

MAURITIUS 2017 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 both the prime minister and legislators in 2014 to be generally free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included security force abuse of suspects and detainees; arbitrary arrests; harassment of journalists; government corruption; lack of accountability in cases involving violence against women, including domestic violence; 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 that the government or its agents committed arbitrary or unlawful killings during the year.

Pursuant to the 2015 death in police custody of Iqbal Toofany, in 2016 the commissioner of police completed an investigation and referred the case to the office of the director of public prosecutions. During the year the National Human Rights Commission (NHRC), an independent parastatal organization, conducted an independent inquiry and also referred the case to the office of the director of public prosecutions, recommending prosecution of the officers involved.

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 widespread allegations of police abuse. For example, in February 2016 police arrested Fareenah and Hassenjee Ruhomally for a posting on a public media site (see section 1 d.). The Ruhomallys were stripped naked and forced to kneel on the floor during their detention. In September 2016 police officers of the Criminal Investigation Division of Quatre Bornes beat Arnaud Casquette upon his arrest. The physical abuse continued while he remained in police detention. During the year the Ruhomally and Casquette cases remained under investigation.

Prison and Detention Center Conditions

Conditions did not always meet international standards.

Physical Conditions: There were media reports of drug abuse in the country's six prisons. For example, on April 27, prison officers at the Beau Bassin Central Prison (BBCP) caught an inmate in possession of cannabis, and on November 27, a BBCP officer was arrested for smuggling drugs hidden in his socks. There were reports that adequate medical assistance was not always provided. Lack of maintenance of sanitary equipment and the absence of readily available detergent generated 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 NHRC has been active since 2001 and the organization claimed that every prisoner complaint was dealt with expeditiously. There were allegations of mistreatment, and the National Preventive Mechanism NPM Division of the NHRC noted an increase in assaults 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 UN Office of Drugs and Crime, the Joint UN Program on HIV/AIDS, 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/her arrest or detention in court. The government generally respected these legal requirements.

Role of the Police and Security Apparatus

Police have responsibility for law enforcement and maintenance of order. The 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 police commissioner reports directly to the prime minister. The NHRC and an independent ombudsman, appointed by the president in consultation with the prime minister and the leader of the opposition, are empowered to investigate security force abuses. Police have accepted public complaints and referred them to the NHRC since the government disbanded the Police Complaints Investigation Bureau in 2013. In July 2016 the Independent Police Complaints Act established a new commission that has the power to investigate allegations against police officers in the discharge of their duties. The law stipulates that the chairperson and members of the commission, who are not members of the police force, be appointed by the president following advice from the prime minister and consultation with the leader of the political opposition.

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 that authorities 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 without access to an attorney.

Arbitrary Arrest: Arbitrary arrests occurred.

On September 25, police questioned the director of publications of La Sentinelle Ltd. media group, Nadarajen Sivaramen, as well as two of its journalists, Axcel Chenney and Yasin Denmamode, after they published a series of articles denouncing a money-laundering case that allegedly involved then attorney general Ravi Yerrigadoo. Police informed Sivaramen that he was under arrest for conspiracy to bring down Yerrigadoo but did not go through with the arrest procedure, which requires that the arrestee be brought before a court. Police informed the other two journalists that they were under arrest, but the charge was not provided. Police subsequently announced that the journalists were “unarrested,” a provision that does not exist in local law.

Pretrial Detention: According to data from the Office of the Director of Public Prosecutions, the National Human Rights Commission, 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. It was 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.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. The law provides for any wronged citizen to seek compensation. Few cases were brought, however, primarily because the process is costly and lengthy.

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.

Property Restitution

On April 25, the government lifted the travel ban and provisional charges on Laina and Abeela Rawat, accused in the 2015 case against their father, Dawood Rawat, owner of the Bramer Bank. The bank's assets were seized as a result of charges of mismanagement, and the bank's license was revoked. Property restitution remained pending at year's end.

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. In 2016 there were unsubstantiated claims that police tapped the mobile telephones and electronic correspondence of at least two chief editors of private media outlets.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but the government did not always respect these rights.

Press and Media Freedom: Independent media were active and expressed a wide variety of views.

The government owned the sole domestic television network, MBC TV, and 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.

Violence and Harassment: On September 25, police questioned the director of publications of La Sentinelle Ltd. media group, Nadarajen Sivaramen, as well as two of its journalists, Axcel Chenney and Yasin Denmamode, after they published a series of articles denouncing a money laundering case that allegedly involved then attorney general Ravi Yerrigadoo. On September 27, police requested access to their mobile telephones and laptops in order to identify the journalists' informants. The journalists, in order to protect their sources, refused to comply. On November 7, police interrogated Denmamode regarding an alleged case of embezzlement; police investigators seized that opportunity to interrogate the journalist on the money laundering case that allegedly involved the former attorney general.

Censorship or Content Restrictions: Unlike previous years there were no reports that the government attempted to remove comments from social media sites.

The government continued its 1989 ban on *The Satanic Verses* by Salman Rushdie. 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. According to *Internet World Stats*, as of March, approximately 63 percent of the population had a registered internet account.

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 www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation.

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 preventing such individuals from leaving the country.

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.

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 2014 as free and fair. The constitution provides for filling 62 of the up to 70 National Assembly seats by election. It also provides for the Electoral Supervisory Commission to allocate up to eight additional seats to unsuccessful candidates from any potentially unrepresented community, based on the 1972 census statistics, 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, 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.

International observers of the 2014 legislative elections noted some concerns. These included unequal representation because of the failure to redraw electoral district lines to reflect population changes since 1999, a low number of female candidates, inequitable access to media to promote wider coverage of candidates, the counting of ballots on the day after the elections, and the absence of legislation effectively governing the financing of political parties and candidates.

Political Parties and Political Participation: Political parties operated without restriction or outside interference. Opposition parties alleged that the government-owned television station MBC TV favored the ruling party.

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. 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 legislative elections, hence the decline in number of seats held by women in the National Assembly. Following the 2014 legislative elections, women constituted only 11 percent of elected members. In December 2016 the speaker of the National Assembly created a Parliamentary Gender Caucus to create a more gender-sensitive culture in the National Assembly.

Although the Hindu plurality (48 percent of the population) has dominated politics since independence, the political system did not exclude any groups from participation.

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. The World Bank's most recent Worldwide Governance Indicators underscored that corruption remained a problem.

Corruption: According to the 2016 Transparency International (TI) Corruption Perceptions Index, graft and nepotism were problems.

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. The government, however, did not 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, 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, 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. Police and the judicial system did not effectively enforce the law. The penalty for rape is 20 years' imprisonment, with a fine not exceeding 200,000 rupees (\$6,000).

The law criminalizes domestic violence, but it remained a major problem. Amendments to the Protection from Domestic Violence Act (PDVA) came into force in September 2016, establishing 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, there were few shelters available to house survivors. Anyone found guilty of violating a protection order under the Domestic Violence Act may be fined up to 50,000 rupees (\$1,500) or imprisoned for up to one year for first time offenders. Under the newly amended PDVA, the penalty is 100,000 rupees (\$3,000) and imprisonment not to exceed two years for a second offense and up to five years' imprisonment for subsequent offenses.

Sexual Harassment: The law prohibits sexual harassment, which is punishable by up to two years' imprisonment. Sexual harassment was a problem, however, and the government was not effective at enforcing the prohibition against it.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 (see section 7.d.).

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. For additional information, see Appendix C.

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 that 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. Forced or early marriages were not reported to be problems. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits all forms of child sex trafficking and child pornography and provides for a maximum penalty of 20 years' imprisonment and a fine not exceeding 100,000 rupees (\$3,000) for each offense. Child sex trafficking was nonetheless a problem. 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 (\$6,000). 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: A 1935 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 years old, remained in detention until they reached the age of 18. There were allegations that children held in the RYC and the Correctional Youth Center did not have access to education during their respective 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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

Approximately 120 Jews 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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination in employment against persons with 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 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 subtitles and sign language interpretation of news broadcasts. The state-run television station broadcast a weekly news program for persons with 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. Children with mental disabilities attended specialized schools that received minimal government funding.

National/Racial/Ethnic Minorities

Pervasive poverty continued to be more common among citizens of African descent (Creoles) than in any other community. On November 7, *L'Express* reported that it was in possession of a video wherein former vice prime minister and Minister of Housing and Land Showkutally Soodhun was heard reassuring a group of Hindu residents of Quatre Bornes that 90 percent of a new housing project will go to Hindus and 10 percent to Muslims, and that Creoles will get "zero houses" in order to "prevent prostitution from spreading in the neighborhood." The minister stepped down on November 10 but nonetheless remained a member of parliament. Police launched an investigation; there were no further developments at year's end.

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, among 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 refused to 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. There were unsubstantiated claims, however, that health officials still prevented LGBTI persons from donating blood. In 2015 police officers arbitrarily arrested a transgender person for wearing women's clothing. She was slapped, threatened, forced to strip, and later released without charge. On June 3, there was a stone-throwing incident at the annual LGBTI march (three members of parliament participated in the march).

HIV and AIDS Social Stigma

The law provides that persons with HIV/AIDS should be free from stigmatization and discrimination; however, there were reports of discrimination against such persons and their relatives (see section 7.d.).

The local NGO Prevention Information Lutte contre le Sida reported authorities denied HIV/AIDS patients social aid due to the absence of appropriate referral doctors on the medical board of the Ministry of Health and Quality of Life, thus forcing them to live with uncertainty.

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. 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 came into force on January 9 and allows police officers to form and join unions. The

amendment specifies, however, that “a federation of police officers shall not join with any other federation to form a confederation, except with another federation of police officers.” The law grants authorities the right to cancel a union’s registration if it fails to comply with certain legal obligations. 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. 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. Although the informal economy has grown over the years, there has been no research on or estimate of the size of the informal economy, which traditionally includes street 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, including fines of up to 25,000 rupees (\$750), 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 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 at the enterprise level. 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 made some efforts to prevent and eliminate forced labor in the country (see section 7.c.), but resources, inspections, and remediation were inadequate. Penalties for violations, including 30 years' imprisonment for child trafficking, were sufficient to deter violations. Data on the number of victims removed from forced or compulsory labor situations 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 November 1, there were an estimated 39,454 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 www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than 16 and prohibits employment of children under 18 in work that is dangerous, unhealthy, or otherwise unsuitable for young persons. The penalties for employing a child are a

fine of no more than 10,000 rupees (\$300) and imprisonment not to exceed one year.

The Ministry of Labor, Industrial Relations, and Employment is responsible for the enforcement of child labor laws and conducted frequent inspections of businesses in the formal economy. 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.

While the government generally respected this law, it did not effectively enforce it, especially in the informal sector. 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 www.dol.gov/ilab/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. In 2015 the police recruited 10 female police riders for its Traffic Enforcement Squad. The first female firefighter was recruited in 2011, and recruitment since has brought the total number to 14. A large majority of women held unskilled labor jobs.

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 reason for the low employment rate of persons with disabilities was inaccessible workplaces.

Many community leaders claimed there was discrimination in the employment of Creoles (citizens of African descent) and Muslims in the public service.

There were unsubstantiated reports of discrimination against HIV/AIDS patients and their relatives, involving foreign workers whose work permits were denied by authorities due to their HIV status.

On November 23, the 2017 Equal Opportunities Amendment Bill 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 established minimum wages varied by sector. The government mandated the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled domestic worker in the EOE was approximately 607 rupees (\$18) per week, while the minimum wage for an unskilled domestic factory worker outside the EOE was approximately 794 rupees (\$24) per week. According to the National Empowerment Fund, the national poverty threshold was a household monthly income level of 6,200 rupees (\$186).

By law employers cannot force a worker outside the EOE to work more than eight hours a day, six days a 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, and Employment to investigate cases of overtime violations. If an employer fails to take action to address the violations (for example, by paying wages owed or allowing 11-hour breaks), 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 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 always exercise this right.

Ministry of Labor, Industrial Relations, and Employment 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, the number was insufficient to enforce compliance. Penalties were not always sufficient to deter violations. The ministry effectively enforced the minimum wage law in the formal sector. 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. There were reports, however, that employers did not always pay full-time employees in the cleaning industry the NRB-recommended minimum wage; some reportedly received only 1,500 rupees (\$45) per month.

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 having unsanitary conditions.

There were two industrial accidents during the year that resulted in death. Major industrial accidents, which injured or killed workers, historically occurred mainly in the construction and manufacturing sectors.