

Mauritius - United States Department of State

MAURITIUS: Tier 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mauritius remained on Tier 2. These efforts included convicting two traffickers, providing protective services to all identified victims, and conducting nationwide campaigns to raise awareness of trafficking. The government established and allocated funds for its first shelter for adult trafficking victims during the reporting period. The government continued to screen migrant workers for trafficking indicators upon their arrival to the country and through inspections of migrant worker employment sites. However, the government did not meet the minimum standards in several key areas. The government continued to lack standard operating procedures to identify and refer adult victims to comprehensive protection services, and no government ministry took responsibility for leading efforts to combat adult sex trafficking. While the government established a shelter for adult victims, authorities' lack of expertise hindered shelter operations. Coordination between law enforcement and prosecutors slightly improved; however, the judicial process continued to be prohibitively slow, discouraging some victims from pursuing legal redress. The government did not adopt a national action plan for the sixth consecutive year.

PRIORITIZED RECOMMENDATIONS:

Improve comprehensive protection services for adult trafficking victims by developing and implementing standardized procedures for proactive victim identification and referral to protective services—especially among at-risk populations including individuals in commercial sex and migrant workers—and by ensuring provision of adequate assistance once identified. • Increase efforts to investigate and prosecute trafficking offenses, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Increase coordination between law enforcement and prosecutors to decrease the length of the judicial process, including continued case conferencing and prosecution-led investigations. • Implement a witness protection program to increase protection for victims and to increase victim willingness to cooperate in prosecutions. • Vigilantly monitor employers of migrant workers to identify indicators of trafficking and investigate potential trafficking situations. • Finalize, adopt, and allocate funding to implement the national action plan to combat trafficking. • Increase anti-trafficking coordination efforts among government agencies to prioritize the inter-ministerial committee's role in driving national efforts and assign a department or agency responsible for efforts related to adult sex trafficking. • Provide specific anti-trafficking training to law enforcement officials, labor inspectors, social workers,

prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care. • Enhance arrangements with source country governments to increase protections for migrant workers. • Utilize the national centralized anti-trafficking data collection and reporting tool.

PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2009 criminalized sex trafficking and labor trafficking of adults and children and prescribed penalties of up to 15 years' imprisonment. In addition, the amended Child Protection Act of 2005 criminalized child sex and labor trafficking and prescribed penalties of up to 30 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2009 anti-trafficking law prohibited the recruitment of workers by using fraudulent or deceptive offers; however, the law did not extend to foreign recruiters who operated outside Mauritius.

In 2019, the government reported initiating six investigations into nine suspects, compared with four investigations into at least five suspects in 2018. Specifically, authorities conducted four child sex trafficking investigations, one adult sex trafficking investigation, and one adult labor trafficking investigation. The government reported initiating the prosecution of one suspect under the 2009 anti-trafficking law, a decrease compared with 15 prosecutions in 2018; the other five new investigations remained ongoing at the end of the reporting period. The government convicted and sentenced the trafficker, an adult female Malagasy foreign national, to four months' imprisonment. The other defendant in the case, a Mauritian adult male, died before the trial began. The government also reported convicting and sentencing a Mauritian adult male involved in a 2014 child sex trafficking case to four years' imprisonment under the 2009 anti-trafficking law, as well as eight months' imprisonment for child debauchery under the 2005 child protection act to be served concurrently. These two convictions compared with zero convictions of traffickers reported in 2018. The government also reported 11 ongoing sex trafficking investigations and four ongoing prosecutions initiated in previous reporting periods; however, the government did not provide updates on these cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. With training and support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool; although it had been fully deployed during the previous reporting period, government use of the tool remained limited.

While law enforcement and prosecutors reported continued case conferencing, coordination required further improvement; additionally, the judicial process continued to be prohibitively long—frequently many years—which at times dissuaded victims from seeking legal redress. The Mauritius Police Force (MPF) maintained an internal coordination committee to combat trafficking, as well as a “human trafficking desk,” where two police officers focused on trafficking cases and served as a resource for other police units. The Ministry of Gender Equality, Child Development, and Family Welfare (MFWCD) trained 120 police officers, first responders, teachers, and Ministry of Health officials on various crimes, including commercial sexual exploitation of children. In 2019, the Mauritius Police Training School provided anti-trafficking courses to 400 law enforcement officers, compared

with 462 officers trained in 2018. Despite these training efforts, some law enforcement officers continued to lack an understanding of the anti-trafficking law. Similar to previous years, proper investigations, including collection of evidence and adequate witness testimony, remained difficult for law enforcement, often leading to lengthy and poor investigations and prosecutions.

PROTECTION

The government maintained victim protection efforts. The government continued to lack standard identification and referral procedures for adult trafficking victims; however, the MFWCD's Child Development Unit (CDU) continued to systematically employ standard referral procedures after identifying child trafficking victims. In 2019, the government identified six trafficking victims, a decrease compared with 11 victims identified in 2018. The six victims included one adult female Malagasy victim of sex trafficking, one adult male Bangladeshi victim of labor trafficking, one minor female Mauritian victim of sex trafficking, and three potential victims of child sex trafficking. The government provided medical assistance, counseling, and victim support to all six victims. The government provided shelter or referral to an NGO-run shelter to four victims. The Passport and Immigration Office (PIO) provided the Bangladeshi victim of forced labor with an extended work permit, pending the investigation and trial. The government reported supporting the repatriation of the Malagasy victim of sex trafficking to Madagascar; however, the government did not indicate what type of support it provided. A program existed to repatriate Mauritian citizens in distress abroad, but the government did not report any cases of repatriated Mauritian human trafficking victims during the reporting period.

During the reporting period, the government established its first shelter for adult trafficking victims, including male victims, and provided shelter to at least two victims; however, the government reported that operations remained limited due to the MPF's reluctance to operate the shelter. Adult victims in the shelter had freedom of movement and were able to seek employment while staying at the shelter; however, officials required victims to inform the police of their whereabouts. Despite opening a new shelter, there continued to be no clear government agency responsible for assisting adult sex trafficking victims. At least three NGO-run shelters provided temporary housing to adult female victims. The government continued to operate a shelter for female child sex trafficking victims, which could host up to 32 children; however, it did not report the number of victims assisted at the shelter during the reporting period. Child victims could leave the shelter to attend school and received medical and psychological assistance. The government allocated 34 million Mauritian rupees (\$939,230) to the National Children's Council to manage two shelters for child abuse victims; however, only one of these shelters provided services to child trafficking victims, and the government did not disaggregate the funding between shelters. The government did not report providing funding to anti-trafficking NGOs, compared with providing 14 million Mauritian rupees (\$386,740) to several anti-trafficking NGOs in 2018. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, due to a lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, authorities may have penalized some unidentified adult victims of sex trafficking and forced labor. As in previous years, police officers generally did not screen individuals involved in commercial sex for trafficking

indicators. During the reporting period, immigration officials continued to regularly turn back single Malagasy women traveling on their own with small amounts of money who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in commercial sex; authorities generally did not adequately screen these women to identify or provide services to potential victims of trafficking.

PIO officers continued to proactively screen migrant workers to identify potential labor trafficking victims. In prior years, NGOs reported that not all migrant workers had freedom of movement beyond work hours and many employers provided housing facilities that were comparable to compounds, with fences and security guards. Observers also previously reported that some companies in Mauritius actively deterred and prevented migrant workers from petitioning for their rights, and some companies used informants to expose the leaders of potential protests and subsequently cancel their contracts and deport them. The 2009 anti-trafficking law provided victims limited legal alternatives to removal to countries in which they would face hardship. The law gave authority to the Minister of Home Affairs to allow a trafficking victim to remain in the country for up to 42 days before deportation, and issue a temporary residence permit, but only if the victim agreed to cooperate with the investigation and prosecution of the trafficking case. The law also separately allowed the Minister of Home Affairs to extend the trafficking victim's permit on humanitarian grounds. The government did not report utilizing these law or other efforts to address abuses by employment agencies during the reporting period. The government lacked formal policies and procedures to provide protective services for and encourage trafficking victims' participation in investigations and prosecutions. There was no witness protection program for victims, but authorities kept victims' identities confidential during court proceedings. Courts allowed victims to provide testimony via video or written statement, and if a victim was a witness in a court case against a former employer, they could obtain employment, move freely within the country, or leave the country pending trial proceedings; however, the government did not report providing these protective measures during the reporting period. The anti-trafficking law allowed the courts to award a victim up to 500,000 Mauritian rupees (\$13,810) in restitution from the convicted trafficker; however, the courts did not award any restitution to victims during the reporting period. The law also allowed victims to file civil suits against their alleged traffickers for compensation for damages exceeding the amount of restitution awarded during criminal proceedings; however, civil suits could be prohibitively expensive and lengthy, and there were no reports of suits filed during the reporting period.

PREVENTION

The government slightly decreased efforts to prevent trafficking. The Prime Minister's Office was the government's lead on its anti-trafficking efforts. The National Steering Committee on Trafficking in Persons, the working-level technical committee under the high-level inter-ministerial committee, designated to drive daily operations on anti-trafficking efforts, was inactive since a change in leadership in March 2019. The MFWFCD, including the National Children's Council and the CDU, led government efforts to combat child trafficking; there continued to be confusion within the government on which department was responsible for addressing adult sex trafficking. While an anti-trafficking national action plan has reportedly been drafted for several years, the government has not implemented a

national action plan since 2013. The MFWFCD continued to operate a hotline to report child abuse cases; the hotline recorded 36 calls during the reporting period, but did not report call data related to trafficking. The MPF continued to operate various hotlines that were available 24 hours a day and in multiple languages; the government identified one case of trafficking through a MPF-run hotline during the reporting period.

The government conducted several awareness-raising campaigns during the reporting period, primarily targeting elementary and high school students, parents, teachers, senior citizens, and tourism stakeholders. The MFWFCD conducted 282 awareness campaigns in schools, children's clubs, and child protection clubs that covered various crimes against children, including child sex trafficking, that reached approximately 5,000 children and parents. The CPU reported conducting awareness programs in schools and community centers for approximately 14,000 people, compared with 27,149 people in 2018. For the second consecutive reporting period, the government distributed approximately 10,000 anti-trafficking posters in schools and other official buildings. In partnership with a foreign government, the government continued to produce and distribute migrant worker rights brochures, translated into seven languages, to all foreign workers upon arrival to Mauritius. The government also reported that labor inspectors conducted awareness campaigns among migrant workers, but did not report further details of these campaigns.

The Ministry of Labor (MOL) conducted 1,198 individual sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant worker, compared with conducting 2,940 sessions in 2018. The MOL's Special Migrant Workers Unit, responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites, responded to 457 complaints from migrant workers, compared with 563 in the previous reporting period; however, the MOL did not report identifying any trafficking victims during these inspections. Although the MOL was required to approve all employment contracts before migrant workers entered the country, some migrant workers reportedly continued to enter the country with contracts that were incomplete or had not been translated into languages the workers could read. The government signed a worker recruitment agreement with the Government of Nepal in June 2019. The agreement reportedly outlined the rights, requirements, and regulations for Nepali workers recruited to work in Mauritius; however, the government did not report any instances of its implementation during the reporting period. The government began negotiating a similar agreement with the Government of Bangladesh. The government did not make efforts to reduce the demand for commercial sex acts. The government provided training for diplomatic personnel that included an anti-trafficking component.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritius. Peers, significant others, family members, or businessmen offering other forms of employment exploit girls from across the country in child sex trafficking. Taxi drivers often transport child sex traffickers to their victims with whom they engage in commercial sex acts; taxi drivers also transport victims to traffickers. Traffickers exploit girls from poor neighborhoods, an especially vulnerable population, in both sex trafficking and forced labor. Malagasy women

transit Mauritius en route to employment as domestic workers in the Middle East, where traffickers exploit many in forced labor and sex trafficking. Mauritius' manufacturing and construction sectors employ approximately 45,000 foreign migrant workers from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar, some of whom traffickers subject to forced labor. Employers operating small- and medium-sized businesses employ migrant workers, primarily from Bangladesh, who have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin; labor trafficking cases are more common in small and medium enterprises, rather than in larger businesses that recruit directly without the use of intermediaries. Despite the practice's illegality, employers routinely retain migrant workers' passports to prevent them from changing jobs, enhancing the vulnerability to forced labor.