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FOR THE TREATMENT OF PRISONERS
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**RESPONSE OF THE GOVERNMENT OF
THE REPUBLIC OF MAURITIUS¹
TO NOTE CU 2011/26**

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STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

Rules	Implementation
<p>Basic principle</p> <p>6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.</p>	<p>6. (1) There is no discrimination whatsoever among detainees.</p> <p>2. Detainees are allowed to practice their religion and spiritual belief; dedicated space like churches, mosque, temple have been provided in the penal institutions to that effect and they also have access to their respective moral instructors.</p>
<p>Register</p> <p>7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:</p> <p>(a) Information concerning his identity;</p> <p>(b) The reasons for his commitment and the authority therefore;</p> <p>(c) The day and hour of his admission and release.</p> <p>(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.</p>	<p>7. (1) Books and registers with numbered pages are maintained wherever detainees are located. Provision is made in Standing Orders of Prisons Department for the mandatory maintenance of such records as well as necessity of supervision by Senior Officers.</p> <p>(a) Information concerning detainee's identity is maintained.</p> <p>(b) Each detainee has a valid authority (warrant of commitment, remand sheet) for keeping them in custody.</p> <p>(c) An admission register and a discharged diary are maintained</p> <p>(2) No person is admitted without a valid authority.</p>
<p>Separation of categories</p> <p>8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,</p> <p>(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;</p> <p>(b) Untried prisoners shall be kept separate from convicted prisoners;</p> <p>(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;</p> <p>(d) Young prisoners shall be kept separate from adults.</p>	<p>8. Detainees are classified in categories and kept in different association yards or institutions.</p> <p>(a) Men and Women are kept in separate institutions.</p> <p>(b) Untried detainees are kept separate from convicted detainees as for as practicable.</p> <p>(c) No person is being sent to prison as Debtors. Civil detainees are kept separately from those imprisoned for criminal offence.</p> <p>(d) Young inmates are kept at the Correctional Youth Centre separate from adults.</p>

<p>Accommodation</p> <p>9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.</p> <p>(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.</p>	<p>9(1) Each detainee located in cell is provided with bed and beddings. Those detainees located in dormitories are also provided with individual bed and beddings.</p> <p>In case of increase in prison population, selected detainees are located two in a cell.</p> <p>(2) Detainees located in dormitories are carefully selected by the Reception Board.</p> <p>During the night, the residential block is under supervision of prisons staffs.</p>
<p>10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.</p>	<p>10. All accommodation meets the requirements of Health, cubic content of air, floor space, lighting and ventilation.</p>
<p>11. In all places where prisoners are required to live or work,</p> <p>(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;</p> <p>(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.</p>	<p>11. All workshops are provided with windows and openings providing natural light and ventilation.</p> <p>(b) Artificial light are provided whenever required.</p>
<p>12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.</p>	<p>12. One toilet for every 10 detainees and it is cleaned and disinfected daily. Supply of water is available.</p>
<p>13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.</p>	<p>13. One bathroom for every 15 detainees is provided and it is regularly cleaned. Water is also available for bathing purpose.</p>
<p>14. All place of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.</p>	<p>14. A plan for maintenance and cleaning is available.</p>
<p>Personal hygiene</p> <p>15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.</p>	<p>15. Detainees are sensitized on health and cleanliness. Toilet requisites are issued to all detainees with water facilities.</p>
<p>16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.</p>	<p>All detainees have the facilities to have proper care of hair and beard. Male detainees regularly shave to maintain a good appearance.</p>
<p>Clothing and bedding</p> <p>17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or</p>	<p>17. Convicted detainees are provided with clothing suitable for the climate and to keep them in good health.</p>

<p>humiliating.</p> <p>(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.</p> <p>(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.</p>	<p>(2) Detainees have their clothings cleaned and exchanged at least once weekly. Under wares are wash by the detainees as often as necessary.</p> <p>(3) Whenever detainees go outside the prison, either on medical grounds or to attend court, they are authorised to wear civilian clothing.</p>
<p>18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.</p>	<p>18) All detainees have the opportunity to have their clothings washed regularly.</p>
<p>19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.</p>	<p>19). Each detainee is provided with a separate bed and sufficient cleaned beddings.</p>
<p>Food</p> <p>20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.</p> <p>(2) Drinking water shall be available to every prisoner whenever he needs it.</p>	<p>20 (1) Detainees are provided with food of nutritional value well prepared and served at the scheduled times.</p> <p>2) Drinking water is made available to every detainee.</p>
<p>Exercise and sport</p> <p>21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.</p> <p>(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided.</p>	<p>21(1) All detainees are kept in association yards during the day where they can have physical exercises, practice games and other activities in the open air.</p> <p>(2) Young inmates practice physical and recreational activities in recreational hall and in the open air. Body building equipments have also been provided.</p>
<p>Medical services</p> <p>22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.</p> <p>(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.</p> <p>(3) The services of a qualified dental officer shall be available to every prisoner.</p>	<p>22. Actually there are three Medical Officers seconded for duty at the Mauritius Prisons Service, who cater for the health care of detainees.</p> <p>Visiting Psychiatrist and Psychologist attend to detainees in need of such treatment.</p> <p>2) Detainees in need of specialized care are conveyed to specialized health institutions, where they are given the appropriate treatment.</p> <p>3. A dental surgeon has been seconded for duty at the Mauritius Prisons Service for dental care of detainees.</p>

<p>23. (1) In women's institutions, there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.</p>	<p>23 (1) Pre-natal and post-natal care is provided to mothers as it is the case in the community at the Public Hospitals.</p> <p>All expecting mothers are admitted to Public Hospital for their delivery. No mention is made on the birth certificate whether the child is born in prison or from a mother detained in prison.</p>
<p>(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.</p>	<p>2) Nursing infants may remain with their mother till the age of 5 or whenever arrangement has been made for his handing over to a near relative. The child attends to pre-primary school at the age of 3 and receive visit from Nursing staff and qualified persons.</p>
<p>24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.</p>	<p>24. All detainees on admission to prison are seen by the Medical Officers within 24 hours. In case of any emergency, the medical officer attends to it immediately.</p> <p>A proper medical screening is carried out and appropriate treatment dispensed. All detainees are physically assessed prior to allocation of labour.</p>
<p>25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.</p> <p>(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.</p>	<p>25 (1) The Prisons Medical Officers daily see detainees who complain of being sick and those who have mental health problem. In case of necessity they are referred to the Mental Health Hospital for further treatment.</p> <p>(2) The Prisons Medical Officers report directly to the Commissioner of Prisons whenever he considers that a detainee's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.</p>
<p>26. (1) The medical officer shall regularly inspect and advise the director upon:</p> <p>(a) The quantity, quality, preparation and service of food;</p> <p>(b) The hygiene and cleanliness of the institution and the prisoners;</p> <p>(c) The sanitation, heating, lighting and ventilation of the institution;</p> <p>(d) The suitability and cleanliness of the prisoners' clothing and bedding;</p> <p>(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.</p> <p>(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.</p>	<p>26 (1)</p> <p>(a) The Prisons Medical Officers and Senior Prison Officers daily visit the kitchen to see the quality and quantity of food issued to detainees.</p> <p>(b & c) The Prisons Medical Officers/Senior Prison Officers visit the institution to assess the hygiene, sanitation and cleanliness on a regular basis.</p> <p>(d) The Prisons Medical Officers visit the residential area to assess the cleanliness of detainees bedding and clothing regularly.</p> <p>(e) Every detainee wishing to take part in physical education and sports has the concurrence of the Medical Officer.</p> <p>(2) The Commissioner of Prisons attends to the recommendations of the Prisons Medical Officers</p>

<p>Discipline and punishment</p> <p>27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.</p>	<p>27. Discipline and order is maintained in accordance with the Reform Institution Act and the Prison regulation.</p>
<p>28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.</p> <p>(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.</p>	<p>28(1) No detainee is employed in any disciplinary capacity.</p> <p>(2) Detainees are being used as peer educators for literacy and numeracy classes and sensitization programmes under supervision of qualified prisons officers and teachers seconded from Ministry of Education.</p>
<p>29. The following shall always be determined by the law or by the regulation of the competent administrative authority:</p> <p>(a) Conduct constituting a disciplinary offence;</p> <p>(b) The types and duration of punishment which may be inflicted;</p> <p>(c) The authority competent to impose such punishment.</p>	<p>29.</p> <p>(a, b & c) It is spelt out in the Reform Institutions Act 1988 and Prisons Regulations 1989, which are complied with.</p>
<p>30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.</p> <p>(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.</p> <p>(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.</p>	<p>30(1 & 2) Provisions of the Reform Institutions Act 1988 and Prisons Regulations 1989 are being strictly complied with.</p> <p>(3) The Prisons Welfare Officers assist the detainees in their defence.</p>
<p>31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.</p>	<p>31. Corporal punishment has been abolished since the coming of the Reform Institutions Act 1988</p>
<p>32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.</p> <p>(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.</p> <p>(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.</p>	<p>32(1) Punishment by reduction of diet has been abolished since the coming in force of the Reform Institutions Act 1988. Cell Confinement is subject to approval of Prisons Medical Officer.</p> <p>2) The approval of the Prisons Medical Officer is sought prior to award of punishment.</p> <p>3) The Hospital Officers and Prisons Medical Officers visit the detainees undergoing punishment to assess the detainee's physical or mental health.</p>

<p>Instruments of restraint</p> <p>33. Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:</p> <p>(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;</p> <p>(b) On medical grounds by direction of the medical officer;</p> <p>(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.</p>	<p>33. Handcuff and leg chain are used as a last resort in case of high-risk detainees.</p> <p>(a) When detainees attend courts, handcuffs are removed when appear before the Magistrate.</p> <p>(b) On medical grounds, when detainees who are terminally ill, handcuffs are removed.</p> <p>(c) Restraint is used to control a detainee from injuring himself or others or damaging property.</p>
<p>34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.</p>	<p>34. Use of instrument of restraint are decided by the Officer-in-charge in consultation with the Prison Medical Officer.</p>
<p>Information to and complaints by prisoners</p> <p>35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.</p> <p>(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.</p>	<p>35 (1) On admission, detainees are issued with a copy of a booklet mentioning their rights and obligations. Further, on induction, the Officer-in-charge explains the detainee's rights, privileges and responsibilities in a language, which is understood by the detainee.</p> <p>(2) Detainees who are illiterate, the information is conveyed to them orally in language which is understood by them.</p>
<p>36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.</p> <p>(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.</p> <p>(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.</p> <p>(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.</p>	<p>36(1) Every detainee has the opportunity of making request or complaints to the Officer-in-charge.</p> <p>2) There is no prison inspectorate but detainees may address their requests to see the Assistant Commissioner of Prisons, Deputy Commissioner of Prisons and the Commissioner of Prisons.</p> <p>3) Every detainee may complain directly to the Commissioner of Prisons. Complaints to the Ombudsman, National Human Rights Commission are transmitted under sealed cover; other complaints are channeled to the authorities concerned through the approved channels.</p> <p>4) All complaints irrespective of its nature are promptly attended to.</p>

<p>Contact with the outside world 37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.</p>	<p>37. Detainees are allowed to communicate with relatives and friends through regular visits and correspondences. Detainees may also communicate through phone by use of pre-paid phone cards.</p>
<p>38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.</p> <p>(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.</p>	<p>38 (1) On admission of a Foreign National, the Embassy/Consul are informed and the detainees receive regular visits.</p> <p>2). Particulars of Detainees who are Nationals of States without diplomatic or consular representation in Mauritius are communicated to the Ministry of Foreign Affairs, Regional Integration and International Trade Every foreign nationals having no diplomatic representatives are taken care of.</p>
<p>39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.</p>	<p>39) Detainees are issued with daily newspapers and are allowed to listen to radio and see TV broadcast. Detainees have access to the Prison Library where they can take books on loan. Detainees are also allowed to have personal radios purchased at their own cost.</p>
<p>Books 40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.</p>	<p>40). Each institution has library facilities with both recreational and instructional books from where detainees can take books on loan. Further, detainees are also allowed to receive books from relatives and they can even purchase book from their private cash.</p>
<p>Religion 41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.</p> <p>(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.</p> <p>(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.</p>	<p>41(1) Irrespective of the number of detainees in each denomination, detainees have access to the services of a moral instructor for each denomination/religion.</p> <p>2). Moral instructors are allowed to pay pastoral visit in private to detainees of his religion.</p> <p>3) Religious Ministers have access to detainees with the latter's consent.</p>
<p>42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.</p>	<p>42. All religious activities and celebrations are held inside the prisons. Religious Books and medals are also allowed to detainees.</p>
<p>Retention of prisoners' property 43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.</p> <p>(2) On the release of the prisoner all such articles and</p>	<p>43(1) All the belongings of detainees are kept in custody of the Officer-in-charge against an acknowledgement from the detainee and are kept in good conditions.</p> <p>2). On release, all the belongings are handed over to the</p>

<p>money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.</p> <p>(3) Any money or effects received for a prisoner from outside shall be treated in the same way.</p> <p>(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.</p>	<p>detainee against acknowledgement.</p> <p>3) Any money or effects received for a detainee from outside is also taken on charge and kept safely.</p> <p>4) Any drugs or medicines brought in by detainees are seen by the Prisons Medical Officer who advises on how to dispose it.</p>
<p>Notification of death, illness, transfer, etc.</p> <p>44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.</p> <p>(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.</p> <p>(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.</p>	<p>44. (1) In case of death or serious illness or serious injury or removal to an institution for treatment, the next of kin is immediately informed.</p> <p>2). In case of death of a near relative, the detainee is allowed to see the dead body under escort.</p> <p>3) On admission to prison or on transfer from one prison to another, the next of kin of the detainees are informed.</p>
<p>Removal of prisoners</p> <p>45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.</p> <p>(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.</p> <p>(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.</p>	<p>45 (1) On removal of detainees from one institution to another, they are least exposed to public view.</p> <p>2) All vehicles for the transport of detainees are well ventilated.</p> <p>3) The Government meets the cost of transport of detainees.</p>
<p>Institutional personnel</p> <p>46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.</p> <p>(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.</p> <p>(3) To secure the foregoing ends, personnel shall be</p>	<p>46. (1) a staff structure has been put in place in all institutions by careful selection of every grade of the personnel.</p> <p>(2) a press office has been created and both the written and spoken press are made aware of the developments in prison, as far as the training and skills that are imparted to detainees and the improvement of living condition of detainees are concerned.</p> <p>(3) All staff employed in the Mauritius Prisons Service are on</p>

<p>appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.</p>	<p>permanent and pensionable establishment and have the security of tenure of office. The condition of service and the salary is being reviewed every 5 years by the Pay Research Bureau. Other incentives such as night bonus, night allowance, and risk allowance, work during public holidays are paid. Staff also benefit from casual leaves, sick leaves, study leaves, vacation leaves. Staffs are also released to attend workshops and seminars.</p>
<p>47. (1) The personnel shall possess an adequate standard of education and intelligence.</p> <p>(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.</p> <p>(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.</p>	<p>47 (1) The entry academic qualification is School Certificate but many officers are diploma and degree holders.</p> <p>(2) All officers joining the service undergo six months induction training and six months on the job training. After completion of the training, subject to favourable report, they are appointed as Prison Officer.</p> <p>(3) Regular refresher courses, workshops and seminars are held. Staffs have also facilities to improve their knowledge and skills by following part time courses at the University and through distant learning. Some attend courses overseas.</p>
<p>48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect</p>	<p>48. Since the officers joining the service, they are lectured on the importance of good conduct. The best practices are inculcated in them so that they are an example to the detainees. To improve staff/detainees relationship, a Dynamic Security and Support Unit has been put in place. The scheme is yielding positive results.</p>
<p>49 (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.</p> <p>(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.</p>	<p>49. (1) Prisons Welfare Officer, Teachers seconded from the Ministry of Education, Trade Instructors are on the establishment. The services of psychologist, psychiatrist and NGOs and GOs are also enlisted.</p> <p>(2) The services of Teachers and Trade Instructors are on a permanent basis. Voluntary social workers are on a voluntary part-time basis.</p>
<p>50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.</p> <p>(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.</p> <p>(3) He shall reside on the premises of the institution or in its immediate vicinity.</p> <p>(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.</p>	<p>50 (1) the Officer-in-Charge of institutions are officers of long experience and higher qualification and they regularly attend workshops and seminars both locally and overseas.</p> <p>(2) The Officer-in-Charge are on a full time basis.</p> <p>(3) They reside within easy reach from the institution they are posted at.</p> <p>(4) In addition to the Officer-in-Charge, Assistant Commissioner of Prisons and Deputy Commissioner of Prisons visit the institutions under their responsibility regularly.</p>
<p>51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.</p> <p>(2) Whenever necessary, the services of an interpreter shall be used.</p>	<p>51. (1) all the staff communicate in language understood by the detainees.</p> <p>(2) In case of foreign national, the service of an interpreter is enlisted.</p>
<p>52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.</p>	<p>52. (1) Medical Officers are seconded for duty to the Mauritius Prisons Service from the Ministry of Health and Quality of Life. They reside within easy reach from the institution and in case of need they attend.</p>

<p>(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.</p>	<p>(2) One Medical Officer daily visits the other institutions. In case of emergency, he immediately attends to.</p>
<p>53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.</p> <p>(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.</p> <p>(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.</p>	<p>53.(1) Male and female detainees are kept in separate institutions under responsibility of male officers and female officers respectively with different keys.</p> <p>(2) male officers have access to the Women institution in company of female officers for maintenance and repairs.</p> <p>(3) women detainees are supervised only by women officers</p>
<p>54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.</p> <p>(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.</p> <p>(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.</p>	<p>54. (1) no force is used against detainees except as a last resort in case of self defence, attempted escape, resistance to orders and assault upon staff or detainees. All such cases are reported to the Commissioner of Prisons.</p> <p>(2) Prison Officers are trained to handle difficult and aggressive detainees.</p> <p>(3) No Prison Officer in direct contact with detainees is armed. The watchtowers are manned by armed sentry. All officers are trained in handling of arms</p>
<p>Inspection</p> <p>55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.</p>	<p>55. The Board of Visitors is mandated to inspect the penal institution but since 2004 the board is not meeting and no inspection is being carried out. This duty is being carried out by Officer-in-Charge, Deputy Commissioner of Prisons and Commissioner of Prisons. The Correctional Youth Centre board of Visitors is in place and is inspecting the centre on a regular basis.</p>
<p>RULES APPLICABLE TO SPECIAL CATEGORIES</p>	
<p>56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.</p>	<p>56. The aim of the Mauritius Prisons Service is to keep detainees in safe custody, provide care and rehabilitate detainees for the reintegration in the society.</p>
<p>57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.</p>	<p>57. Detainees are subject to prisons discipline as provided in Reform Institutions Act 1988.</p>

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.	58. Detainees are empowered with knowledge and skills in various trades, so that on release they can earn a decent living or create a business for themselves, and live a law abiding and self-supporting life.
59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance, which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.	59. Training programme is in place with the collaboration of qualified officers from Government organisations, Non-Governmental Organisations, Moral Instructors, Teachers etc.
60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. (2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.	60. (1) The basic necessity of life is provided to all detainees. Detainees are taken care with emphasis on the observance of Human Rights Norms. (2) Leave is granted to Correctional Youth Centre inmates and detainees released on parole under the supervision of Probation Officers. Pre release course is also run by Government organisation and Non-Governmental Organisations prior to the release of the detainees. The Non-Governmental Organisations carries the follow up upon the detainees on release.
61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.	61. The collaboration of Non-Governmental Organisations and Social Workers are enlisted. Detainees' relatives are granted social and financial aid by the Ministry of Social Security during the period of imprisonment or custody.
62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects, which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.	62. On admission all detainees are subjected to follow a medical screening and treatment is dispensed at the specialized medical institutions.
63. (1) The fulfillment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group. (2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates; provide the conditions most	63. (1) Detainees are classified in categories according to security requirements of the detainees, taking into consideration previous convictions, length of sentence, offence, medical fitness and their skills. After the induction phase at the New Wing Prison, the detainees are transferred to other institutions. (2) Detainees are accommodated in institution according to the classification of the detainees. Phoenix Prison Category I, Beau Bassin Prison, New Wing Prison, Women Prison and Grand River North West Remand Prison are maximum security, Petit Verger Prison and Correctional Youth Centre are medium security and Richelieu Open Prison is minimum security.

<p>favourable to rehabilitation for carefully selected prisoners.</p> <p>(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries, it is considered that the population of such institutions should not exceed five hundred. In open institutions, the population should be as small as possible.</p> <p>(4) On the other hand, it is undesirable to maintain prisons, which are so small that proper facilities cannot be provided.</p>	<p>(3) There is an increase in the prison population actually and the maximum accommodation is on the increase. A new high security prison is under construction at Melrose, which will accommodate about 800 detainees.</p> <p>(4) All institutions have its own specificity.</p>
<p>64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.</p>	<p>64. The society is being sensitized so that they can support detainees on release so that the latter easily reintegrate the society. Social workers and Non Governmental Organisations are helping ex-detainees in the rehabilitation process.</p>
<p>Treatment</p> <p>65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead lawabiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.</p>	<p>65. During the term of imprisonment the sentence is planned in such a way that the detainees make the best use of the time spent in prison by being empowered with the necessary skills, recreation and spiritual knowledge, which enhance their self-respect and develop a sense of responsibility.</p>
<p>66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.</p> <p>(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in Psychiatry, on the physical and mental condition of the prisoner.</p> <p>(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises</p>	<p>66. (1) Detainees have the opportunity to improve their educational, vocational knowledge, physical and rehabilitation by training, counselling and spiritual development.</p> <p>(2) On admission the detainees undergo the induction process where he is seen and interviewed by the Welfare Officer, the Assistant Superintendent of Prisons, the Hospital Officers and Prisons Medical Officer to assess the individual profile and fill the relevant books and files.</p> <p>(3) Individual files are kept updated for each detainee, which may be consulted by the responsible personnel.</p>
<p>67. The purposes of classification shall be:</p> <p>(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;</p> <p>(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.</p>	<p>67. (a) Detainees are classified for separation from those detainees by reason of their criminal records or bad characters and are likely to exercise bad influence.</p> <p>(b) Detainees are transferred to appropriate institutions to facilitate their treatment and social rehabilitation.</p>
<p>68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.</p>	<p>68. Different sections of the institutions are used for treatment of the different classes of detainees.</p>

<p>69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.</p>	<p>69. Detainees on admission appear before a reception board where labour is allocated in line with the skill of the detainees. Further treatment and rehabilitation programmes are also dispensed to detainees to improve their capabilities.</p>
<p>Privileges 70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.</p>	<p>70. In all institutions a system of privileges have been put in place for detainees, to encourage good conduct, develop a sense of responsibility and corporation in their treatment.</p>
<p>Work 71. (1) Prison labour must not be of an afflictive nature. (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer. (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day. (4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release. (5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners. (6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.</p>	<p>71. (1) Detainees are allocated labour according to their knowledge and skills which is not of an Afflictive nature. (2) Prior to allocation of labour all detainees undergo medical fitness tests. The recommendation of the medical officer is strictly complied with. (3) All convicted detainees are provided with sufficient work for training and improvement of skills. (4) All works allocated to detainees increase their ability to earn a honest living after release. (5) Detainees are provided with vocational training in useful trade such as garment making, woodwork, food production, bakery, laundry, masonry and tiles laying, plumbing, painting and decoration and maintenance of vehicles etc. (6) Detainees have a range of choice for vocational training. On successful completion of the training, the detainees are awarded with certificates by the Mauritius Examination Syndicate.</p>
<p>72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life. (2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.</p>	<p>72. (1) Detainees perform works in line with the methods in force in the community. (2) Detainees are empowered with vocational training and their outputs of work in the various fields are not for the purpose of making financial profit but emphasis is laid on the training of the detainees.</p>
<p>73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors. (2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.</p>	<p>73. (1) The industries and farms in prisons are operated by the administration. (2) Not applicable</p>

<p>74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.</p> <p>(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.</p>	<p>74. (1) The Safety and Health Act is being observed</p> <p>(2) In case of industrial injury including occupational diseases the cases are referred to Ministry of Labour, Industrial Relations and Employment for assessment in terms of compensation payable.</p>
<p>75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.</p> <p>(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.</p>	<p>75. (1) Detainees daily work for nearly 7 hours on a five days week.</p> <p>(2) Education and other activities for the treatment and rehabilitation of detainees are included during working hours. 02 days are allocated for rest and other activities.</p>
<p>76. (1) There shall be a system of equitable remuneration of the work of prisoners.</p> <p>(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.</p> <p>(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.</p>	<p>76. (1) All convicted detainees participate in the earning schemes. A wages scheme is under study.</p> <p>(2) Detainees are allowed to purchase canteen goods from their earning for their use and send part of the earnings to their family.</p> <p>(3) All money on the account of the detainees is handed over to them on release.</p>
<p>Education and recreation</p> <p>77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.</p> <p>(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.</p>	<p>77. (1) Numeracy and Literacy programmes have been put in place in all institutions for detainees who cannot read or write by teachers seconded from the Ministry of Education with the assistance of Peer Educators.</p> <p>(2) The syllabus is the same as the educational system of the country.</p>
<p>78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.</p>	<p>78. Recreational and cultural activities are provided in all institutions for the mental and physical health of detainees.</p>
<p>Social relations and after-care</p> <p>79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.</p>	<p>79. Family contacts are maintained by visits, letters and telephone. Prisons Welfare Officers help detainees to maintain the family link in the interest of both detainee and the family.</p>
<p>80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.</p>	<p>80. Non-Governmental Organisations meet detainees while the latter are serving sentences to encourage and assist them to maintain or establish relationship with persons and agencies that may promote the best interest of his family and his own social rehabilitation.</p>
<p>81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to reestablish themselves in society shall ensure, so far as is possible and</p>	<p>81. (1) Non-Governmental Organisations are monitoring detainees on release for their re-integration in society. A half way home project is under study.</p>

<p>necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.</p> <p>(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.</p> <p>(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.</p>	<p>(2) Representatives of agencies are allowed to meet detainees after the latter's consent.</p> <p>(3) The Welfare Unit of the prison department is coordinating the activities</p>
<p>82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.</p> <p>(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.</p> <p>(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.</p> <p>(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.</p>	<p>82 (1) Detainees who are insane are admitted to the mental institutions for observation and treatment.</p> <p>(2) Detainees suffering from other diseases or abnormalities are treated in specialized institutions under medical management.</p> <p>(3) Such detainees are under the supervision of the medical staff.</p> <p>(4) All detainees who are in need of psychiatric treatment are catered for by the Mauritius Prisons Service. Psychiatrists visit the prisons on regular basis for the follow up of patients.</p>
<p>83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.</p>	<p>83. On release detainees who were on psychiatric treatment are followed by the mental health care hospital and psychologist attached thereat.</p>
<p>C. PRISONERS UNDER ARREST OR AWAITING TRIAL</p> <p>84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as 'untried prisoners,' hereinafter in these rules.</p> <p>(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.</p> <p>(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only</p>	<p>84. (1) All detainees on remand are referred as untried detainees.</p> <p>(2) Unconvicted detainees are presumed to be innocent and are treated as such.</p> <p>(3) The treatment for untried detainees is different from convicted detainees.</p>
<p>85. (1) Untried prisoners shall be kept separate from convicted prisoners.</p> <p>(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.</p>	<p>85. (1) Untried detainees are kept separate from convicted detainees.</p> <p>(2) Young untried inmates are kept at the Correctional Youth Centre.</p>
<p>86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.</p>	<p>86. Untried detainees are located in single cell / sharing cell / dormitories with appropriate beddings and taking into consideration the climate prevailing.</p>

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.	87. Detainees on remand are allowed to purchase food items from the approved canteen list.
88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable. (2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.	88. (1) An untried detainee is allowed to wear his own clothing which is regularly washed. (2) In case the untried detainee wears prisons dress it is different from those supplied to convicted detainees.
89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.	89. Whenever an untried detainee chose to work, he is employed on cleaning duties and he is paid earnings at the approved rate.
90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.	90. An untried detainee is allowed to procure at his own expense or at the expense of a third party books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred	91. An untried detainee is allowed to be visited and treated by his own doctor or dentist provided he has the means to incur the expense.
92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution	92. An unconvicted detainee is allowed to inform his family or next of kin of his detention and reasonable facilities are allowed for communicating with his family and friends by receiving visits etc.
93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.	93. Detainees are allowed to make request for legal aids and received visit from the appointed Lawyer. All visits with lawyers are within sight but not hearing of an officer.
<p>D. CIVIL PRISONERS</p> <p>94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.</p>	94. Not applicable
<p>E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE</p> <p>95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special</p>	95. Not applicable

<p>group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.</p>	
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National Legislation on the implementation of the UN standard minimum rules for the treatment of prisoners

The national laws identified are as follows -

1. The Constitution

Fundamental rights and freedoms set out in Chapter II of the Constitution of Mauritius are afforded due protection. These rights are considered as crucial in society and constitute the fundamental norms that should be enjoyed by any individual without distinction of race, place of origin, political opinions, colour, creed or sex. By incorporating these fundamental rights in Chapter II of the Constitution, Mauritius has impliedly endorsed the standard minimum rules for the treatment of prisoners. Section 3 of the Constitution reads as follows -

i. Section 3 Fundamental rights and freedoms of the individual

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms –

- (a) the right of the individual to life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,

and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

ii. Discipline and Punishment - Protection From Inhuman Treatment

Section 7 of the Constitution provides that no person shall be subjected to torture or to inhuman or degrading punishment or other such treatment. Thus this legal provision guarantees the right to freedom from torture, inhuman or degrading punishment or other such treatment prohibited under paragraphs 27 -34 of the Standard Minimum Rules for the Treatment of Prisoners (the Rules).

2. Prison Regulations

The Prison Regulations provide the following in respect of detainees –

- a) Duties of prison staff including the task of enabling detainees to retain links with the community and to assist them to prepare for their reintegration into the community;
- b) Convicted detainees to be classified in accordance with the directions of the Prison Commissioner, having regard to their age, character and record, with a view to maintaining order and security;
- c) Female detainees to be kept in separate part of the prison under the exclusive control of lady officers;
- d) Regular medical examination of detainees;
- e) Notification, death and transfer of detainees;
- f) Physical welfare of detainees, namely –
 - i. food,
 - ii. clothing;
 - iii. bedding,
 - iv. accommodation;
 - v. hygiene;
 - vi. daily exercise
- g) Work - detainees are required to perform certain tasks with a view to acquiring skills, there is no system of forced labour as such. They may be paid for their their work.
- h) Education and social welfare, namely –
 - i. Education;
 - ii. Library;
 - iii. Religion;
 - iv. After –care
- i) Letters and visits (interview by police interviews and legal advisers; receiving visits of legal advisers and diplomatic representatives);
- j) Removal, record and property of detainees;
- k) Special control and restraint of detainees;
- l) Dealing with offences against discipline

3. Protection of Human Rights Act - National Human Rights Commission

The Act provides for the establishment of the National Human Rights Commission which is empowered to 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.

4. Reform Institutions Act

- Under the Reform Institutions Act, guidelines are laid down for the admission and treatment of detainees of specified institutions. Overall, the Act establishes a range of minimum standards for all aspects of prison administration that is essential for the maintenance of humane conditions and treatment of detainees. It is also of paramount

importance for the classification of detainees and takes into account their judicial and legal situation. In addition, the Act established a Board of Visitors to hear complaints made by detainees and conduct inquiries into their living conditions.

- Section 12 of the Act provides the parameters within which officers may resort to the use of force:

12 Use of force

(1) No officer shall use force against a detainee except such force as is reasonably necessary –

- (a) in self defence;
- (b) in the defence of another person;
- (c) to prevent a detainee from escaping;
- (d) to compel obedience to an order which the detainee wilfully refuses to obey; or
- (e) to maintain discipline in the institution.

(2) An officer may, where he has reasonable cause to believe that he cannot otherwise deal with the situation, use any weapon or firearm which has been issued to him against a detainee who is –

- (a) escaping or attempting to escape from an institution or from lawful custody and refuses, when called upon to return;
- (b) engaged with others in riotous behaviour in an institution and refuses to desist when called upon; or
- (c) endangering the life of, or is likely to inflict serious injury on, any person.

- The Act makes special provisions for the sentencing and discharge of young offenders. Thus, a detainee may be permitted to live under the charge of a suitable and willing person after he has served a minimum period of 6 months and the period during which the detainee is on after care is deemed to be part of his detention.
- Ss 22 – 45 of the Act deal with the treatment to be afforded to detainees.
- By virtue of S 13, the Commissioner may make provision for the temporary shelter and safe custody of a detainee in a temporary detention centre where –
 - i. the number of detainees in an institution is greater than that which can be conveniently kept there and that it is not convenient to transfer the excess number to another institution; or
 - ii. owing to the outbreak of an epidemic within an institution or for any other reason, it is desirable to provide for the temporary shelter or safe custody of any detainee outside the institution.

5. The Juvenile Offenders Act

The Juvenile Offenders Act provides specific rights for young offenders and prevents long-term imprisonment. By virtue of section 3(4)(b) *'no Magistrate shall inflict on any young person imprisonment with or without hard labour for more than one year or any fine exceeding 1,000 rupees'*.

Additionally section 12(1)(a) of the Act provides that -

'Where a juvenile is convicted of an offence, other than those specified in section 3(4), the Court may make an order discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for sentence when called upon during such period, not exceeding 3 years, as may be specified in the order'.

Moreover, section 22 sets out the methods of dealing with juveniles as follows –

(1) Where a juvenile charged with an offence is tried and convicted by any Court, the Court shall take into consideration the manner in which, under this Act or any other enactment enabling the Court to deal with the case, the case should be dealt with, and may –

- (a) discharge the offender on his entering into a recognisance;*
- (b) send the offender to a Rehabilitation Youth Centre;*
- (c) order the offender to pay a fine, damages or costs;*
- (d) order the parent or guardian of the offender to pay a fine, damages or costs;*
- (e) order the parent or guardian of the offender to give security for his good behaviour;*
- (f) commit the offender to custody in a place of detention provided under this Act;*
- (g) where the offender is a young person, sentence him to imprisonment; or*
- (h) deal with the case in any other manner in which it may be legally dealt with.*

(2) (a) Where the Court decides to send the offender to a Rehabilitation Youth Centre, the period of detention to which the offender shall be sentenced shall be not less than 3 years nor more than 5 years.

(b) Where the offender is over the age of 13 the maximum period of detention in a Rehabilitation Youth Centre to which he may be sentenced shall not exceed that which might elapse between the date of his conviction and that on which he shall attain the age of 18.

Under section 19 of the Act, the Court may, where it considers that committal of a juvenile to an institution which is willing to undertake care of him until he attains the age of 18 or for any shorter period, not practicable, send the juvenile to a Rehabilitation Youth Centre to be detained there until he attains the age of 18 or for any shorter period.

It is also intended to review the Juvenile Offenders Act to bring it in line with the UN Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

6. Transfer of Prisoners Act

The Transfer of Prisoners Act allows for the transfer of prisoners to and from Mauritius in order to allow prisoners to serve the remainder of their sentences in the countries from which they come from. The designated countries to which the Act applies include countries which are parties to the Strasbourg Convention on the Transfer of Sentenced Persons and the Scheme for the Transfer of Convicted Offenders within the Commonwealth. Bilateral agreements on the transfer of prisoners have also been entered into with the Republic of Guinea (June 2003), the United Republic of Tanzania (June 2003), India (October 2005), Madagascar (July 2008) and Kenya (2006).

7. Imprisonment for civil debt (Part II D - Civil Prisoners)

The Imprisonment for Civil Debt (Abolition) Act restricts the situations where debtors may be imprisoned for failing to pay a civil debt. The Act provides for defaulting debtors to be given the opportunity to repay. A defaulting debtor is only liable to imprisonment when there is a judgment against him in the Supreme Court and he disposes of his property in such a way as to defraud the creditors, following an order from the Supreme Court calling him to be examined before the Court.

Section 26(5) of the Courts (Civil Procedure) Act, as amended by the Imprisonment for Civil Debt (Abolition) Act, provides as follows –

Any person who, after having been served with an order pursuant to subsection (2), secretes or disposes of any of his property in such a manner as to defraud his creditor shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

A similar provision is found in section 30 of the District and Intermediate Courts (Civil Jurisdiction) Act (for District and Intermediate Courts debts), which has equally been amended by the Imprisonment for Civil Debt (Abolition) Act.

Furthermore, under rule 19 of the District, Industrial and Intermediate Courts Rules, no judgment creditor shall obtain a summons upon an unsatisfied judgment unless upon prepayment into Court of the established fees for issuing the summons, for entering the order of the Court, for the usher's service of the summons, and for stamp, and for conveying the debtor to prison.

8. Geneva Conventions Act

The Act caters for trial of protected persons. The trial of protected persons is provided for under section 4 of the Act. Such persons are either protected prisoners of war or protected internees. A “protected internee” means a person protected by the Fourth Convention (Geneva Convention relative to the protection of civilian persons in time of war) or Protocol I (Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts) and detained in Mauritius.

Section 4(1) reads as follows –

(1) The Court before which –

- (a) a protected prisoner of war is brought up for trial for any offence; or*
- (b) a protected internee is brought up for trial for an offence for which that court has power to sentence him to death or to penal servitude,*

shall not proceed with the trial until it is proved to the satisfaction of the court that a notice containing the particulars mentioned in subsection (2), so far as they are known to the prosecutor, has been served not less than 3 weeks previously on the protecting power (where there is a protecting power), on the accused, and (where the accused is a protected prisoner of war) on the prisoner's representative.

Section 5 ensures that protected persons are legally represented at trial while section 7 expressly provides for the deduction from the sentence imposed on conviction any period during which the convicted person has been in custody in connection with that offence before the trial.

9. The Dangerous Drugs Act and the Prevention of Terrorism Act

Both Acts deal with incommunicado detention. Inbuilt safeguards are, however, contained in the Acts to ensure that the human rights of suspects are not baffled. For instance, no direction should be made for incommunicado detention under section 31(2) of the Dangerous Drugs Act, unless the police officer concerned has reasonable grounds to believe that giving access to any person other than the police officer not below the rank of inspector or the Government Medical Officer –

- (a) will lead to interference with or harm to evidence connected with an offence under section 30 or 39 or interference with or physical injury to other persons; or*
- (b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or*
- (c) will hinder the recovery of property obtained as a result of such an offence; or*
- (d) will hinder the recovery of the value of the detained person's proceeds of drug trafficking.*

A similar direction may be made under section 27 of the Prevention of Terrorism Act subject to the following proviso -

(2) No direction under subsection (1) shall be made unless the Police officer has reasonable grounds to believe that giving access to any person other than the Police officer not below the rank of Inspector or the Government Medical Officer specified in that subsection -

- (a) will lead to interference with or harm to evidence connected with an offence under section 3, 4, 5, 6, 7, 11, 12, 14 or 15, or to interference with, or physical injury to, other persons; or*
- (b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or*
- (c) will hinder the tracking, search and seizure of terrorist property.*

(3) *As soon as a direction is issued under subsection (1), the person detained shall be informed that he may, if he so wishes, be examined by a Government Medical Officer.*

It is to be noted, however, that there has so far not been any prosecution under the Prevention of Terrorism Act.

10. Community Service Order Act

Under section 3 of the Act a Court has discretion to suspend the sentence of imprisonment and make, instead, a community service order. It applies, for instance, in the case of conviction of –

- a minor, under the Juvenile Offenders Act, to a term of imprisonment not fixed by law;
- a person of the age of 18 or over sentenced to a term of imprisonment not exceeding 2 years and not being a sentence fixed by law; and
- a person for unpaid fine/unpaid balance on fine.

11. The Criminal Procedure Act

The Act deals with the treatment to be afforded to the accused during the postponement of his trial. In such circumstances, the court may order that the accused be detained until the date fixed for the hearing of the case or admitted to bail or discharged on his own recognisance.

12. The Probation of Offenders Act

Under the Act the Court has the power to make a probation order instead of inflicting coercive punishment on an offender having regard to the circumstances, including the nature of the offence and the character, antecedents, age, health, mental condition and home surroundings of the offender.

13. The Bail Act

Section 5 of the Act provides that having committed an offence under section 34 of the Dangerous Drugs Act or an offence punishable by a fine not exceeding Rs 10,000/ or any term of imprisonment not exceeding 2 years or by such a fine and term of imprisonment shall not be liable to pay court fees or costs in respect of the provision of recognizance or surety for their release on bail.

14. The Criminal Code

- Section 78 criminalises torture committed by public officials or persons acting in an official capacity.
- Section 291 provides for criminal intimidation as an offence which protects a person from threats as described in the section.
- Section 80 creates an offence of arbitrary detention by public officer.

15. The District and Intermediate Court (Criminal Jurisdiction) Act

Section 11 of the Act deals with means of effecting arrest while section 13 relates to the treatment of an arrested party. By virtue of section 11, an arresting officer shall use all such means as may be necessary to effect an arrest and prevent the escape of a person, whose arrest has been lawfully authorized, only where latter either flees or forcibly resists the officer. Following the arrest, the officer shall, under section 13, bring the person arrested to the gaol or before the Magistrate according to the import of the warrant.