

# MAURITIUS 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mauritius is a multiparty democracy governed by a prime minister, a council of ministers, and a national assembly. International and local observers judged elections in December 2014 to be generally free and fair. Civilian authorities maintained effective control over the security forces.

The most important reported human rights problems were security force abuse of suspects and detainees, and violence and discrimination against women.

Other reported human rights problems included arbitrary arrests, corruption, abuse and sexual exploitation of children, human trafficking, discrimination and abuse based on sexual orientation or gender identity, discrimination against persons with HIV/AIDS, restrictions on labor rights, antiunion discrimination, and child labor.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government; but enforcement was inconsistent, and sometimes politically motivated, resulting in the appearance of impunity.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There was at least one report the government or its agents committed an arbitrary or unlawful killing. On March 1, in Riviere Noire police arrested Iqbal Toofany on suspicion he was driving a stolen car. Police did not believe Toofany's explanation the car belonged to his wife. Police took him to the Criminal Investigation Division of Riviere Noire where they allegedly assaulted him. Police took Toofany to the hospital after he complained of stomach pain. He arrived at the hospital in a semi-conscious state and died on March 2. The police medical examiner declared that Toofany did not die of natural causes.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there continued to be widespread reports of police abuses. For example, a 43-year-old man, Iqbal Toofany, died while in police custody (see section 1.a.).

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

Prison and detention center conditions have improved with the completion of a new facility that eased overcrowding, but conditions still did not always meet international standards.

Physical Conditions: Prison overcrowding was not a problem during the year. Media reported cases of drug abuse in the country's six prisons.

Administration: The country had no ombudsman to represent prisoners, but it permitted prisoners and detainees to submit complaints to judicial authorities and the National Human Rights Commission (NHRC) without restriction; however, this mechanism was reportedly inactive. Thus, inmates' relatives sometimes turned to private radio stations to denounce hygiene conditions or other problems in the prisons.

Independent Monitoring: The government permitted prison visits by independent observers, including the press, NHRC, independent local nongovernmental organizations (NGOs), UN Office of Drugs and Crime, 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, but the government did not always respect these rights. On March 14, police arrested and interrogated Pazhany Thandrayen, the lawyer representing Labor Party activist Nandanee Soornack, wanted for allegedly leaving the country with 800,000,000 rupees (\$22.6 million) in her suitcases. Police seized Thandrayen's laptop, mobile phone, and confidential papers that his client, Soornack, had shared with Thandrayen. Authorities filed no charges against Thandrayen, and there was no further development by year's end.

On February 16, two French businessmen, Simo Carevic and Thomas Galet, accused three ministers of the newly elected government--Member of Parliament Pravind Jugnauth, Minister Roshi Bhadain, and Attorney General Ravi Yerrigadoo--of holding them against their will in the country for three weeks to obtain information regarding a business agreement made between companies Dufry and Frydu. Labor Party activist Nandanee Soornack formerly owned Frydu. Carevic and Galet claimed the ministers threatened them and prevented their departure until they agreed to collaborate. The businessmen filed an affidavit in the Supreme Court in which they claimed the ministers offered them the same kickback as the previous government, as well as a 10-year contract to supply duty-free products for the airport, on condition they provide evidence incriminating Soornack and the previous government. They left the country on March 27.

### **Role of the Police and Security Apparatus**

The police force is headed by a police commissioner, who 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. Police corruption and abuse of detainees and suspects were problems. 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 due to public concerns that authorities did not address complaints. While the NHRC has the authority to investigate allegations of police abuse and may refer such cases to the director of public prosecutions, the NHRC had not taken this course.

### **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 Beau Bassin 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 granted bail for most alleged offenses.

Arbitrary Arrest: Arbitrary arrests occurred (see section 1 d.).

Pretrial Detention: Due to a backlogged court system and detainees' inability to post bail, more than half of the prison population was in pretrial detention. 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**

Defendants enjoy a presumption of innocence, and trials are public. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to prompt and detailed information on the charges against them (with free interpretation as necessary). Juries are used only in murder trials. 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 can confront or question witnesses against them and present witnesses and evidence on their own behalf. Defendants and attorneys have access to government-held evidence relevant to their cases, and defendants have the right of appeal. The courts respected these rights, although an extensive case backlog delayed the process, particularly for obtaining government-held evidence. The law extends these rights to all citizens. Defendants have the right to adequate time and facilities to prepare their defense. The law provides for the right of defendants not to be compelled to testify or confess guilt.

#### **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. 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.

## **Property Restitution**

In April the government revoked the banking license of the Bramer Bank, based on mismanagement allegations. The Bramer Bank is a major financial institution of the British American Investment (BAI) group belonging to Dawood Rawat and his family. Police issued an arrest warrant, but no charge, against Dawood Rawat, and the government seized the BAI group's assets, which included investments in retail, real estate, leisure/hospitality, and health care. The government subsequently seized property and bank accounts of the Rawat daughters. The Rawat family had close ties with former prime minister Navinchandra Ramgoolam, leading observers to conclude that political retribution could be behind the seizure. Authorities provisionally charged the daughters with illegal use of company assets, money laundering, and conspiracy to defraud. Authorities did not allow them to leave the country.

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

The constitution prohibits such actions, but the government did not always respect these prohibitions. There were anecdotal reports police tapped the mobile phones and electronic correspondence of at least two chief editors of private media outlets.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

Press and Media Freedoms: Independent media were active and expressed a wide variety of views, but they faced restrictions.

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 minister in charge of MBC TV. International television networks were available by subscription or via cable box. Stringent limitations on foreign investment in local broadcast media contained in the Independent Broadcasting Authority Act were a deterrent to the establishment of independent television stations.

Censorship or Content Restrictions: The government attempted to remove what it termed racist comments from a social media site after press reports of a Hindu temple vandalized by two individuals, one of whom the media identified as a Muslim.

The government continued its ban since 1989 of *The Satanic Verses* by Salman Rushdie, but, while bookstores could not legally import the book, purchasers can buy it online without further scrutiny.

Nongovernmental Impact: There were no further developments in the October 2014 case in which members of the Voice of Hindu (VOH) group allegedly beat a journalist who took photographs of approximately 30 VOH members assaulting a security guard at Orchard Mall.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet; but there was anecdotal evidence the government monitored private online communications of some journalists. According to Statistics Mauritius, 58.3 percent of the population used the internet in 2014.

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

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

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

The constitution and law provide for the freedoms of assembly and association, but the government did not always respect these rights.

### **Freedom of Association**

Authorities fired 10 journalists of the Mauritius Broadcasting Corporation following the December 2014 change in government due to their alleged ties to the former government. There were no further developments in the October 2014 dismissal and alleged harassment of three former National Empowerment Foundation employees due to their close ties to the Parti Mauricien Social Democrat.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; but the government did not always respect this right.

Foreign Travel: The government generally issues a prohibition order preventing individuals with pending provisional charges from leaving the country, regardless of citizenship. On October 23, for example, the weekly newspaper *News on Sunday* reported the district court of Port Louis upheld a travel ban on Mauritian Anarouby Arnachellum-Timmiah, a woman provisionally charged with embezzling at the Mauritius Post and Cooperative Bank.

### **Protection of Refugees**

Access to Asylum: According to the Office of the UN High Commissioner for Refugees, there were no registered refugees or asylum seekers in the country. The law does not provide for granting of asylum or refugee status, and the government has not established a system for protecting refugees. The government, however, did not expel or return refugees to countries where their lives or freedom would be

threatened because of their race, religion, nationality, membership in a particular social group, or political opinion.

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

The constitution provides citizens the ability to choose their government in free and fair elections based on universal and equal suffrage, and citizens exercised this ability.

#### **Elections and Political Participation**

Recent Elections: International and local observers characterized national assembly elections held in December 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 system known as the Best Loser System (BLS).

Various political observers claimed the BLS undermines national unity and promotes 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 July 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 problems. These included unequal representation because of the failure to redraw electoral district lines to reflect population changes since 1999, the low number of female candidates, inequitable access to media to promote wider coverage of candidates, counting ballots on the day after 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 the government-owned television station MBC TV favored the ruling party.

Participation of Women and Minorities: The law allows 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. Ameenah Gurib-Fakim became the first female president of the country on June 5. 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 different gender from the others. One-third of elected candidates in the 2012 village and municipal elections were women.

Although since independence the Hindu plurality (48 percent of the population) dominated politics, 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 cited the government for being less effective in combating corruption in 2014 than in 2013, underscoring that corruption remained a problem.

Corruption: Authorities disbanded the Police Complaints Investigation Bureau in 2013, but corruption complaints against police officers could be filed at the Independent Commission Against Corruption. On November 19, authorities found a police officer guilty of soliciting bribery in a 2009 case in which he asked for 2,000 rupees (\$57) to maintain the remand conditions of a detainee.

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.

Public Access to Information: No law provides public access to government information, but members of the public may request information by contacting the

permanent secretary of the appropriate ministry. The government generally complied with requests from citizens and noncitizens, including foreign media.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 initiate an investigation. As an alternative to filing judicial charges, the ombudsman makes 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, an independent parastatal organization, enjoyed the government's cooperation, and operated without government or party interference. The NHRC had adequate resources. The commission last released a report in 2013.

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

The constitution and law specifically prohibit discrimination based race, caste, sex, religion, political opinion, national origin or citizenship, social and civil status, disability, sexual orientation, HIV-positive status, or having other communicable diseases. Despite laws in place, discrimination occurred, particularly against women; persons with disabilities; and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, but victims filed few cases for cultural or societal reasons. Non-Hindus claimed they faced discrimination in hiring and promotion for government jobs. The government imposes a maximum age limit of 40 years for the recruitment of new civil servants. The law prohibits all forms of trafficking

of adults and children and prescribes penalties of up to 15 years' imprisonment for offenders. There have been no prosecutions under the human trafficking law.

## **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 (\$5,651). Rape was widespread, but most victims chose not to report or file charges against their attackers due to cultural pressures, fear of retaliation, and the lengthy court process. Authorities had not reported by year's end statistics on the incidence of rape or numbers of prosecutions and convictions for the offense.

The law criminalizes domestic violence, but it remained a major problem. 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 victims to whom authorities had granted court protection orders. Statistics on the number of domestic violence cases reported and prosecutions in those cases were unavailable at year's end, although authorities prosecuted most reported cases. 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. There are few shelters available to house victims. Penalties for domestic assault ranged from 10 years' to 20 years' imprisonment and a fine not exceeding 200,000 rupees (\$5,651), depending on the extent of injuries sustained. Authorities may fine anyone found guilty of violating a protection order under the Domestic Violence Act up to 25,000 rupees (\$706) or imprisoned for up to two years. The local NGO SOS Femmes reported women often remained in abusive situations for fear of losing financial support and, as a result, few filed complaints against their abusers. The Ministry of Gender Equality, Child Development, and Family Welfare maintained an abuse hotline and a website on legal protections for victims.

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. The EOC is responsible for investigating allegations of sexual harassment and gender discrimination, a mandate formerly carried out by the NHRC.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and to have access to the information and means to do so free from discrimination, coercion, or violence. Couples and individuals were able to access contraception and skilled health attendance during pregnancy and childbirth, which the government provided free of charge in government-run hospitals together with free essential obstetric and postpartum care. According to the UN Population Fund, 39 percent of girls and women ages 15 to 49 used a modern method of contraception.

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.).

The Ministry of Gender Equality, Child Development, and Family Welfare has a mandate to promote the rights of women. The National Women Entrepreneur Council, operating under the ministry, is a semiautonomous government body established to promote the economic empowerment of women.

Women had equal access to education, employment, housing, and government services, and could inherit land. Women had equal access to credit and could own or manage businesses. The law criminalizes the abandonment of one's family or pregnant spouse for more than two months as well as the nonpayment of court-ordered food support.

## **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. Differences in birth registration, and law policies and procedures, between girls and boys did not exist.

Child Abuse: NGOs asserted child abuse was more widespread than the government acknowledged publicly. 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. The state-funded National Children's Council; the Ministry of Gender Equality, Child Development, and Family Welfare; and the Office of the Ombudsperson for

Children provided counseling, investigated reports of child abuse, and took remedial action to protect affected children. The police unit for the protection of minors and the Family Protection Unit conducted public education programs on the sexual abuse of minors.

Early and Forced Marriage: The minimum legal marriage age for boys and girls is 16 years with parental consent. Forced or early marriages were not reported to be problems.

Sexual Exploitation of Children: The law prohibits child prostitution and child pornography and provides for a maximum penalty of 20 years' imprisonment and a fine not exceeding 100,000 rupees (\$2,826) for each of these offenses. Child prostitution was nonetheless a problem. As of September 15, there were no cases prosecuted during the year regarding the commercial sexual exploitation of children. The minimum age for consensual sex is 16 years. Any person found guilty of statutory rape may face a sentence of up to 20 years' imprisonment and a fine not exceeding 100,000 rupees (\$2,826). On August 30, police arrested six men in a case of alleged child prostitution. The three teenage victims who alerted police received medical and psychological assistance. The investigation was ongoing at year's end.

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. For example, the National Children's Council operated a daycare center in Baie du Tombeau to help single mothers of abused children find employment. A child welfare officer accompanied children victimized in prostitution to the hospital, and police worked in conjunction with these officers to obtain statements from the children.

Institutionalized Children: On October 26, daily newspaper *L'Express* reported the Ministry of Gender Equality, Child Development, and Family Welfare opened an investigation of Vedic Social Organization, an NGO that manages four shelters for children, following complaints of child abuse, violence, and breach of contract.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-

specific information  
at [travel.state.gov/content/childabduction/english/country/mauritius.html](http://travel.state.gov/content/childabduction/english/country/mauritius.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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination in employment (see section 7.d.), education, access to health care, or the provision of other state services against persons with physical, sensory, intellectual, and mental disabilities. Such prohibited discrimination includes access to transportation, including by air. Authorities did not effectively enforce the law with respect to public conveyances where, for example, heavily used public buses presented particular problems to persons with mobility disabilities due to their high steps and narrow doors. Many older buildings also remained inaccessible to persons with disabilities despite a legal requirement for all buildings to be accessible for persons with disabilities. The Training and Employment of Disabled Persons Board is an advocacy agency promoting participation in the workplace for persons with disabilities and discouraging discrimination against them in either job recruitment or advancement.

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. In 2012, for the first time, the government made provisions to render polling stations more accessible to persons with disabilities and elderly persons by providing wheelchairs. Children with physical disabilities have the right to attend mainstream schools, but, according to students with disabilities and their parents, schools turned them away on the ground they cannot 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.

### **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. Sodomy cases that reached the courts almost exclusively involved heterosexual persons, especially as an aggravating factor in divorce cases. Authorities rarely used the sodomy statute rarely against same-sex couples, unless one of the partners cited sodomy in the context of sexual assault.

LGBTI victims of verbal abuse or violence within the family reported such incidents to local NGOs Collectif Arc-en-Ciel or Young Queer Alliance. Victims generally refused to file complaints with police, however, for fear of ostracism or, in some cases, fear of reprisal from family members. On September 18, police officers of Sodnac police station, accompanied by police officers of the Criminal Investigation Division of Quatre Bornes, arrested a young transvestite allegedly for no reason. Police took the victim to the Sodnac police station where police strip-searched him and forced him to parade naked in front of police officers who mocked him. The victim filed a complaint with the NHRC, and at year's end the investigation was ongoing.

Following a complaint about the questionnaire used by the Ministry of Health and Quality of Life to prohibit blood donation from LGBTI persons, the ministry amended its policy and website in 2013 to indicate individuals who have had same-sex sexual activity could donate blood. There were anecdotal reports, however, that health officials still prevented LGBTI persons from donating blood.

### **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.). In 2013 the National AIDS

Secretariat completed a study of 400 HIV-positive persons, which found that during the year 26 percent of respondents reported having been verbally insulted, harassed, or threatened; 22 percent reported having been physically harassed or threatened; and 18 percent reported having been physically assaulted.

Local NGO Prevention Information Lutte contre le Sida reported continuing problems with breaches of confidentiality of HIV/AIDS patients' medical records in public hospitals, including on Rodrigues Island. The NGO also 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 HIV/AIDS patients to live with uncertainty. Regarding the October 2014 case of a foreign female student who faced deportation due to her HIV-positive status, the government agreed to allow her to remain in the country until the end of her studies, expected in March 2016.

## **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, conduct legal strikes, and bargain collectively. With the exception of police, the Special Mobile Force, and persons in government services who were not executive officials, workers are free to form and join unions and to organize in all sectors, including in the export-oriented enterprises (EOE) formerly known as the export processing zone. The law 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 also establishes a mandatory 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. 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.

The government effectively enforced applicable laws, but there were a few delays in procedures and appeals. Penalties for violations by employers including fines up to 25,000 rupees (\$706) were insufficient to deter violations.

Freedom of association and the right to collective bargaining generally were 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. A provision of the Merchant Shipping Act, however, provides that refusal to obey the master's order or neglect of duty by a seafarer is punishable with imprisonment (involving compulsory prison labor). The government made some efforts to prevent and eliminate forced labor in the country (see section 7.c.), but generally it did not effectively enforce the applicable law. Resources, inspections, and remediation were inadequate. Penalties for violations including 30 years' imprisonment for child trafficking were sufficient to deter violations. Data, however, on the number of victims removed from forced labor or trafficking 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. There were nearly 35,000 migrant workers in the country, mainly from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar. Additionally, 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/](http://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 years and prohibits employment of children between 16 and 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 (\$282) and imprisonment not to exceed one year.

While the government generally respected this law, it did not effectively enforce it.

The Ministry of Labor, Industrial Relations, and Employment is responsible for the enforcement of child labor laws and conducted frequent inspections. The ministry employed 80 labor and industrial relations officers, including six labor inspectors in the Migrant Labor Unit, to investigate all reports of labor abuses, including 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.

While child labor occurred, data on child labor cases were not available. Children worked in the informal sector, including as street traders and in small businesses, restaurants, agriculture, and small apparel workshops.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://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. On September 16, the Mauritius Police Force recruited 10 female police riders for its Traffic Enforcement Squad. The first female firefighter was recruited in 2011, but recruitment since has brought the total number to 12. 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.

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

There were reports of discrimination against HIV/AIDS patients and their relatives involving foreign workers whom authorities denied a work permit due to their HIV status.

In 2012 the government instituted the Certificate of Character Act for employees to provide proof to their employers that they have no criminal records. Some workers complained employers fired them once they 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 (\$17) per week, while the minimum wage for an unskilled domestic factory worker outside the EOE was approximately 794 rupees (\$22) per week. According to the National Empowerment Fund, the national poverty threshold was a household monthly income level of 6,200 rupees (\$175).

The standard legal workweek in the EOE was 45 hours. By law employers cannot force a worker outside the EOE to work more than eight hours a day, six days a week. According to local trade union 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. If the worker has worked until or past 10:00 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. The law requires the ministry to investigate cases of overtime violations. If an employer fails to take action to address the violations (for example, 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, however, may agree 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 such lesser number of hours as agreed by both parties.

The government sets occupational safety and health standards. Ministry of Labor officials inspected working conditions. The ministry effectively enforced the minimum wage law in the formal sector. Authorities generally applied these standards generally to both foreign and citizen workers. The inadequate number of inspectors, however, limited the government's enforcement ability. Penalties were sufficient to deter violations.

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 (\$42) 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 with unsanitary conditions.

There were 146 industrial accidents during the year, including five fatal ones. Major industrial accidents, which injured or killed workers, have historically occurred mainly in the construction and manufacturing sectors.

By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protect employees in these situations. Workers exercised this right in practice.