIs. The Office of the Ombudsman, in particular, must remind the public of its existence and convince people that it can be an effective institution of recourse. One method of doing so would be to launch a media campaign. Adequate funding for so doing should be raised, either from government or from development partners.
- The NHRC should also envisage being more active in the proper education of police officers about human rights. The government, through its Ministry of Education, should consider introducing the topic of human rights into the school curriculum so that young people are made aware of these rights and the respect due to them.

REFERENCES

Books

Reif, L C. 2004. *The ombudsman, good governance, and the international human rights system*. The Netherlands: Martinus Nijhoff Publishers.

Reports

Hattea, S M. 2001. 27th Ombudsman Annual Report – January to December 2000. Port Louis: Government Printing Department.

———. 2002. 28th Ombudsman Annual Report – January to December 2001. Port Louis: Government Printing Department.

———. 2003. 29th Ombudsman Annual Report – January to December 2002. Port Louis: Government Printing Department.

———. 2004. 30th Ombudsman Annual Report – January to December 2003. Port Louis: Government Printing Department.

———. 2005. 31st Ombudsman Annual Report – January to December 2004. Port Louis: Government Printing Department.

———. 2006. 32nd Ombudsman Annual Report – January to December 2005. Port Louis: Government Printing Department.

———. 2007. 33rd Ombudsman Annual Report – January to December 2006. Port Louis: Government Printing Department.

———. 2008. 34th Ombudsman Annual Report – January to December 2007. Port Louis: Government Printing Department.

Seetulsingh, D B. 2002. National Human Rights Commission Annual Report for the Year 2001. Port Louis: Government Printing Department.

———. 2003. National Human Rights Commission Annual Report for the Year 2002. Port Louis: Government Printing Department.

———. 2004. National Human Rights Commission Annual Report for the Year 2003. Port Louis: Government Printing Department.

———. 2005. National Human Rights Commission Annual Report for the Year 2004. Port Louis: Government Printing Department.

———. 2006. National Human Rights Commission Annual Report for the Year 2005. Port Louis: Government Printing Department.

———. 2007. National Human Rights Commission Annual Report for the Year 2006. Port Louis: Government Printing Department.

———. 2008. National Human Rights Commission Annual Report for the Year 2007. Port Louis: Government Printing Department.

———. 2009. National Human Rights Commission Annual Report for the Year 2008. Port Louis: Government Printing Department.

- StraConsult Ltd. 2002. *Monitoring Progress towards Good Governance, In-Country Assessment for Mauritius*. Addis Ababa: UN ECA (unpublished).
- . 2005. *Mauritius: the Big Issues*. Prepared for SAIIA (unpublished).
- . 2006. *Consolidating Democratic Governance in Mauritius*. Johannesburg: EISA (unpublished).
- . 2007. *Assessment of the State of Good Governance in Mauritius*. Addis Ababa: UN ECA (unpublished).

Newspapers

- Bucktowarsing, A. 2008. 'Equal Opportunities Bill: Une Loi pleine de promesses ... ou presque'. *L'Express* 12 September 2008.
- L'Express* (French language daily) articles from March 2003 to May 2009, Mauritius, available online at www.lexpress.mu

Internet

- National Human Rights Commission, available online at:
<http://www.gov.mu/portal/site/nhrbsite/menuitem.2c876939f7af55b7a9fb0b10a0508a0c/>
- Ombudsman Office, available online at:
<http://www.gov.mu/portal/site/Ombudsmansite/menuitem.2baff160f1ba09552503821048a521ca/>
- The Constitution, available online at: <http://www.gov.mu/portal/site/AssemblySite/menuitem.ee3d58b2c32c60451251701065c521ca/>

Respondents to the questionnaire

The Office of the Ombudsman of the Republic of Mauritius

Personal interview

Mr D B Seetulsingh, Chairman of the National Human Rights Commission of Mauritius, 30 June 2009.

APPENDIX

Questionnaire

A. General	
1.	How long has your institution been in existence? How and why was it established?
2.	Please provide a description of your understanding of your institution's constitutional/legal mandate. Does it include a right of initiative?
3.	What role or function does your institution perform that is not carried out by other institutions, whether in government or civil society?
4.	What other democracy protection institutions exist in your country? How does your institution relate to them?
5.	In what way, if any, does the role and function of your institution overlap with or potentially overlap with that of the other democracy protection institutions?
6.	Does the founding legislation provide a clear, workable and comprehensive legal framework that supports and empowers the institution to successfully fulfil its core mandate?
7.	What outcomes do you strive for in order to realise the constitutional/legal mandate set out in 1 above? How often do you engage in strategic planning?
8.	What have been / are the major constraints facing your institution and how have these impacted on its ability to achieve its mandate?
B. Institutional effectiveness	
9.	What mechanisms are in place to deal with public complaints, to follow through on such complaints and to successfully resolve them?
10.	How many cases/ complaints have been brought to you over the last year?
11.	How many of these were resolved? How many are outstanding and what are the reasons for this?
12.	How do you measure and assess your own effectiveness? What instruments do you use for monitoring and evaluation purposes?
13.	Have you carried out any external evaluation looking at the successes or otherwise of your functions?
14.	Do you produce annual reports? If so, are they publicly available?
15.	What strategies do you employ in carrying out public outreach and ensuring public trust of your institution?

C. Independence
16. How do you view your relationship with the executive and parliament?
17. How do you view your relationship with political parties (both ruling and opposition)?
18. What legal and other mechanisms are in place to ensure and strengthen the institution's independence?
19. Who is your institution accountable to?
20. What is the extent of collaboration and coordination of the work carried out by your institution and similar / related work carried out by other institutions of a similar nature?
21. What safeguards exist to protect your institution from political encroachment?
D. Institutional governance
22. What are the institutional governance arrangements in your institution? Are these arrangements clearly set out and do they allow for a smooth running of the institution? Do you embrace gender issues? What suggestions do you have to improve institutional governance arrangements?
23. Is there a clear, logical and workable division between the members of your institution appointed by President (on advice of the National Assembly) and the Secretariat?
24. Does your institution have mechanisms in place to deal with internal conflict in your institution? If yes, what are these mechanisms and are they effective?
25. What mechanisms are in place for Chief Executive Officers, Chairpersons and Commissioners to disclose and / or seek permission for private / commercial / financial interests or involvement as well as membership in any organisation? Are such mechanisms effective or sufficient to ensure transparency and avoid conflict of interest?
E. Interaction with the public and non-state actors
26. What is the extent of collaboration and coordination of the work carried out by your institution and similar / related work carried out by non-state actors?
27. What was the intended relationship between your institution and the public? To what extent has this relationship been realised?
28. Does your institution have mechanisms in place to deal with complaints by the public about the work done by your institution or the failure to attend to issues?
29. How accessible are the offices of your institution to the public?
30. What kind of complaints do the public bring to you?

31. Do the public have a sufficient appreciation of your role and mandate?
32. Are public expectations of your institution realistic/ unrealistic?
F. Resources
33. Is your institution funded through a designated ministry/ government department or through the consolidated fund voted directly by parliament?
34. Please give an indication of your budget allocation, additional funding and expenditure over the past five years.
35. Please illustrate the budget process followed by your institution, including the process of allocation of funds.
36. Please provide detailed information of the remuneration packages for office-bearers and Commissioners.
37. Are the current budgetary and administrative arrangements sufficient to ensure autonomy of democracy protection institutions?
38. To what extent are the resources allocated to your institution directly spent on meeting its key responsibilities?
39. What are the resource constraints faced by your institution?
40. How does this hamper the work of your institution?

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance fields throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OTHER RESEARCH REPORTS IN THIS SERIES

- No. 1: Electoral System Reform, Democracy and Stability in the SADC
Region: A Comparative Analysis
Khabela Matlosa
- No 2: From Military Rule to Multiparty Democracy: Political Reforms and
Challenges in Lesotho.
Edited by Claude Kabemba
- No 3: Swaziland's Struggle with Political Liberalisation.
Edited by Claude Kabemba
- No 4: Gender and Elections in Lesotho: Perspectives on the 2002 Elec-
tions.
Puleng Letuka, Mats'eliso Mapetla, Keiso Matashane-Marite
- No 5: Governance Quality and Government Commitment to the NEPAD
African Peer Review Mechanism.
Grant Edward Thomas Masterson
- No 6: Elections and Democracy in Zambia.
Edited by Claude Kabemba
- No 7: Dilemmas of Political Transition: Towards Institutionalisation of
Multiparty Democracy in Tanzania.
Edited by Shumbana Karume
- No 8: Gender, Women, and Electoral Politics in Zimbabwe.
Rudo Gaidzanwa
- No 9: Negotiating the Impasse: Challenges and Prospects for
Democratisation in Zimbabwe.
Edited by Wole Olaleye
- No 10: Elections and Democratisation in Malawi: An Uncertain Process.
Edited by Nixon S. Khembo
- No 11: Democratic Consolidation in SADC Botswana's 2004 Elections.
David Sebudubudu and Bertha Z. Osei-Hwedie
- No 12: South Africa's 2004 Election: The Quest for Democratic
Consolidation.
Edited by Laurence Piper
- No 13: Multiparty Democracy and Elections in Namibia.
Debie LeBeau and Edith Dima

No 14: Multiparty Democracy in Mozambique: Strengths, Weaknesses and Challenges

Edited By Adriano Nuvunga

No 15: Political Parties and Democratisation in the Southern African Development Community Region: The Weakest Link?

Khabele Matlosa

No 16: Political Parties and the Democratisation Process in Zimbabwe

Lloyd M. Sachikonye

No 17: Political Parties and the Quest for Democratic Consolidation in Zambia

Jotham Momba

No 18: Political Movements and the Challenges for Democracy in Swaziland

Joshua Bheki Mzizi

No 19: Political Parties and Democracy in Mauritius

Sheila Bunwaree and Roukaya Kasenally

No 20: Parties and Political Transition in the Democratic Republic of Congo

H Kabungulu Ngoy-Kangoy

No 21: Political Parties: Development and Change in Malawi

Nandini Patel

No 22: Parties and Political Development in Mozambique

Eduardo J. Sitoe, Zefanias Matsimbe, Amilcar F. Pereira

No 23: Parties and Political Development in Lesotho

Khabele Matlosa

No 24: Parties and Political Development in Tanzania

Rose Shayo

No 25: Political Parties and Democratic Governance in South Africa

Tom Lodge

No 26: Parties and Political Development in Namibia

Victor L. Tonchi and Albertina N. Shifotoka

No 27: Political Parties in Botswana

Gloria Somolekae

No 28: Political Parties and Political Evolution in Angola / *Os Partidos e a evolução política em angola*

Augusto Santana

-
- No. 29: Enhancing the Effectiveness of Political Parties in the SADC Region Through Public Outreach Programmes
Denis Kadima, Khabele Matlosa & Victor Shale
- No. 30: Consolidating Democratic Governance in Southern Africa: Zimbabwe,
Lloyd M. Sachikonye with Shingi Chawatama, Charles Mangongera, Norbert Musekiwa & Choice Ndoro
- No. 31: Consolidating Democratic Governance in Southern Africa: Botswana,
Zibani Maundeni with Dorothy Mpabanga, Adam Mfundisi & David Sebudubudu
- No. 32: Consolidating Democratic Governance in Southern Africa: Lesotho,
Tumelo Tsikoane, Tefetso H. Mothibe, 'Mamoeketsi E. N. Ntho & David Maleleka
- No. 33: Consolidating Democratic Governance in Southern Africa: Malawi,
Nandini Patel, Richard Tambulasi, Bright Molande & Andrew Mpesi
- No. 34: Consolidating Democratic Governance in Southern Africa: Namibia,
Phanuel Kaapama, Lesley Blaauw, Bernie Zaaruka, Esau Kaakunga
- No. 35: Inter-party Relations and Democracy in Botswana
Onalenna Doo Selolwane and Victor Shale
- No. 36: Consolidating Democratic Governance in the SADC Region: Transitions and Prospects for Consolidation
Khabele Matlosa
- No. 37: Consolidating Democratic Governance in the SADC Region: Mauritius,
StraConsult
- No. 38: Consolidating Democratic Governance in the SADC Region: Swaziland,
Patricia Joubert, Zwelibanzi Masilela & Maxine Langwenya
- No. 39: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: The Office of the Ombudsman in Lesotho
Motlamelle Anthony Kapa
- No. 40: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: Tanzania's Commission For Human Rights and Good Governance
Ernest T Mallya
- No. 41: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: South Africa's Public Protector and Human Rights Commission
Catherine Musuva

No. 42: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: The Case of the Office of the Ombudsman in Namibia

Lesley Blaauw

No. 43: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: The Commission for Investigations and the Permanent Human Rights Commission in Zambia

Annie Chew-Chanda

No. 44: Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: Office of the Ombudsman in Botswana

Dorothy Mpabanga