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## **Mauritius: Broad Content Restrictions in Judicial and Legal Provisions Act**

Mauritius adopted the Judicial and Legal Provisions Act in May 2018. The Act focuses on the judicial process but it also includes a few provisions which restrict freedom of expression. An analysis released today by the Centre for Law and Democracy (CLD) highlights problems with these provisions.

*“The new rules prohibiting blasphemy and providing for special protection against criticism for judges do not respect international guarantees of freedom of expression”,* said Toby Mendel, Executive Director of CLD. *“While it is legitimate to prohibit hate speech, such rules need to be carefully and narrowly tailored, which is unfortunately not the case with this provision.”*

One rule, making it an offence to insult judges, ushers and officials, appears to be a new addition to the legal framework in Mauritius. It is unclear why the government introduced this provision when the clear international trend is to recognise that these individuals, like other officials, should be required to tolerate a greater degree of criticism than ordinary officials.

The other rules only amend slightly existing prohibitions in the Criminal Code. The blasphemy rule is particularly problematical inasmuch as it not only protects religions but also good morals and public morality. These latter concepts are not only undefined but run directly counter to the principle that the right to freedom of expression protects unpopular and even offensive speech. The hate speech rule is the least problematical of the three, but it is cast in unduly broad terms and provides for wholly disproportionate sanctions of up to 20 years' imprisonment.

CLD urges the government of Mauritius to amend these rules so as to bring them into line with international standards.

CLD's Analysis of the content restrictions in the Judicial and Legal Provisions Act is available at: <https://www.law-democracy.org/live/wp-content/uploads/2018/11/Mauritius.Note-on-Legal-Act.Nov18.pdf>.

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