

MAURITIUS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mauritius is a multiparty republic, 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 2019 to be free and fair. The coalition headed by the incumbent prime minister won a majority of seats.

The national police are responsible for law enforcement and maintenance of order within the country. 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. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included credible reports of: cruel, inhuman, and degrading treatment by the government; arbitrary arrest; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including censorship; serious government corruption; lack of investigation of and accountability for gender-based violence; and crimes involving violence or threats of violence targeting members of racial or ethnic minority groups.

The government did not always take steps to prosecute and punish officials who committed abuses or engaged in corruption, 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

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

Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

On January 26, the Office of the Director of Public Prosecutions asked police to reopen an investigation into the 2020 killing of Militant Socialist Movement activist Soopramanien Kistnen following receipt of a judicial inquiry report that refuted police assertions he died by suicide. Kistnen was reportedly about to reveal information implicating a former minister in a fraudulent contract procurement scheme that involved COVID-19 supplies. There were no further developments at year's end.

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, and Other Related Abuses

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 via social media. For example on May 27, political activists Bruneau Laurette and Louis Dominique Seedeal (also known as Darren l'Activiste) posted videos in which police officers of the Criminal Investigation Division of Terre Rouge could be seen sexually assaulting a detainee with a truncheon (see section 1.d.). Officers of the same police unit were seen abusing detainees in at least two other videos: one such video showed officers using tasers to shock a detainee, and another video showed the same group of officers mocking a detainee who was forced to wash his underwear after he defecated on himself when officers physically abused him. After an investigation by authorities, three police officers were arrested and later released on bail and seven others were transferred to other police units.

Impunity was a significant problem for police, and investigations involving officers often continued for years. While disciplinary actions against offending officers took place, dismissals or prosecutions were rare. Although the government had a mechanism of investigation through the Independent Police Complaints Commission and provided human rights training to security personnel, political interference and a culture of impunity within the police force contributed to making impunity a problem.

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 human rights concerns.

Abusive Physical Conditions: There was some overcrowding in prisons. The nongovernmental organization (NGO) World Prison Brief reported that in September prisons held 2,509 detainees in facilities designed to hold 2,315 persons. There were reports prison officials failed to provide timely and adequate medical assistance. In its 2021 report, the National Preventive Mechanism Division (NPMD) of the National Human Rights Commission (NHRC) reported that new COVID-19 protocols improved hygiene problems in prison facilities. Authorities provided more soap to inmates to counter the spread of COVID-19; however, the NPMD noted that water and sanitary conditions remained a problem in police station cells. The NPMD reported seven deaths of detainees in prison, including one by suicide.

Administration: The NHRC claimed that complaints made by detainees' relatives were investigated accordingly. In its 2021 report, the NPMD received 69 complaints from or on behalf of prison inmates and resolved 67, with two complaints still under investigation.

Independent Monitoring: The government permitted prison visits by independent observers including the press, the NPMD, independent local 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 in most cases 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; however, there were reports that authorities did not always uphold these practices. The law requires authorities to arraign suspects before the local district magistrate within 48 hours of arrest. Police generally respected these rights, although they sometimes delayed suspects' access to defense counsel. Detainees generally had prompt access to family members, but juveniles and those not advised of their rights were less likely to obtain such access. 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 granted bail for most alleged offenses.

Arbitrary Arrest: On August 19, police arrested lawyer Akil Bissessur and his partner Doomila Moheeputh on drug trafficking charges. Bissessur was a member of a panel of lawyers that regularly spoke out against the government. He was released on bail on September 6 after video footage emerged showing police officers entering his partner's house with the alleged incriminating bag that contained drugs. Subsequent forensic test results revealed the absence of any DNA from either Bissessur or Moheeputh on the drug package.

On November 4, police arrested political activist Bruneau Laurette and his son Ryan Luca Laurette on charges of trafficking synthetic drugs and hashish, and illegal possession of firearms. Laurette was a well-known critic of the government's management of a 2020 oil spill and other scandals, as well as police abuse cases (see section 1.c.). Preliminary laboratory results revealed that the package found in Laurette's house contained chia seeds and not narcotics as police had claimed. Bruneau Laurette remained in police detention at year's end, and authorities released his son on bail on November 21.

Pretrial Detention: As of July 19, World Prison Brief noted that prisoners awaiting trial represented 51.4 percent of the total prison population due to a backlogged court system and detainees' inability to post bail. Lawyers reported in 2020 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. The length of pretrial detention did not frequently equal or exceed the maximum sentence for the alleged crime.

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. Trials were typically not timely, and 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

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. The government respected courts' decisions. As an alternative to the judicial system, the constitution provides for an ombudsperson 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 ombudsperson may make recommendations but may not impose penalties on a government agency. After exhausting all local appeals, individuals or organizations may appeal decisions to the United Kingdom's Privy Council, which is the highest court of appeal.

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 telephones, 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 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, but the government did not always respect this right. The law prevents 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 Expression: Citizens enjoyed broad freedom of expression but, in some instances, individuals were restricted from criticizing the government or from discussing matters of public interest. This included restrictions from laws that criminalize “hate speech.”

During the year, police arrested Bruneau Laurette, Wayne Attock, Akil Bissessur, and Doomila Moheeputh on allegations of drug trafficking after they made critical comments against the government or police (see section 1.d.). Observers claimed authorities took these steps to marginalize the arrested individuals because of their critical comments.

Opposition politicians and activists reported their social media accounts were routinely blocked and antigovernment postings or comments removed.

Violence and Harassment: On November 10, three journalists from the Defi Media Group, Nawaz Noorbux, Jean-Luc Emile, and al-Khizr Ramdin, and the Managing Director of *Top FM* radio station, Balkrishna Kaunhye, filed complaints with police following online harassment from groups reportedly close to the ruling party. In addition, the groups posted materials insinuating that the journalists were

involved in drug trafficking. At year's end, there were no arrests or identification of the individuals behind the insinuating postings. There were continued reports that relatives of journalists faced punitive job transfers in retaliation for the journalists' criticism of the government.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, although governments in the past used their power to harass journalists. There were anecdotal reports that some media outlets practiced self-censorship to benefit from government advertising in their newspapers.

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 senior adviser in the prime minister's office. Stringent limitations in the law on foreign investment in local broadcast media deter the establishment of independent television stations.

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, persons 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 cases where the government used or threatened to use these laws to restrict expression.

Internet Freedom

The government did not restrict access to the internet; however, there were reports that it disrupted internet speed during opposition party rallies. There were continuing anecdotal reports that police tapped cell phones and emails of journalists and opposition politicians and blocked or censored some social media comments without appropriate legal authority (see Freedom of Expression). Some political activists noted an increase in hacking attempts of their social media accounts.

In December 2021, a new cybersecurity and cybercrime bill took effect. Opposition politicians criticized the law's vague language, suggesting it gives authorities too broad a mandate to crack down on online content they deemed harmful. They also noted that any criticism would fall under the law's purview if the target of that criticism believed they were "harmed" in any way or if the target considered the comment inaccurate. In addition, the legislation increases the power of law enforcement officials to seize any computer system or device. There were no reports of government actions during the year under the law.

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

There were no reports that the government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, or other persons of concern.

Access to Asylum: 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.

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 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 underrepresented, based on the 1972 census, through a procedure known as the Best Loser System. Citing public health measures related to the pandemic, the government postponed municipal elections two times since 2015, most recently in April. The most recent postponement was announced shortly after the government lifted most pandemic related health restrictions.

Political Parties and Political Participation: Political parties operated without restriction or outside interference. Opposition parties, however, have long alleged that *MBC TV*'s coverage favored whichever group was in power. Membership in the ruling party conferred advantages in the awarding of government contracts.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate.

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. There were isolated reports of government corruption during the year.

Corruption: On April 6, credible media reported two senior police officers were transferred on suspicion of corruption. They were suspected of interfering in two investigations; one to stop a coworker from pressing charges against an offender who assaulted him, and another asking other coworkers to facilitate the release on bail of a person suspected of trafficking narcotics obtained on the island of Reunion.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several 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 to their views; however, there were reports that relatives of human rights activists faced punitive job transfers in retaliation for the activists' criticism of the government.

Retribution against Human Rights Defenders (HRDs): Akil Bissessur, a vocal government critic and lawyer for detained political activist Bruneau Laurette, alleged police followed and harassed him for the past two years (see sections 1.d. and 2.a.).

Government Human Rights Bodies: The president appoints an ombudsperson 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 ombudsperson to initiate an investigation. The ombudsperson was 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 was independent and was adequately resourced and effective.

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

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape, including of men.

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 worked with domestic violence survivors. The penalty for rape is up to 20 years’ imprisonment, with a substantial fine. Rape cases rarely made the headlines unless they were egregious in nature.

The law criminalizes domestic violence, but it remained a major problem. The law covers married and unmarried heterosexual couples, defines “domestic violence” to include verbal, psychological, economic, and sexual abuses, and empowers officers to act on behalf of the survivor instead of waiting for a formal complaint from the survivor. The government did not consistently enforce the law.

According to the NGO SOS Femme, 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 law, but law enforcement recordkeeping did not always indicate whether they were linked to domestic violence.

The law provides for protection and housing rights for survivors, as well as counseling for the abuser; however, counseling for the abuser is not mandatory, and there were few shelters available to survivors. Local policy favors the placement of survivors in shelters rather than the removal of domestic violence perpetrators from the home, resulting in social and schooling disruptions for the survivors. By law the penalty for violating a protection order is a fine and imprisonment not to exceed one year for the first offense, 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.

Media reported that off-duty police officer Tayrish Buldy was arrested for killing his estranged partner, Sanjana Khoodeeram, on November 12 after a domestic dispute and later setting fire to the vehicle in which he had placed her body.

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 survivors often did not believe filing a complaint would resolve anything.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. 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. There were no reports of legal, social, and cultural barriers or government policies that impeded access to sexual and reproductive health services. Individuals younger than age 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 essential obstetric and postpartum care that the state provided free of charge in government hospitals. Emergency health care was available, including services for the management of complications arising from abortion. Medical staff, however, must report any postabortion complications, which meant many women did not seek medical assistance. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available over the counter.

There were no reports of legal, social, or cultural barriers, including harmful practices, related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including any limits on a girl's access to education. There was no legal restriction stopping girls from continuing their education while pregnant or in motherhood status.

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, especially in some cases involving inheritance. Women faced some discrimination in employment and occupation (see section 7.d.). Members of the transgender community reportedly faced discrimination related to employment and housing.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and the law protect members of racial or ethnic minorities or groups from violence and discrimination, but the government was not always effective in enforcing the law. For example, the government generally refused to release demographic information concerning civil service recruitment when it faced allegations that certain ethnic groups received preferential treatment.

Poverty continued to be more common among citizens of African descent (Creoles) than among those in any other community. There were allegations of discrimination in employment and occupation based on race or ethnicity (see section 7.d.). There were racist comments, including calls for violence, on social media.

Children

Birth Registration: Children derive citizenship by birth within the country's territory if one or both parents are citizens of the country. Birth registration was not denied on a discriminatory basis. 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, it generally enforced the law. NGOs asserted child abuse was more widespread than the government acknowledged or than survivors reported to authorities.

Child, Early, and Forced Marriage: The minimum legal marriage age for boys and girls is 18, but marriages of younger children were reported in the past.

Sexual Exploitation of Children: The law prohibits commercial sexual

exploitation, sale, grooming, or using children for commercial exploitation. The law criminalizes child sex trafficking. The law prohibits child pornography and provides for a maximum penalty of 20 years' imprisonment and a monetary fine for each offense, and the government enforced the law. The minimum age for consensual sex is 16.

The government assisted victims of child abuse and survivors of child sex trafficking. 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.

Antisemitism

The Jewish community consisted of approximately 120 persons, predominantly foreign residents. There were no reports of antisemitic 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/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: A colonial-era law criminalizes sodomy for both same-sex and heterosexual couples. Authorities rarely used it except in cases of sexual assault. In November 2021 the Supreme Court heard evidence in a case challenging the constitutionality of the sodomy statute, which activists argued violates constitutional rights to privacy and can be an obstacle to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons accessing health care. A ruling had not been made by year's end.

Violence against LGBTQI+ Persons: LGBTQI+ victims of verbal abuse or violence generally did not file complaints with police due to ostracism or, in some cases, fear of reprisal from family members.

Discrimination: The law prohibits discrimination by state and nonstate actors against LGBTQI+ persons, particularly with respect to essential goods and services such as housing, employment, and access to government services such as health care. The government generally enforced such laws. The National Blood Transfusion Service, however, disqualified men who have had anal or oral sex with other men from donating blood, and members of the transgender community reportedly experienced discrimination related to employment and housing.

Availability of Legal Gender Recognition: There is no legal provision for individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity. There were no developments in an April 2021 case in which the Passport and Immigration Office denied a transgender citizen living in France a new passport because the law did not recognize her as a woman after complete transition surgery.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of so-called conversion therapy during the year.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions of freedom of expression, association, or peaceful assembly regarding the LGBTQI+ community during the year.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, or transportation on an equal basis with others. Authorities did not effectively enforce the law that requires equal access 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 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 broadcasts a weekly sign-

language news program for persons with hearing disabilities. There is no provision, however, to make government websites accessible to persons with disabilities.

The law prohibits discrimination in employment against persons with physical, sensory, intellectual, and mental disabilities, and there were no reported actions under the law. The law stipulates that persons with disabilities must constitute at least 3 percent of a workforce of 35 or more employees, but authorities did not effectively enforce these provisions (see section 7.d.).

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.

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 to elderly persons.

Other Societal Violence or Discrimination

The law provides that persons with HIV and 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 Solidarite reported that authorities did not automatically grant HIV and 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. The law also prohibits antiunion discrimination. Freedom of association and the right to collective bargaining were generally respected by the government and most employers, 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.

Although civil servants do not have the right to bargain collectively with the Pay Research Bureau, civil service trade union representatives participated in the consultation process. The law provides no provision for self-employed workers to join unions. All other 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. Foreign workers may join unions, but only if they have a valid work permit. The law allows police officers to form and join unions but not to strike. The law provides for a commission to investigate and mediate labor disputes, and a program to provide unemployment benefits and job training to all workers. The law allows unions to conduct their activities without government interference but allows the government to cancel union registration if the registration was fraudulent, if the union engaged in activities that posed a serious threat to public safety, if it made resources available to a terrorist organization, if it violated the rules of the Registration of Associations Act, if it misapplied funds, or if it ceased to function. There were no reports, however, that the government exercised this right.

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. 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. National labor laws cover all workers in the formal and informal sectors. The government effectively enforced applicable laws, but there were delays in court procedures and appeals. Penalties for violations by employers were not commensurate with those for similar violations. Penalties were regularly applied against violators. Trade unions complained that judicial disputes concerning compliance with the law or collective bargaining agreements could take years to resolve.

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 36,700 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 (ILO) 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 without the consent of prisoners.

The government did not effectively enforce the law. The government made some efforts to prevent and eliminate forced labor, but trade unions stated resources, inspections, and remediation were inadequate. Penalties for violations were

criminal. Data from the Ministry of Labor, Human Resource Development 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 underpayment of wages, substandard living conditions, and denial of meal allowances. Unions stated these situations took place in the construction and bakery sectors. As of October 31, there were 25,274 migrant workers in the country, mainly from Bangladesh, India, Sri Lanka, Nepal, the People's Republic of China, and Madagascar. Traffickers exploited Malagasy women who transit Mauritius in forced labor, primarily in domestic servitude, and sex trafficking in the Middle East.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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. Domestic workers and workers in enterprises with fewer than 10 employees are excluded from legal protection from discrimination in hiring, according to the ILO. 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 Equal Opportunity Commission receives and acts on complaints.

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 (see section 6, Persons with Disabilities). The Training and Employment of Disabled Persons Board may

summon an employer at any time to investigate noncompliance. The board makes recommendations after an employer has justified its noncompliance, and if the employer still does not comply, then the employer may face a monetary fine and a term of imprisonment not exceeding six months. 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 (see section 6, Systemic Racial or Ethnic Violence and Discrimination). Migrant workers faced discrimination in employment and pay, which was consistently less than wages for workers who were citizens.

The government did not effectively enforce laws against discrimination in employment and occupation. Discrimination occurred with respect to gender, race, disability, political affiliation, and HIV and AIDS status. While women had equal access to education, the private sector paid women less than men for substantially similar work. The ILO has observed that regulations assign lower minimum wages for women than men in certain sectors, which is inconsistent with the country's obligations under relevant ILO conventions. For example, both the Sugar Industry Regulations and the Tea Industry Regulations still include gender-specific job reservations and set different wage levels for men and women in the same job. 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. Penalties were not commensurate with those for similar violations. Penalties were regularly applied against violators.

e. Acceptable Conditions of Work

Wage and Hour Laws: In the private sector, the National Remuneration Board sets minimum wages for nonmanagerial workers outside the EOE. Effective January, the national minimum monthly wage was raised to 10,575 Mauritian rupees (\$239) for export workers. The actual market wage for most workers was much higher than the minimum wage due to a labor shortage and collective bargaining.

The law provides for a standard workweek of 45 hours and paid annual holidays, requires premium pay for overtime, and prohibits 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 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, Human Resource Development 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.

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) 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; workers did not generally exercise this right.

Employers did not always comply with safety regulations, resulting in occupational accidents. As of June 30, there were 34 industrial accidents and no deaths, according to the Ministry of Labor, Human Resource Development and Training. Subsequent press stories reported two deaths in the construction sector. For example on August 18, an excavation operator was killed on a construction site after he was buried under a pile of rocks.

Wage, Hour, and OSH Enforcement: The government effectively enforced

minimum wage laws and regulations, but this was not always the case for overtime and OSH laws. Ministry of Labor, Human Resource Development and Training officials are responsible for the enforcement of wage and hour laws. Inspectors have the authority to make unannounced inspections, except at employer provided lodgings, and to initiate sanctions. As of June 1, the ministry made 354 labor inspections to construction sites and dormitories. The number of labor inspectors was not sufficient to enforce compliance.

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. Authorities generally applied these standards to both foreign and citizen workers except in the informal sector. Penalties for wage and hour violations were less than those for similar violations, and penalties were rarely applied in the informal sector, which was estimated to include at least 10 percent of all workers. 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.

The ministry's labor and industrial relations officers, including labor inspectors in the Migrant Labor Unit, also inspected OSH compliance. Despite an increase in the number of inspectors in the Migrant Labor Unit, trade unions called attention to the fact that the number of officers remained insufficient to enforce compliance. Penalties for OSH violations were not always commensurate with those for similar violations and were regularly applied against violators.

Informal Sector: According to a 2013 official government report, the most recent data available, informal workers comprised 10 percent of the workforce, mainly working in construction, transportation, and automobile repair. According to a government official, during the year workers in the informal sector comprised mainly juveniles and women serving street food. There was an increasing number of migrant workers in the informal sector, the official stated. The ILO has reported much higher numbers of informal workers, constituting more than 50 percent of total nonagricultural employment. Labor laws applied to the informal sector, but they were seldom enforced, and penalties were not applied. Wage, hour, and OSH violations were prevalent in the construction, agriculture, auto repair, and seafaring trades.