What is the NHRC

The National Human Rights Commission (NHRC) is an independent body set up under the Protection of Human Rights Act 1998. It consists of a Chairman and 3 members appointed by the President of the Republic (Mr D. B. Seetulsingh as Chairman, and Mr J. C. T. L. Yip Tong, Mr M. S. Namdarkhan and Mr J. R. Rosalie as members).

The NHRC deals with the following human rights guaranteed by the Constitution of Mauritius:

(i) the right to life;
(ii) the right to personal liberty;
(iii) the right to protection from slavery and forced labour;
(iv) the right to protection from inhuman treatment;
(v) the right to protection from deprivation of property;
(vi) the right to privacy of home
(vii) the right to secure protection of the law;
(viii) the right to freedom of conscience;
(ix) the right to freedom of expression;
(x) the right to freedom of assembly and association;
(xi) the right to freedom to establish schools;
(xii) the right to freedom of movement;
(xiii) the right to protection from discrimination.

What the NHRC does

It enquires into written complaints made

(i) by any person who feels that any of the human rights mentioned above has been violated or is likely to be violated by the act or omission of a public officer or employee of a public body;

(ii) by any person against an act or omission of a member of the police force.

Public body means:

(a) a Ministry or Government department;
(b) a local authority;
(c) a parastatal body;
(d) a company where Government by holding shares or otherwise is able to influence that company’s policy or decisions.

The NHRC visits police stations, prisons and other places of detention. Further, the NHRC promotes the respect of human rights through education.

What the NHRC cannot do

The NHRC does not deal with complaints relating 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, etc.

It is not empowered to enquire into complaints -

(a) relating to events dating back to more than 2 years;
(b) against the police when the complaints are already being investigated by the Ombudsman; and
(c) against

(i) the President or his personal staff;
(ii) the Chief Justice;
(iii) the Director of Public Prosecutions or any other person acting on the DPP’s
instructions;
(iv) the Commission on the Prerogative of Mercy, the Judicial and Legal Service Commission, the Public Service Commission and the Disciplined Forces Service Commission;
(v) any person exercising powers delegated to him by the Public Service Commission and the Disciplined Forces Service Commission.

The NHRC is also not empowered to
(i) enquire into any private dispute between individuals or any complaint against private employers or professionals, e.g lawyers, doctors, etc;
(ii) fine, imprison or in any other way punish any person against whom a complaint is made;
(iii) give private legal advice.

How does the NHRC operate
On receipt of a complaint, the NHRC
(i) examines all information submitted;
(ii) summons complainant, respondent and witnesses and examines them on oath or under solemn affirmation;
(iii) calls for the production of documents or exhibits; and
(iv) visits the locus if need be.

As required by the Act, the Commission attempts in the first instance to resolve the complaint by a conciliatory procedure. Should the attempt fail, the NHRC at the end of the enquiry -
(i) refers the case to
   (a) the Director of Public Prosecutions if it appears that an offence has been committed;
   (b) the appropriate Service Commission where it appears that disciplinary action should be taken; or
   (c) the Officer in Charge of a parastatal body or Government owned company where it appears that disciplinary action should be taken against an employee;
(ii) sends its conclusions and any recommendations in writing to the Minister responsible for Human Rights for appropriate action;
(iii) recommends, where appropriate, the grant of relief to the complainant or any other person; and
(iv) informs the complainant of the action taken.

How to lodge a complaint
(i) A complainant may call in person on any working day from 10h00 to 11h30 and from 13h30 to 15h00 to fill a Complaints Form at the following address:
   NHRC Office,
   2nd Floor,
   Renganaden Seeneevassen Building,
   Jules Koenig Street,
   Port Louis
   or may request a Complaints Form by phoning 208-2856.
(ii) He may send a letter to the NHRC specifying
   (a) his personal particulars (name, address, telephone no., National Identity no.) and
   (b) particulars of the complaint (any human right which has been/is likely to be violated, name of person or body complained against, nature of complaint, date, time and place of occurrence, etc)

In Rodrigues, Complaints Forms may be collected at the office of the Island Secretary, Port Mathurin, and forwarded after completion to the NHRC at the above address.

The parties may be assisted by Counsel if they so wish.