

# MAURITIUS 2019 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 on November 7 to be free and fair. The coalition headed by the incumbent prime minister won a majority of seats.

A police commissioner heads the police 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 allegations of security force abuse of suspects and detainees; government corruption; crimes of violence against women and girls; and restrictions on labor rights.

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 were no reports the government or its agents committed arbitrary or unlawful killings.

The prosecution of five police officers arrested in connection with the 2015 death of Iqbal Toofany began in June and continued at year's end. Toofany died in police custody after police detained him following a routine traffic check.

#### **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, either through official complaints or allegations made on the radio or in the press. For instance, on April 9, a 29-year-old man filed a complaint at the Independent Police Complaints Commission against eight police officers for beating him up. The victim said he was detained without cause for more than six hours at the police station before his relatives could take him to a hospital for treatment.

### **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.

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.

Administration: The National Human Rights Commission (NHRC) claimed every prisoner complaint was dealt with expeditiously. There were allegations of mistreatment, and the National Preventive Mechanism (NPM) Division of the NHRC noted in its 2018 report an increase in assaults by guards in prisons.

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 respected 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 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. 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.

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. Lawyers believed that prior year figures remained valid and 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.

### **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). 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 violations. It also provides for individuals to seek civil remedies for such violations. 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 cellphones and email of journalists and opposition politicians.

## **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; however, a related law was amended in October 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.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views.

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 senior adviser. International television networks were available by subscription or via cable. Stringent limitations on foreign investment in local broadcast media contained in the Independent Broadcasting Authority Act were deterrents to the establishment of independent television stations.

Censorship or Content Restrictions: On July 31, the United Arab Emirates deported Mauritian citizen Shameem Korimbocus for posting offensive comments on social media directed at the Mauritian government. Media reported in 2018 that a senior member of the Mauritian government requested that the Dubai government intervene. Authorities did not charge Korimbocus with any crimes on his return.

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 book, purchasers could buy it online without difficulty.

### **Internet Freedom**

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

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

There were no government restrictions on academic freedom or cultural events.

### **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**

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. Internally Displaced Persons**

Not Applicable.

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

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. According to the Office of the UN High Commissioner for Refugees, there were no registered refugees or asylum seekers in the country.

### **g. Stateless Persons**

Not applicable.

## **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 on November 7 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 (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. In response to that ruling, the government amended the constitution 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). The growth of the Muslim and General Population groups relative to the other two communities since 1972 was a particular source of concern to some, and critics proposed reforms to eliminate the BLS system altogether after the 2014 election. Candidates who did not declare their membership in a specific community during the most recent election were not eligible for a BLS seat, since the 2014 exemption was not extended to the 2019 elections.

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

Participation of Women and Minorities: 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 7 legislative elections, women constituted 20 percent of elected members of the National Assembly and 12 percent of the cabinet.

The constitution mandates that candidates for legislative elections declare their ethnicity to calculate the BLS. One political party and several independent candidates refused to declare their ethnicities before the November 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: There were widespread anecdotal reports that corruption occurred, but during the year no complaints were lodged with police or with the Independent Commission Against Corruption.

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. On August 22, the Declarations of Assets Act was amended to extend financial disclosure to senior civil servants and political appointees to government agencies; however, the government did not always enforce the law.

#### **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 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 (EOC) investigates allegations of discrimination and promotes equality of opportunity in both the private and public sectors. The EOC 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, but there is no provision criminalizing spousal rape, unless it is sodomy. 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 fine not exceeding 200,000 rupees (\$5,555). Rape cases rarely make the headlines, unless they are egregious in nature.

The law criminalizes domestic violence, but it remained a major problem. On September 7, media reported 32-year-old Stephanie Menes was found dead in her house after her husband beat her. Her hands and feet were tied with a rope. Amendments to the Protection from Domestic Violence Act (PDVA) effective in 2016 establish a list of offenses separate from the criminal code, which was not the case prior to the amendment. The amendments redefine the term "spouse" to include unmarried couples of the opposite sex; redefine "domestic violence" to include verbal, psychological, economic, and sexual abuses; and empower police officers and enforcement officers to act on behalf of the victims instead of waiting for a formal complaint from the victim. Although the amendments do not mention spousal rape, section 2.d. 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."

Domestic violence activists stated police did not effectively 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 house survivors. Anyone found guilty of violating a protection order under the PDVA may be fined up to 50,000 rupees (\$1,373) or first-time offenders may be imprisoned for up to one year. Under the newly amended PDVA, the penalty is 100,000 rupees (\$2,747) and imprisonment not to exceed two years for a second offense and up to five years' imprisonment for subsequent offenses. In June 2018 the government launched a new mobile phone application, the Family Welfare app, to facilitate reporting of domestic violence and child abuse. As of December there was one case of domestic violence reported through the new application.

Sexual Harassment: The law prohibits sexual harassment, which is punishable by up to two years' imprisonment. Generally, however, sexual harassment continued to be a problem due to lax enforcement and because victims often did not believe filing a complaint would resolve anything.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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.

Early and Forced Marriage: The minimum legal marriage age for boys and girls is 16 with parental consent, but marriages of younger children were reported. For example, in June 2018 the investigation into the death of a 13-year-old who died of epilepsy revealed she had been married since January to a 19-year-old man, with her parents' consent, and that the religious marriage was not registered as the law requires.

Sexual Exploitation of Children: The law prohibits child pornography and provides for a maximum penalty of 20 years' imprisonment and a fine not exceeding 100,000 rupees (\$2,747) 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 penalty for rape is imprisonment for up to 20 years and a fine not exceeding 200,000 rupees (\$5,494). In addition, the Judicial Provisions Act of 2008 prescribes punishment for child trafficking offenses of up to 30 years' imprisonment.

The government assisted victims of child abuse by offering counseling at a drop-in 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 (RYC) on the basis that they are "children beyond control." Once admitted to the RYC, the children, some as young as eight or nine, could remain in detention until they reached the age of 18. There were allegations children held in the Correctional Youth Center did not have access to education during their detention and imprisonment.

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**

Approximately 120 Jews, predominantly expatriates, resided in the country. 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 disabilities must constitute at least 3 percent of a workforce of 35 or more employees, but authorities did not effectively enforce it.

The government implemented programs to provide that persons with disabilities had 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. 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 turned them away because they could not be accommodated. In 2018 the government approved the Special Needs Bill, which established a regulatory authority to address and advocate for individuals with special needs, including children. Children with mental disabilities attended specialized schools that received minimal government funding.

## **National/Racial/Ethnic Minorities**

Poverty continued to be more common among citizens of African descent (Creoles) than in any other community. On September 24, a court acquitted former vice prime minister and minister of housing Showkutally Soodhun of abusing his authority after a video emerged of him reassuring a group of Hindu citizens that 90 percent of a new housing project would go to Hindus, 10 percent to Muslims, and that Creoles would get nothing to “prevent prostitution from spreading in the

neighborhood.” The minister stepped down in 2017 but continued as a member of parliament.

### **Acts of Violence, Discrimination, 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 or violence generally did not file complaints with police for fear of 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 this year’s Gay Pride march.

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

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

The local NGO Prevention Information Lutte contre le Sida reported authorities denied HIV/AIDS patients social aid due to the absence of an HIV/AIDS expert on the medical board of the Ministry of Health and Quality of Life.

## **Section 7. Worker Rights**

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

The constitution and law provide for the rights of 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 Police (Membership of Trade Union) Act allows police officers to form and join unions. 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.

The law establishes a mandatory, complex, and excessively 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 issues 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 issues.

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. Despite growth in the informal economy over the years, there was no research on or estimate of the size of the informal economy, which traditionally includes street "hawkers" involved in vending of food and clothing.

The government effectively enforced applicable laws, but there were a few delays in procedures and appeals. Penalties for violations by employers were insufficient to deter violations.

Freedom of association and the right to collective bargaining were generally respected, and workers exercised these rights. Most unions collectively negotiated wages higher than those set by the National Remuneration Board (NRB). 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 prohibits most forms of forced or compulsory labor, including by children. 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 not sufficient to deter violations. 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.

The International Labor Organization noted some deficiencies in the law, including provisions that allow for compelled labor from seafarers who do not follow orders and allow for the hiring out of prisoners to private companies.

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**

The law does prohibit 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 penalties for employing a child were not sufficient to deter violations.

The government did not effectively enforce the law. 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.

While the government generally respected this law, it did not effectively enforce it, especially in the informal sector. Penalties were not sufficient to deter violations. 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.

Discrimination in employment and occupation with respect to gender, race, disability, and HIV/AIDS status occurred. While women had equal access to education, the private sector paid women less than men for substantially similar work. 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.

In 2017 the Equal Opportunities Amendment Act came into force to counter abuses under the 2012 Certificate of Character Act, which requires employees to provide proof to their employers that they have no criminal record. The new amendment protects employees from being fired due to a criminal record on their certificate of character that “is irrelevant to the nature of the employment for which that person is being considered.” Previously some workers complained employers fired them once the employer learned they lacked a clean certificate of character. Many individuals complained the certificate makes no distinction between minor offenses, such as street littering, and more serious offenses. Observers noted all offenses remain permanently on the certificate of character.

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

In the private sector, the NRB sets minimum wages for nonmanagerial workers outside the EOE. The minimum wage for an unskilled domestic worker in the EOE was above the poverty line, while the minimum wage for an unskilled factory worker outside the EOE was below the poverty line.

By law employers cannot force a worker outside the EOE to work more than eight hours per day, six days per week. The standard legal workweek in the EOE is 45 hours. According to a local trade union, 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 initiates a court action.

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 and paid annual holidays, require premium pay for overtime, and prohibit compulsory overtime. 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 government did not enforce the law effectively. While the government 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 sufficient to deter violations.

The government sets occupational safety and health standards. 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 said the number was insufficient to enforce compliance. Penalties were not always sufficient to deter violations. Authorities generally applied these standards to both foreign and citizen workers.

The actual market wage for most workers was much higher than the minimum wage due to a labor shortage and collective bargaining.

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. There were reports of foreign workers living in dormitories with unsanitary conditions, which gave rise to spontaneous protests during the year. For example, on October 3, the Passport and Immigration Office deported 42 Bangladeshi migrant workers of Firemount Textiles after they violently protested delays in salary payment and poor living conditions.