

# **MAURITIUS 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Mauritius is a multiparty democracy governed by the prime minister, the Council of Ministers, and the National Assembly. International and local observers judged elections for the prime minister and legislators in November 2019 to be free and fair. The coalition headed by the incumbent prime minister won a majority of seats.

A police commissioner heads the police force and has authority over all police and other security forces, including the Coast Guard and Special Mobile Forces (a paramilitary unit that shares responsibility with police for internal security). The national police report to the Ministry of Defense. The Coast Guard and police handle external security, reporting to the Ministry of Defense. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: an alleged unlawful or arbitrary killing by the government; the existence of criminal libel laws; serious acts of corruption; lack of investigation of and accountability for violence against women; and existence of the worst forms of child labor.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Enforcement of prosecution and punishment was inconsistent and sometimes politically influenced, resulting in impunity.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was one report that the government or its agents allegedly committed an arbitrary or unlawful killing. The Major Crime Investigation Team investigates

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security force killings and the Office of the Director of Public Prosecutions pursues prosecutions.

On May 5, inmate Jean Cael Permes was found dead at the high security prison in Phoenix. The postmortem examination revealed that Permes died of hemorrhagic shock after being hit on various parts of the body with a blunt object. The Major Crime Investigation Team of the Mauritius Police Force arrested five prison guards of the Correctional Emergency Response Team, and the investigation continued at year's end.

On August 3, the Intermediary Court acquitted the four police officers accused of killing Iqbal Toofany in 2015 while in custody after a routine traffic stop. The court found that the prosecution did not prove that the officers were involved in Toofany's death. On August 21, the Office of the Director of Public Prosecutions appealed the Intermediary Court's decision.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there continued to be allegations of police abuse, through either official complaints or allegations made on the radio or in the press. For example, in September, four boys accused two prison guards at the Beau Bassin Correctional Youth Center of physical assault. The two prison guards were only reprimanded.

Impunity was a significant problem in the security forces. While disciplinary actions against offending officers take place, dismissal or prosecutions are rare.

### **Prison and Detention Center Conditions**

While conditions did not always meet international standards, there were no significant reports regarding prison or detention center conditions that raised

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human rights concerns.

**Physical Conditions:** There were reports prison officials failed to provide timely adequate medical assistance. Lack of maintenance of sanitary equipment and the absence of readily available soap caused hygiene problems in some of the prisons. Inmates' relatives sometimes turned to private radio stations to denounce hygiene conditions or other problems in the prisons. There was some overcrowding in the prisons. The NGO World Prison Brief reported that in October prisons held 2,757 detainees in facilities designed to hold 2,315 persons.

**Administration:** The National Human Rights Commission (NHRC) claimed every prisoner complaint was dealt with expeditiously. In its 2019 report, the National Preventive Mechanism (NPM) Division of the NHRC received 75 complaints from prison inmates; 65 were resolved and 10 remained under investigation.

**Independent Monitoring:** The government permitted prison visits by independent nongovernmental observers, including the press, the NPM Division of the NHRC, independent local nongovernmental organizations (NGOs), the EU, and other foreign missions.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these legal requirements.

#### **Arrest Procedures and Treatment of Detainees**

The constitution and law require arrest warrants be based on sufficient evidence and issued by a magistrate. A provisional charge based on a reasonable suspicion, however, allows police to detain an individual up to 21 days with the concurrence of a magistrate. If authorities grant bail but the suspect is unable to pay, authorities detain the suspect in the Grand River North West Prison pending trial. Authorities must advise the accused of his or her rights, including the right to remain silent and the right to an attorney. The law requires authorities to arraign suspects before the local district magistrate within 48 hours of arrest. Police generally respected these

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rights, although they sometimes delayed suspects' access to defense counsel. Detainees generally had prompt access to family members, but minors and those not advised of their rights were less likely to obtain such access. During the COVID-19 confinement period (March 18 to May 15), prisons did not allow visits. A magistrate may release an individual on bail the day of arrest, with or without police consent. Authorities may detain individuals charged with drug trafficking for up to 36 hours without access to legal counsel or bail. Courts grant bail for most alleged offenses. There was no report that any suspects were detained incommunicado or for a prolonged period without access to an attorney.

**Arbitrary Arrest:** At least seven citizens were arrested for criticizing the government (see section 2.a.). On September 22, police arrested political activist Bruneau Laurette, who had organized an antigovernment rally that attracted approximately 100,000 persons, due to an alleged bounced check. Laurette claimed that he paid the debt in July. He was released on bail.

**Pretrial Detention:** According to data from the Office of the Director of Public Prosecutions, the NHRC, and the Bureau of Prisons, due to a backlogged court system and detainees' inability to post bail, a significant percentage of the prison population remained in pretrial detention. In October, 53 percent of detainees were pretrial detainees, according to the NGO World Prison Brief. Lawyers believed that approximately 40 percent of pretrial detainees typically remained in custody for at least three years before going to trial. Judges routinely credited time served in custody against sentences ultimately imposed.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants enjoy a presumption of innocence. Trials are typically not timely. Defendants have the right to prompt and detailed information on the charges against them (with free interpretation as necessary from the moment charged through all appeals).

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Defendants have the right to be present at their trials and to consult an attorney in a timely manner. An attorney is provided at public expense when indigent defendants face felony charges. Defendants have the right to adequate time and facilities to prepare a defense, to confront or question prosecution or plaintiff witnesses against them, and to present witnesses and evidence on their own behalf. Defendants have the right also not to be compelled to testify or confess guilt, and to present an appeal. The law extends these rights to all citizens. The courts respected these rights, although the extensive case backlog significantly delayed the process.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters. The law provides access to a court to bring lawsuits seeking damages for human rights abuses. It also provides for individuals to seek civil remedies for such abuses. As an alternative to the judicial system, the constitution provides for an ombudsman to investigate complaints from the public and members of the National Assembly against government institutions and to seek redress for injustices committed by a public officer or other authority acting in an official capacity. The ombudsman can make recommendations but cannot impose penalties on a government agency. After exhausting all local appeals, individuals or organizations can appeal decisions to the United Kingdom's Privy Council, which is the highest court of appeal. The government respected courts' decisions.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but the government did not always respect these prohibitions. There were continuing unsubstantiated claims police tapped phones, emails, and offices of journalists and opposition politicians. Freedom House noted complaints that the law allows monitoring of private online speech, and provides penalties for false, harmful, or illegal statements online (see section

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2.a.). There were unsubstantiated reports that authorities used cell phone data to track persons' locations without a judicial warrant.

## Section 2. Respect for Civil Liberties, Including

### a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but the government did not always respect this right. A law was amended in 2018 to prevent internet users from posting anything that could cause “annoyance, humiliation, inconvenience, distress or anxiety to any person” on social media. Anyone found guilty faces up to 10 years' imprisonment.

**Freedom of Speech:** As of November 30, police had arrested seven persons for antigovernment comments and postings on social media. On April 15, police arrested Rachna Seenuth, a civil servant who formerly worked as the president's secretary, after she shared a meme that included a photo of the prime minister. Police did not give her lawyers access until the following day. Police arrested Ravin Lochun on July 9 for a similar offense. On July 25, police arrested Farihah Ruhomally after she criticized Member of Parliament Tania Diolle on Facebook.

Diolle, who is part of the majority, alleged that Ruhomally's post damaged her reputation. All three were released on bail.

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views, although governments in the past have used their power to harass journalists.

The government owned the sole domestic television network, MBC TV. Opposition parties and media commentators regularly criticized the station for its allegedly progovernment bias and unfair coverage of opposition parties, as well as alleged interference in the network's daily operations by the prime minister's office senior adviser. Stringent limitations on foreign investment in local broadcast media in the law deterred the establishment of independent television stations.

**Violence and Harassment:** On October 13, police questioned Top FM journalist

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Murvind Beetun at police headquarters over a 2019 video that raised corruption allegations against the CEO of Mauritius Telecom, who is close to Prime Minister Pravind Jugnauth.

**Censorship or Content Restrictions:** Opposition politicians reported that their social media accounts were routinely blocked and their antigovernment postings removed.

The government maintained its 1989 ban of *The Satanic Verses* by Salman Rushdie and the *Rape of Sita* by Lindsey Collen. While bookstores could not legally import the books, purchasers could buy them online without difficulty.

**Libel/Slander Laws:** Libel, slander, and defamation are criminal offenses. The law has blasphemy provisions that criminalize “outrage against any religion legally established.” During the year there were no reports of prosecutions for blasphemy.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet. There were continuing reports that police tapped cellphones and email of journalists and opposition politicians.

### **Academic Freedom and Cultural Events**

There were no government restrictions on cultural events, but academic freedom was not always respected. In July the University of Mauritius convened a disciplinary committee after law professor Rajen Narsinghen made antigovernment comments to media.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State’s International Religious Freedom Report at

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<https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**Foreign Travel:** In cases where individuals were arrested and released on bail, the government generally seized the person's passport and issued a prohibition order prohibiting such individuals from leaving the country.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

**Access to Asylum:** The government cooperated with the UNHCR regarding treatment of Internally Displaced Persons (IDPs), refugees, asylum seekers and stateless persons. The law does not provide for the granting of asylum or refugee status, and the government has not established a system providing protection to refugees. According to UNHCR in 2019 there were 20 persons seeking refugee status from Bangladesh and five asylum seekers from the Philippines.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** International and local observers characterized National Assembly elections held in November 2019 as free and fair. The coalition headed by the incumbent prime minister won a majority of seats. The constitution provides for filling 62 National Assembly seats by election. The constitution also allows the Electoral Supervisory Commission to allocate up to eight additional seats to unsuccessful candidates from minority communities that are



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underrepresented, based on the 1972 census, through a procedure known as the Best Loser System (BLS).

Various political observers claimed the BLS undermined national unity and promoted discrimination. In 2012 the UN Human Rights Committee ruled that a requirement obliging citizens running for election to declare their ethnic and religious status violated the International Covenant on Civil and Political Rights. The government amended the constitution temporarily in 2014 to exempt candidates in the 2014 legislative elections from having to declare themselves as belonging to one of four recognized communities: Hindu, Muslim, Sino-Mauritian, or General Population (those who do not belong to one of the other three categories). Candidates who did not declare their membership in a specific community during the 2019 election were not eligible to run in the election because the 2014 exemption was not extended to the 2019 elections.

**Political Parties and Political Participation:** Political parties operated without restriction or outside interference. Opposition parties, however, have long alleged that government-owned television station MBC favored whichever group was in power. Several opposition parties made the same complaint during the 2019 election campaign.

**Participation of Women and Members of Minority Groups:** The law provides equal rights for women and minorities to vote, run for office, serve as electoral monitors, and otherwise participate in political life on the same basis as men or nonminority citizens. In 2015 Ameenah Gurib-Fakim became the first female president of the country. She resigned in 2018 due to allegations of corruption. The law promotes the participation of women in local government by requiring that at least one of three candidates contesting elections in each ward or village be of a gender different from the others. One-third of elected candidates in the 2012 village and municipal elections were women. The law is silent, however, concerning gender balance in national legislative elections. Following the November 2019 legislative elections, women constituted 20 percent of elected members of the National Assembly and 12 percent of the cabinet, an increase from 11 percent and 8 percent, respectively.

The constitution mandates that candidates for legislative elections declare their

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ethnicity to calculate the BLS. One political party and several independent candidates refused to declare their ethnicities before the November 2019 elections on the grounds that it was undemocratic. The Supreme Court ruled against them, and they were unable to be included on the ballots.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

**Corruption:** On June 25, the prime minister removed deputy prime minister Ivan Collendavelloo from the cabinet after the African Development Bank implicated Collendavelloo in a bribery and corruption investigation into a Rs. 4.3 billion (\$107.5 million) contract to renovate the Saint Louis power plant.

**Financial Disclosure:** The law requires national government cabinet officers and commissioners of the Rodrigues Island Regional Assembly to make a public disclosure of assets upon taking office and at the dissolution of the National Assembly or the Rodrigues Island Regional Assembly. In August 2019 the government extended financial disclosure to senior civil servants and political appointees to government agencies. Late submissions carry a token monthly monetary fine. Failure to submit the disclosure form could result in a maximum five-year prison sentence and a substantial monetary fine. The government did not always enforce the law, however, and did not make the reports public.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive

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to their views.

**Government Human Rights Bodies:** The president appoints an ombudsman to investigate complaints against public servants, including police officers and prison guards. Individual citizens, council ministers, or members of the National Assembly may request the ombudsman to initiate an investigation. As an alternative to filing judicial charges, the ombudsman may make recommendations to the appropriate government office for administrative responses to offenses committed by a public officer or other authority carrying out official duties. The ombudsman is independent and was adequately resourced and effective.

The Equal Opportunities Commission investigates allegations of discrimination and promotes equality of opportunity in both the private and public sectors. The commission is independent and was adequately resourced and effective.

The NHRC enjoyed the government's cooperation and operated without government or party interference.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

**Rape and Domestic Violence:** The law prohibits rape. Although the law does not mention spousal rape, it stipulates that a spouse cannot force or threaten the other partner into a sexual act “from which the spouse or the other person has the right to abstain.”

Police and the judicial system did not effectively enforce the law, according to local NGOs that work with domestic violence victims. The penalty for rape is up to 20 years' imprisonment, with a substantial fine. Rape cases rarely make the headlines, unless they are egregious in nature.

The law criminalizes domestic violence, but it remained a major problem. For example, on May 5, the newspaper *L'Express* reported that a 34-year-old woman filed a complaint against her husband for assault after he tied her to a chair and gagged her. The law includes in the term “spouse” unmarried couples of the

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opposite sex; defines “domestic violence” to include verbal, psychological, economic, and sexual abuses; and empowers officers to act on behalf of the victims instead of waiting for a formal complaint from the victim.

The government did not consistently enforce the law. According to women’s rights NGOs, police were not always effective in protecting domestic violence survivors to whom authorities had granted court protection orders. Authorities prosecuted crimes including assault, aggravated assault, threats, and blows under the criminal code, but law enforcement recordkeeping did not always indicate whether they were linked to domestic violence.

The law provides for protection and housing rights for victims, as well as counseling for the abuser; however, counseling for the abuser is not mandatory, and there were few shelters available to survivors. Anyone found guilty of violating a protection order may be given a monetary fine, or first-time offenders may be imprisoned for up to one year. Under the law, the penalty is a substantial monetary fine and imprisonment not to exceed two years for a second offense and up to five years’ imprisonment for subsequent offenses. The government operated a mobile phone application, the Family Welfare App, to facilitate reporting of domestic violence and child abuse.

**Sexual Harassment:** The law prohibits sexual harassment, which is punishable by up to two years in prison, but sexual harassment continued to be a problem due to lax enforcement and because victims often did not believe filing a complaint would resolve anything. There were, however, an increasing number of women denouncing sexual harassment cases on social media platforms.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health. They had access to the information and means to do so free from discrimination, coercion, or violence. No legal, social, or cultural barriers or government policies adversely affected access to contraception, and all types of contraception were available at retail stores, pharmacies, and hospitals. Individuals under the age of 18 required parental permission to access health services. Individuals were able to access contraception and skilled health attendance during pregnancy and childbirth, as well as free essential obstetric and postpartum care

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which the state provided free of charge in government-run hospitals. The government provided access to sexual and reproductive health services for survivors of sexual violence.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** Men and women enjoy the same legal status and rights under the constitution and law. The courts upheld these rights. Nonetheless, cultural and societal barriers prevented women from fully exercising their legal rights.

### Children

**Birth Registration:** Children derive citizenship by birth within the country's territory if one or both parents are citizens of the country. Authorities register births, and the law provides for late registration. Failure to register births resulted in denial of some public services.

**Child Abuse:** The law criminalizes certain acts compromising the health, security, or morality of a child, although the government was unable to ensure complete compliance, such as in child labor cases. NGOs asserted child abuse was more widespread than the government acknowledged publicly or than actually reported to authorities.

**Child, Early, and Forced Marriage:** The minimum legal marriage age for boys and girls is 16 with parental consent, but marriages of younger children have been reported in the past. There was, however, no minimum age for religious marriages, which advocates pointed to as a loophole which could endanger young girls vulnerable to forced marriage.

**Sexual Exploitation of Children:** The law prohibits child pornography and provides for a maximum penalty of 20 years' imprisonment and a fine for each offense. The law prohibits all forms of child sex trafficking and provides for a maximum penalty of 30 years' imprisonment. The minimum age for consensual sex is 16.

The government assisted victims of child abuse by offering counseling at a drop-in

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center in Port Louis and referring victims to government-supported NGO shelters. Both medical treatment and psychological support were available at public clinics and NGO centers.

**Institutionalized Children:** The law provides that a simple oath before a magistrate allows parents to have their children placed in the care of the Rehabilitation of Youth Center on the basis that they are “children beyond control.” Once admitted, the children, some as young as eight or nine, could remain in detention until they reached the age of 18. There were allegations that the 33 children held in the Correctional Youth Center did not have access to secondary education during their detention and imprisonment. Vocational training such as in plumbing or hairdressing was available at the correctional center on demand only after lengthy administrative procedures.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

The Jewish community consisted of approximately 120 persons, predominantly foreign residents. There were no reports of anti-Semitic acts during the year.

### Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### Persons with Disabilities

The law prohibits discrimination in employment against persons with physical, sensory, intellectual, and mental disabilities. Authorities did not effectively enforce the law with respect to public conveyances. Many buildings also remained inaccessible to persons with disabilities despite a legal requirement for public buildings to be accessible for them. The law stipulates that persons with

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disabilities must constitute at least 3 percent of a workforce of 35 or more employees, but authorities did not effectively enforce these provisions.

The government implemented programs to provide persons with disabilities with access to information and communications, such as captions and sign language interpretation of news broadcasts. The state-run television station broadcast a weekly sign language news program for persons with hearing disabilities. The government did not restrict the right of persons with disabilities to vote or participate in civic activities, although lack of accessible transportation posed a barrier to some voters with disabilities. The government provided wheelchairs to make polling stations more accessible to persons with disabilities and elderly persons. Children with physical disabilities have the right to attend mainstream schools, but, according to students with disabilities and their parents, schools often turned them away because they could not be accommodated. There is a regulatory authority to address and advocate for individuals with special needs, including children. Children with mental disabilities attended separate schools that received minimal government funding.

### **Members of National/Racial/Ethnic Minority Groups**

Poverty continued to be more common among citizens of African descent (Creoles) than in any other community. There were increasing violent and racist comments on social media. For example police started an investigation after it learned of WhatsApp conversations where members of a Hindu group encouraged others to buy firearms because “Muslims had theirs at home.” Police arrested two persons and the investigation continued at year’s end.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not specifically criminalize consensual same-sex sexual activity. It criminalizes sodomy, however, for both same-sex and heterosexual couples. Authorities rarely used the sodomy statute against same-sex couples, unless one of the partners cited sodomy in the context of sexual assault.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) victims of verbal abuse

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or violence generally did not file complaints with police due to ostracism or, in some cases, fear of reprisal from family members. The law allows individuals who have had same-sex sexual activity to donate blood so long as they satisfy blood donation requirements, namely, not having had unprotected sex in the 12 months prior to the donation. There were unsubstantiated claims, however, that health officials still prevented LGBTI persons who engage in sodomy from donating blood. Unlike in previous years, there were no incidents or counterprotests during the Gay Pride march.

### **HIV and AIDS Social Stigma**

The law provides that persons with HIV or AIDS should be free from stigmatization and discrimination. There were no pending cases of discrimination against such persons or their relatives.

The local NGO Aide Infos Liberte Soldarite (AILES) reported that authorities did not automatically grant HIV/AIDS patients social aid unless accompanied by a social worker to advocate their cases.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the rights of all workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes.

Civil servants have the right to bargain collectively with the Pay Research Bureau. Workers are free to form and join unions and to organize in all sectors, including in the export-oriented enterprises (EOE), formerly known as the export-processing zone. The law allows police officers to form and join unions, but not to strike. The law grants authorities the right to cancel a union's registration if it fails to comply with certain legal obligations; however, there were no reports that the government exercised this right. The law provides for a commission to investigate and mediate labor disputes, and a program to provide unemployment benefits and job training. The law allows unions to conduct their activities without government interference, but allows government to cancel union registration if the registration



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was fraudulent, if the group engaged in activities that posed a serious threat to public safety, if the group made resources available to a terrorist organization, if the group violated the rules of the Registration of Associations Act, if it misapplied funds, or if it ceased to function.

The law establishes a mandatory, complex, and lengthy process for declaring a legal strike. This process calls for labor disputes to be reported to the Commission for Conciliation and Mediation only after meaningful negotiations have occurred and the parties involved have reached a deadlock--a process that is not to exceed 90 days unless the parties involved agree. If the parties reach no compromise, the workers may call a strike. Even if workers follow this procedure, the law allows the government to prohibit a strike and refer the dispute to arbitration if the strike could seriously affect an industry or service or threaten employment. Strikes are not generally legal on matters that are already covered in a collective bargaining agreement. The law requires workers in many sectors to provide minimum service levels in the event of a strike, including sectors that international standards do not classify as “essential services.” The law prohibits strikes and other demonstrations during the sittings of the National Assembly and does not allow unions to organize strikes at the national level or concerning general economic policy topics.

Worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek a remedy in court if they believe their dismissals were unjustified. The law prohibits antiunion discrimination, but it does not provide for reinstatement of workers fired for union activity. Dismissed workers can turn to the Industrial Relations Court to seek redress.

National labor laws cover all workers in the formal and informal sectors, with exceptions in the EOE pertaining to overtime. According to a 2013 official report, informal workers comprised 10 percent of the workforce, mainly working in construction, transportation, and auto repair.

The government effectively enforced applicable laws, but there were delays in procedures and appeals. Penalties for violations by employers were not commensurate with those for similar violations.

Freedom of association and the right to collective bargaining were generally

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respected, and workers exercised these rights. Most unions collectively negotiated wages higher than those set by the National Remuneration Board. Worker organizations were independent of the government and political parties. There were no reports of government interference in union activities.

Despite the law, antiunion discrimination and dismissal remained a problem in the private sector. Some employers in the EOE reportedly continued to establish employer-controlled work councils for EOE workers, effectively blocking union efforts to organize. Approximately 59,000 persons worked in the EOE; only 10 percent belonged to unions.

### **b. Prohibition of Forced or Compulsory Labor**

The law does not prohibit all forms of forced or compulsory labor. The International Labor Organization noted provisions that allow for compelled labor from seafarers who do not follow orders and allow for the hiring out of prisoners to private companies. The government did not effectively enforce the law. The government made some efforts to prevent and eliminate forced labor (see section 7.c.), but trade unions stated resources, inspections, and remediation were inadequate. Penalties for violations were criminal and commensurate to those for similar crimes. Data from the Ministry of Labor, Industrial Relations, Employment, and Training on the number of victims removed from forced or compulsory labor during the year were not available.

Trade unionists reported cases of forced labor during the year among migrant workers involving passport confiscation, underpayment of wages, substandard living conditions, lack of clearly defined work titles, denial of meal allowances, and deportation. As of September 30, there were 44,967 migrant workers in the country, mainly from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar. In addition, Malagasy women reportedly transited the country while traveling to other countries, where employers subjected them to forced labor conditions.

Also see the Department of State's *Trafficking in Persons Report* at

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<https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. The law prohibits the employment of children younger than 16 and prohibits employment of children younger than 18 in work that is dangerous, unhealthy, or otherwise unsuitable for young persons.

The Ministry of Labor, Industrial Relations, Employment, and Training is responsible for the enforcement of child-labor laws and conducted frequent inspections of businesses in the formal economy, but generally inspections did not occur after hours or in the informal sector where there was evidence of child labor. The ministry developed vocational training programs to prevent employment of underage children and conducted programs to identify and integrate street children into its vocational training program. These programs are preparatory professional training for school dropouts who are too young to enter the work force.

The government did not effectively enforce the law, especially in the informal sector. The penalties for employing a child were not commensurate with those for other violations. Children were engaged in commercial sexual exploitation and illicit activities (see section 6, Children). Children worked in the informal sector, including as street traders, and in small businesses, restaurants, agriculture, small apparel workshops, and retail shops.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, sexual orientation, HIV-positive status or having other communicable diseases, social status, religion, political opinion, and national origin. The law affords women broadly defined wage protections and requires equal pay for equal work for both men and women; it also states that employers should not force women to carry loads above certain weight limits. The government did not effectively enforce these laws and regulations. Penalties were not commensurate

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with those for similar violations.

Discrimination in employment and occupation occurred with respect to gender, race, disability, and HIV/AIDS status. While women had equal access to education, the private sector paid women less than men for substantially similar work. The International Labor Organization has expressed concern that the remuneration regulations assign lower minimum wages for women than men in certain sectors. Women filled few decision-making positions in the private sector, and there were even fewer women sitting on corporate boards, where approximately 6 percent of all board members were women.

The law requires organizations employing more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities, but the government was not always effective in enforcing this law. The main reasons for the low employment rate of persons with disabilities were inaccessible workplaces and a lack of adapted equipment.

Many community leaders claimed there was discrimination in the employment of Creoles (citizens of African descent) and Muslims of Indian origin in the public service. Migrant workers faced discrimination in employment and pay, which was consistently less than wages for workers who were citizens.

### **e. Acceptable Conditions of Work**

Effective January 1, the national minimum weekly wage was raised to Rs. 9,000 (\$230) for export workers and Rs. 9,700 (\$248) for nonexport workers, both above the poverty line. The actual market wage for most workers was much higher than the minimum wage due to a labor shortage and collective bargaining. In the private sector, the National Remuneration Board sets minimum wages for nonmanagerial workers outside export-oriented enterprises (EOE).

The Employment Rights Act and the Employment Relations Act cover the laws relating to acceptable conditions of work outside the EOE. These laws provide for a standard workweek of 45 hours and paid annual holidays, require premium pay for overtime, and prohibit compulsory overtime. By law employers cannot force a worker outside the EOE to work more than eight hours per day, six days per week. A worker (other than a part-time worker or a watchperson) and an employer may

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agree, however, to have the employee work in excess of the stipulated hours without added remuneration, if the number of hours covered in a 14-day period does not exceed 90 hours or a lesser number of hours as agreed to by both parties.

The standard legal workweek in the EOE is 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week is nonetheless mandatory at certain textile factories in the EOE. Regulations require remuneration for those who work more than their stipulated hours at one and a half times the normal salary rate. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary rate. The law provides for paid annual holidays but does not prohibit compulsory overtime in the EOE. For industrial positions, regulations do not permit workers to work more than 10 hours a day. The law requires the Ministry of Labor, Industrial Relations, Employment, and Training to investigate cases of overtime violations. If an employer fails to take action to address the violations, the ministry may initiate a court action.

The government did not enforce the law effectively. While the government generally enforced wages in the formal sector, there were reports employers demoted workers to part-time status to evade wage and hour requirements. Penalties were not commensurate with those for similar violations, and were seldom applied in the informal sector, which was estimated to include at least 10 percent of all workers.

The government sets appropriate occupational safety and health standards, and the responsibility for identifying unsafe conditions lies with inspectors. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in these situations; however, workers did not generally exercise this right.

Ministry of Labor, Industrial Relations, Employment, and Training officials inspected working conditions. The ministry employed labor and industrial relations officers, including labor inspectors in the Migrant Labor Unit, to investigate all reports of labor abuses. Despite an increase in the number of inspectors in the Migrant Labor Unit, trade unions stated the number was insufficient to enforce compliance. Penalties were not always commensurate with

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those for similar violations. Authorities generally applied these standards to both foreign and citizen workers except in the informal sector.

Unions reported cases of underpayment for overtime in the textile and apparel industries due to differences in existing legislation and remuneration orders for the calculation of overtime hours.

Employers did not always comply with safety regulations, resulting in occupational accidents. As of December 1, there were 161 industrial accidents, including one death in the construction sector. There were reports of foreign workers living in dormitories with unsafe conditions, which gave rise to spontaneous protests during the year. In November the press reported that several migrant workers from Bangladesh lodged complaints at the Ministry of Labor claiming a restaurant had forced them to work seven days per week, and that employers beat them and threatened them with deportation.