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## 2010 Human Rights Report: Mauritius

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Mauritius is a constitutional parliamentary democracy of approximately 1.3 million citizens governed by a prime minister, a council of ministers, and a National Assembly. The Alliance of the Future, a coalition led by Prime Minister Navinchandra Ramgoolam, won the majority of National Assembly seats in the May 5 election, which was judged by international and local observers to be generally free and fair. Security forces reported to civilian authorities.

The following human rights problems were reported: security force abuse of suspects and detainees; prison overcrowding; restrictions on media freedom; official corruption; violence and societal discrimination against women; abuse and sexual exploitation of children; some abuse based on sexual orientation; discrimination against persons living with HIV/AIDS; restrictions on labor rights, antiunion discrimination, and child labor.

#### **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

There were no further developments regarding the lower court's May 2009 exoneration for lack of evidence of four police officers involved in the 2006 death in custody of Rajesh Ramlugon; the officers were initially accused of abuse of authority and concealing evidence. In June 2009 the *L'Express* newspaper reported that the director of public prosecutions (DPP) appealed the exoneration to the Supreme Court. The officers remained free on bail.

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; however, there continued to be reports of police abuses.

According to media reports, on December 29, motorcyclist Wesley Agathe narrowly avoided hitting a plainclothes police officer, who allegedly had been pushed in front of Agathe's bike by five other plainclothes officers. Agathe stopped his motorbike to reproach the six plainclothes officers for the near collision and reported the incident to uniformed police officers who drove towards him. During the incident one of the six plainclothes police officers accused him of stealing a mobile phone and 7,000 rupees (\$229). The six officers then took Agathe to the Pamplemousses police station and, in view of two other uniformed police officers at the station, beat Agathe so severely that he lost consciousness and sustained bruises on his face and neck. Agathe was subsequently released without charge. The police officers involved in the beating retained their positions pending an investigation.

According to July 4 media reports, some of the 34 inmates who escaped from Grand River North West Prison on June 27 were observed with bruises and facial swelling after they were recaptured and transferred to the Beau Bassin Central Prison. A detainee's relative reported that prison guards had beaten some of the inmates.

There were no developments in the September 2009 case of a man whom the police allegedly beat and sexually assaulted. The police investigation of the case continued during the year.

### Prison and Detention Center Conditions

The media reported cases of prisoner abuse, overcrowding, and drug abuse in the country's five prisons. Unlike in the previous year, no data was available on the number of abuse complaints filed by prisoners.

As of November 30, the Central Prison, which has a capacity of 1,064, held 1,476 prisoners, including 138 female prisoners and 1,338 male prisoners. Three boys and three girls were held in juvenile prisons. Pretrial detainees were held together with convicted prisoners.

There were no developments in the February 2009 death of an inmate in Central Prison who died after being stabbed by another prisoner. A police investigation was still ongoing at year's end.

Prisoners and detainees had access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

The government permitted prison visits by independent observers, including the press, the National Human Rights Commission (NHRC), local nongovernmental organizations (NGOs), and the UN. The local NGO Association Kinouete also ran programs to rehabilitate prisoners.

The country had no ombudsman to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, circumstances of confinement for juvenile offenders, or improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the charged offense.

### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

## 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's Office. Police corruption and abuse of detainees were problems. The Office of the Ombudsperson, the NHRC, and the Police Complaints Bureau investigated security force abuses.

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By October 31, the NHRC had received 26 complaints of physical or verbal abuse by police: nine complaints were withdrawn or dismissed for lack of evidence, and 17 cases remained under investigation. The NHRC may report cases of police abuse to the Office of the DPP.

Orientation training for all new police recruits included a segment on human rights. Management-level officers were required to take a refresher course every five years. More than 200 police officers who qualified on the basis of years of experience participated in human rights courses during the year.

## Arrest Procedures and Treatment While in Detention

The constitution and law require that arrest warrants be based on sufficient evidence and issued by a duly authorized official and that the accused be read his or her rights, including the right to remain silent and the right to an attorney. The law requires that suspects be brought before the local district magistrate within 48 hours. Police generally respected these rights, although police sometimes delayed suspects' access to defense counsel. Detainees generally had prompt access to family members, although minors and those who did not know their rights were less likely to be provided such access. Indigent detainees facing serious criminal charges were provided an attorney at state expense. A suspect can be detained for up to a week, after which the suspect may bring the issue of bail before a magistrate. Alternatively, a suspect may be released on bail the same day as an arrest, if police concur. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail.

Due to a backlogged court system, approximately 20 percent of the prison population was in pretrial detention. Pretrial detainees generally remained in remand for one to two years before being tried. In practice judges applied time served in remand to subsequent sentences.

### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

## Trial Procedures

Defendants enjoy a presumption of innocence, and trials are public. Juries are only used in murder trials. Defendants have the right to be present and to consult an attorney in a timely manner. An attorney is provided at public expense when indigent defendants face serious criminal 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. These rights were respected in practice, although an extensive case backlog delayed the process, particularly for obtaining government-held evidence. The law extends the above rights to all citizens.

### 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. The constitution provides for an ombudsman to investigate complaints from the public and members of parliament against government institutions and to seek redress for injustices committed by a public officer or authority in official duties as an alternative to the court system. The ombudsman has the authority to make recommendations but cannot impose penalties on a government agency.

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

##### Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

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

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

The constitution and law provide for freedom of speech and of the press; however, at times the government did not respect these rights in practice.

Individuals could criticize the government publicly or privately without reprisal.

The independent media were active and expressed a wide variety of views.

The government owned the sole domestic television network, Mauritius Broadcasting Corporation (MBC) TV, and opposition parties and media experts regularly criticized the station for its progovernment bias and unfair coverage of National Assembly debates. International television networks were available by subscription or via a cable box.

During the year La Sentinelle group, a media conglomerate, noted that since 2005 government agencies had gradually stopped buying advertising space in its publications after newspapers it owned criticized the government. In May various government agencies cancelled their subscriptions to *L'Express* newspaper, a member of La Sentinelle group. At year's end the boycott was still ongoing.

On May 27, police prevented journalists from *L'Express* and *5-Plus Dimanche* newspaper, also operated by La Sentinelle group, from attending a news conference given by the finance minister. On May 31, La Sentinelle requested a Supreme Court injunction to prevent such action. The court heard both parties and on June 14, the attorney general and La Sentinelle Group signed before a Supreme Court judge an agreement that terminated the boycott of the group's journalists and photographers.

The prime minister regularly warned the press about tougher media laws that were being developed.

*The Satanic Verses* continued to be banned, as it has been since 1989; however, authorities did not fine bookstores for carrying the book during the year.

Officials used libel laws to suppress media criticism of political leaders.

For example, on July 1, police arrested chief editor Ananda Rajoo of the weekly *Le Nouveau Militant* for libel for an August 2009 article questioning the government's official statistics on the H1N1 flu outbreak; Rajoo was released on bail the same day. On October 7, the DPP dropped charges against the chief editor.

On October 4, police arrested chief editor Dharmanand Dooharika of the weekly *Samedi Plus* for libel for a September 2009 article questioning the appointment of a manager in the national aviation company. Dooharikao was brought to court and released on bail the same day.

On September 16 and 17, the University of Mauritius and the UN Educational, Scientific, and Cultural Organization sponsored a conference on press freedom.

#### Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2009, approximately 23 percent of the country's inhabitants used the Internet.

#### 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 freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The law prohibits forced exile, and the government did not use it.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

#### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, or the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa, nor do its laws provide for the

granting of asylum or refugee status. The government has not established a system for providing protection to refugees. However, in practice, the government has not expelled or returned refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The six Iraqis who in 2008 were detained for entering the country with fraudulent documents, granted refugee status by the UNHCR, and released on bail in March 2009 departed the country on January 19 for an evacuation transit center in Romania; the six were assisted by Amnesty International and the UN Development Program.

### Section 3 Respect for Political Rights: The Right of Citizens to

#### Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

International and local observers characterized the May 5 national election as generally free and fair. The constitution provides for 62 National Assembly seats to be filled by election. It also provides for the Electoral Supervisory Commission to allocate up to eight additional seats to unsuccessful candidates from minority communities through a "best loser system" (BLS). In the May 5 election, the ruling Alliance of the Future (AF), led by the Labor Party, won 41 parliamentary seats; the Alliance of the Heart (AH), led by the Mauritian Militant Movement (MMM), won 18; the Mouvement Rodriguais (MR) won two; and the Mauritian Solidarity Front won one seat. Under the BLS, the AF subsequently obtained four additional seats, the AH two, and the Organization for the Rodriguan People one seat.

Problems noted by international observers in the May 5 election included unequal representation due to electoral constituencies not being redrawn; inability of persons who turned 18 between January 2009 and May 2010 to vote due to use of the 2009 voters roll; lack of accommodation to facilitate voting for persons with disabilities; and lack of legal authority to provide domestic election observers. Various candidates also claimed that some politicians distributed gifts in their constituencies prior to the election and that some polling materials were not available in Creole, a language spoken by more than 90 percent of the population.

Opposition parties stated that the government-owned television station MBC TV favored the ruling party. Opposition and MMM leader Paul Berenger claimed that MBC TV provided more airtime to and better picture quality of the prime minister. On April 13, MMM filed a complaint with the Independent Broadcasting Authority (IBA), an independent regulatory body, regarding airtime provided to the ruling party on March 31, when Prime Minister Ramgoolam announced the dissolution of the government and presented the new government alliance. On April 15, the IBA ruled in favor of the MBC.

The constitution requires all candidates to declare themselves as belonging to one of the following four "communities": Hindu, Muslim, Sino-Mauritian, or general population (all persons who do not belong to one of the other three categories). The BLS is based on the demographic makeup of the country as found in the 1972 census. However, there were concerns that the 1972 census results no longer reflected the country's demographic composition. Various political observers charged that the BLS undermined national unity and promoted discrimination.

Political parties operated without restriction or outside interference.

There were 13 women in the 70-seat National Assembly. Following the May 5 National Assembly elections, there were three female ministers in the 25-member cabinet. Of the 17 Supreme Court judges, seven were women.

Although historically the Hindu majority dominated politics, no groups were excluded from the political system. In the National Assembly there were 37 Hindus, 21 members of the general population, 11 Muslims, and one Sino-Mauritian. In the cabinet there were 17 Hindus, four Muslims, three members of the general population, and one Sino-Mauritian.

#### Section 4 Official Corruption and Government Transparency

**The law provides criminal penalties for official corruption, but the government did not implement these laws effectively. There was a widespread public perception of corruption in the legislative and executive branches. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem.**

**On December 17, police arrested Johnson Roussety, the leader of the Rodrigues Regional Assembly and an MR member, for traffic of influence in forcing a civil servant to employ 200 workers who were allegedly MR partisans.**

During the year the governmental Independent Commission Against Corruption (ICAC) registered 73 complaints of corruption against police officers: 35 cases were rejected for irrelevancy, 15 cases remained under investigation, one case was referred to the DPP, and 22 were discontinued for lack of substantiation.

**The ICAC continued to investigate** the following 2009 cases: the overpayment by the District Council of Pamplemousses-Riviere du Rempart of a cleaning contract and the alleged bribery by the former director of the National Art Gallery.

**The case of the former chairman of the Mauritius Ports Authority who allegedly accepted a bribe in 2006 from a Dutch dredging company** was heard before the court on September 9 and December 9. No further information was available at year's end.

**Ministers of Mauritius and commissioners of the Rodrigues Island Regional Assembly are required to publicly disclose the assets of spouses, children, and grandchildren upon taking office and at the dissolution of the National Assembly or of the Rodrigues Regional Assembly.**

**There is no law that provides public access to government information; however, members of the public may request information by writing to 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 were often cooperative and responsive to their views. In contrast to the previous year, there were no reports that police harassed any NGO staff.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other international organizations.

The president appoints an ombudsman to investigate complaints against public servants, police officers, and prison guards. Individual citizens, council ministers, or members of the National Assembly may request that the ombudsman initiate an investigation. The ombudsman makes recommendations to the appropriate government office for injustices committed by a public officer or authority carrying out official duties as an alternative to filing charges in the court system.

The NHRC enjoyed the government's cooperation and operated without government or party interference. The NHRC had adequate resources and was considered effective. The Commission did not issue a report during the year.

In January, as called for by a February 2009 act of parliament, the Truth and Justice Commission (TJC) became operational. The TJC is mandated to conduct inquiries into slavery and indentured labor during the colonial period, determine appropriate measures to be extended to descendants of slaves and indentured laborers, inquire into complaints by persons aggrieved by dispossession or prescription of land in which they claimed to have an interest, and prepare a comprehensive report of its findings. The commission did not issue a report during the year.

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

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, political opinion, color, gender, disability, or language. While the government generally enforced these provisions, some societal discrimination occurred.

#### Women

The law prohibits rape, including spousal rape, and police and the judicial system enforced the law; however, rape was widespread. The penalty for rape is 20 years' imprisonment with a fine not to exceed 200,000 rupees (\$6,557). As of November 1, the police Family Support Bureau had received six reports of rape cases; no statistics on prosecutions were available at year's end. Many victims chose not to report or file charges against their attackers due to cultural pressures and fear of retaliation.

The law criminalizes domestic violence; however, it was a major problem. Domestic violence activists stated that police did not effectively enforce the law. Penalties for domestic violence ranged from 10 years' imprisonment to 20 years' imprisonment with a fine not to exceed 200,000 rupees (\$6,557) if aggravating circumstances were involved. Anyone found guilty of violating a protection order may be fined up to 25,000 rupees (\$819) or imprisoned for up to two years. The local NGO SOS Femmes reported that women remained in abusive situations for fear of losing financial support and that few filed complaints against their abusers. The Ministry of Gender Equality, Child Development, and Family Welfare maintained an abuse hotline and a Web site on legal protections for victims.

Sexual harassment was a problem, and the government was not effective at enforcing prohibitions against it. The law prohibits sexual harassment, which is punishable by up to two years' imprisonment. During the year the Sex Discrimination Division of the NHRC received 20 complaints, of which two involved sex discrimination, four involved sexual harassment, and 14 involved moral harassment, a term used to refer to nonsexual harassment. At year's end four cases remained under investigation, authorities dismissed three for lack of evidence, plaintiffs withdrew one case, five cases were referred to other authorities for appropriate action, and the commission completed seven investigations.

The law provides for the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Couples and individuals were able to access contraception and skilled attendance during childbirth, including essential obstetric and postpartum care. The maternal mortality ratio was 36 per 100,000 live births. Women were equally treated for sexually transmitted infections, including HIV.

Men and women enjoy the same rights under the constitution and the law, and these rights were upheld in the courts. The Ministry of Gender Equality, Child Development and Family Welfare is mandated to promote the rights of women. The National Women Entrepreneur Council, a semiautonomous government body under the ministry, is responsible for promoting the economic empowerment of women.

Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services. Women had equal access to credit and could own or manage

businesses; however, in the private sector, women were paid less than men for substantially similar work. The law criminalizes the abandonment of one's family or pregnant spouse for more than two months and the nonpayment of court-ordered food support. The law affords women broadly defined wage protections, and authorities generally respected the law in practice. The law protects women from being forced to carry loads above certain weight limits.

#### Children

Citizenship is derived by birth within the country's territory. All births were registered, and the law provides for late registration. Failure to register births resulted in denial of some public services.

Child abuse was more widespread than was acknowledged publicly, according to NGOs. The law criminalizes certain acts compromising the health, security, or morality of a child. 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 conducted public education programs on the sexual abuse of minors.

On September 13, in Richelieu, the body of seven-year-old Patricia Martin was found. The postmortem examination revealed that she was raped and burned alive. Police arrested her uncle, Marie Jose Tristan Casimir, on the same day. He remained in police detention at year's end.

The police completed their investigation into the January 2009 case of a 15-year-old boy from Rodrigues Island who filed a complaint of an indecent act against a foreign citizen with permanent resident status. The case was referred to the DPP.

There were no updates available in the following 2008 cases of child abuse: the January arrest of a foreign resident for sexually exploiting a 12-year-old girl with the consent of her aunt and uncle; the June arrest of a woman for sexually exploiting a 13-year-old girl; and the July arrest of three men for sexually exploiting a 12-year-old girl.

Child prostitution was a problem, and the government targeted the practice as a law enforcement and prevention priority. The law prohibits child prostitution and child pornography and provides for a maximum penalty of 15 years' imprisonment for child trafficking. 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 (\$3,278).

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 and abused children find employment.

Mauritius is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

Approximately 120 Jews resided in the country. There were no reports of anti-Semitic acts during the year.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip/>.

#### Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The Training and Employment of Disabled Persons Board effectively enforced the law. The law requires that buildings be accessible for persons with disabilities; however, many older buildings remained inaccessible. The law requires organizations employing more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities, and the government enforced this law. The government effectively implemented programs to ensure that persons with disabilities had access to information and communications. The state-run television station aired a weekly news program for persons with disabilities. The government does not restrict the right of persons with disabilities to vote or participate in civic activities; however, during the May 5 legislative elections, private radio stations reported that a few such persons were not able to vote because the polling stations were not accessible.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not criminalize homosexuality; however, it criminalizes the act of sodomy, and this prohibition is equally applied to gay, lesbian and heterosexual couples.

Lesbian, gay, bisexual, and transgender victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc en Ciel; however, victims refused to file complaints with police for fear of reprisal.

On September 14, the daily *L'Express* reported that a group of young men assaulted a gay man by throwing a rock at him. The victim, who suffered a leg fracture, filed a complaint against his assailants. A police investigation was ongoing at year's end.

At year's end there were no reports of governmental or societal discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

#### Other Societal Violence or Discrimination

The law provides that persons living with HIV/AIDS be free from stigmatization and discrimination; however, there were reports of discrimination against such persons and their relatives.

Unlike in the previous year, there were no reports that HIV-positive detainees at the Central Prison were forced to wear yellow badges so that they could be easily identified during routine medical checkups.

During the year the local NGO PILS recorded six cases of discrimination against HIV/AIDS patients and their relatives. Unlike in the previous year, there were no reports of denial of access to public health care services; however, PILS reported that breach of confidentiality regarding HIV/AIDS patients' medical records in public hospitals remained a problem.

In August 2009 *Le Mauricien* newspaper reported that four police officers verbally and physically abused a Vivre+ social worker collecting for charity on the streets. During the incident the officers also revealed the NGO worker's HIV status to onlookers. The NGO worker filed a complaint with the Police Complaints Investigation Bureau; however, no action was taken against the four police officers.

#### Section 7 Worker Rights

##### a. The Right of Association

The constitution and law provide for the right of workers, including foreign workers, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. With the exception

of police, the Special Mobile Force, and persons in government services who were not executive officials, workers were 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; however, 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 and provides for the right to strike; however, it also establishes a required process for declaring a legal strike. This process calls for labor disputes to be reported to the Commission for Conciliation and Mediation (CCM) only after meaningful negotiations have occurred and a deadlock has been reached between the parties involved, a process that is not to exceed 90 days unless the parties involved agree. Once deadlock has been reported to the CCM, the commission has 30 days to resolve the dispute, or longer if both parties agree. If the dispute is not resolved at the commission level, parties can take the dispute to the Tribunal for Voluntary Arbitration (TVA) for settlement or go on strike within 45 days, provided the union has given the labor minister 10 days notice of the upcoming strike. The prime minister may petition the Supreme Court to prohibit the continuation of a strike deemed a danger to the life, health, or personal safety of the population. The prime minister may also apply to the TVA for the establishment of a minimum service if such service does not exist.

Worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals were unjustified. On January 14, authorities reportedly deported 62 foreign workers who participated in illegal strikes.

#### b. The Right to Organize and Bargain Collectively

The law protects collective bargaining, and workers exercised this right. The National Remuneration Board (NRB), whose chairman is appointed by the minister of labor, set minimum wages for nonmanagerial workers, although most unions collectively negotiated wages higher than those set by the NRB.

The law prohibits antiunion discrimination; however, the government did not always respect this right.

On August 25, the government-owned MBC suspended trade unionist Rehana Ameer for allegedly sending an anonymous letter to MBC employees criticizing management practices. On December 3, MBC dismissed Ameer for allegedly authoring the letter and for speaking to the media about her suspension. Ameer claimed that she was suspended as a result of her trade union activities. Since 2008 four MBC trade union activists were suspended or dismissed.

The law does not provide for the reinstatement of dismissed employees; however, employees can resort to the Industrial Relations Court to seek redress.

National labor laws cover workers in the EOE; however, EOE-specific labor laws authorize longer working hours, including 10 hours per week of mandatory paid overtime at a higher wage than for ordinary working hours. Some employers reportedly established 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.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, child labor occurred in the informal sector or in shops. There was no report of forced child labor during the year.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children below 16 years of age and prohibits the employment of children between 16 and 18 years old in work that is dangerous, unhealthy, or otherwise unsuitable for young persons. While the government generally respected this law, child labor occurred. According to the law, the penalties for employing a child are a fine of no more than 10,000 rupees (\$328) and imprisonment not to exceed one year.

Children worked in the informal sector as street traders, in small businesses, in restaurants, in agriculture, and in small apparel workshops.

The Ministry of Labor, Industrial Relations, and Employment (MOL) is responsible for the enforcement of child labor laws and employed 45 inspectors to conduct frequent inspections.

The MOL developed vocational training programs to prevent employment of underage children and conducted programs to identify street children.

#### e. Acceptable Conditions of Work

The government established minimum wages, which varied by sector, and mandated that 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 (\$20) per week, while the minimum wage for an unskilled domestic factory worker outside the EOE was approximately 794 rupees (\$26) per week. Although these wages did not provide a decent standard of living for a worker and family, the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. The MOL effectively enforced the minimum wage law.

The standard legal workweek in the EOE was 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EOE. By law no worker can be forced to work more than eight hours a day, six days a week. Those who work more than their stipulated hours must be remunerated at one and a half times the normal salary. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary. For industrial positions, workers are not permitted to work more than 10 hours a day. If the worker has worked until or past 10 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. These standards were generally enforced for both foreign and domestic workers. Unions have reported cases of underpayment for overtime in the textile and apparel industries due to differences in existing legislation and remuneration orders for the calculation of overtime hours. The law provides that in such cases the MOL is required to investigate, and employers are encouraged to take remedial actions, failing which a court action is initiated.

On February 22, police reportedly freed three Bangladeshi workers who alleged that their employer had confined them to their dormitories for a few hours following an argument regarding unsanitary conditions in their dormitory. One of the workers alleged that the employer beat him daily.

The government set health and safety standards, and MOL officials inspected working conditions; however, the inadequate number of inspectors limited the government's enforcement ability. Voluntary employer compliance with safety regulations helped reduce the number of occupational accidents. There were reports of foreign workers living in dormitories with unsanitary conditions. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

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