

# MAURITIUS 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

The most important reported human rights problems were security force abuse of suspects and detainees, intimidation of the press, 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; however, enforcement was inconsistent, and impunity occurred.

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

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

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

#### **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. For example, in January a 19-year-old accused the police of torture and extracting a confession under duress at a detention center in Moka

after his arrest for an alleged theft. No further developments in the case were reported during the year.

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

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

Physical Conditions: Media reported cases of drug abuse in the country's six prisons. The nation's largest penal facility, the Beau Bassin Central Prison, has a capacity of 1,064 and held 827 prisoners (including 135 women) as of September 1. Melrose Prison, a new prison that holds prisoners serving long-term sentences, became operational on March 30 and has a capacity of 900 inmates. As of September 1, there were 486 male prisoners detained in the Melrose Prison. Authorities held men and women in separate buildings and held pretrial detainees separately from convicted prisoners. A separate juvenile detention facility held 27 convicted boys.

The media reported the lack of hygiene, sanitation, and basic medical care remained problems at Beau Bassin Central Prison. There were no specific reports of threats to life and health in the nation's other prison facilities or of food shortages, inadequate potable water, poor ventilation, extreme temperature, or lighting problems. There were complaints, however, that some prisoners did not receive adequate clothing at Melrose Prison.

Administration: Recordkeeping on prisoners was adequate. Authorities sometimes used alternatives to incarceration for nonviolent offenders. Prisoners and detainees had access to visitors and facilities for religious observance. The country had no ombudsman to represent prisoners but permitted prisoners and detainees to submit complaints to judicial authorities and the National Human Rights Commission (NHRC) without restriction. Authorities investigated allegations by prisoners and detainees of inhuman conditions and documented the results of their investigations in reports made available to the public. The government also investigated and monitored prison and detention center conditions on its own initiative. Given the lack of administrative remedies, inmates' relatives sometimes turned to private radio stations to denounce hygiene conditions or other problems in the Beau Bassin Central Prison. Statistics pertaining to allegations of prisoner abuse filed during the year with the NHRC were unavailable at year's end.

Independent Monitoring: The government permitted prison visits by independent observers, including the press, the NHRC, independent local nongovernmental organizations (NGOs), the UN Office of Drugs and Crime, the Joint UN Program on HIV/AIDS, the EU, and other foreign missions.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always respect these rights. On August 8, the Office of the Director of Public Prosecutions (DPP) dropped charges against activist Alain Bertrand because the charge of “ridiculing the national flag” did not exist in the law. Bertrand was arrested in March 2013 and later released on bail.

#### **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 leader of the opposition are empowered to investigate security force abuses. In response to public concern that its investigations were not sufficiently disinterested, the government disbanded the Police Complaints Investigation Bureau in October 2013, and any police station accepted public complaints against police officers.

The NHRC investigates allegations of police abuse and may refer such cases to the director of public prosecutions. Statistics pertaining to allegations of physical or verbal abuse by police filed during the year with the NHRC were unavailable at year’s end.

#### **Arrest Procedures and Treatment of Detainees**

The constitution and law require arrest warrants be based on sufficient evidence and issued by a magistrate. An accused must be advised of his or her rights including the right to remain silent and the right to an attorney. The law requires suspects be arraigned 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 who were not advised of their rights were less likely to obtain such access. Those arrested can be detained for up to a week without charge, after which they may bring the issue of bail before a magistrate. A magistrate may release an individual on bail the day of arrest, with or without police consent. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail. Courts granted bail for most alleged offenses.

As of September 1, eight male prisoners had died of natural causes while in custody since January, including three who died of HIV/AIDS-related diseases. One prisoner committed suicide during the year. No female prisoners died while in detention during the year.

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

Pretrial Detention: Due to a backlogged court system and detainees' inability to post bail, approximately 53 percent 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 be informed promptly and in detail of 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.

### **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 that police tapped the mobile phones 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 Freedoms: Independent media were active and expressed a wide variety of views; however, they faced restrictions. On August 8, the DPP dropped the charges against Nitin Chinien, a singer and former Mauritius Broadcasting Corporation (MBC) radio host, declaring there was no evidence he represented a threat to anyone's security. Police arrested Chinien in November 2013 for allegedly threatening Prime Minister Navin Ramgoolam and for violating the

Information and Communications Technologies Authority Act when he posted a video online in which he denounced his employment conditions.

The boycott by government agencies of subscriptions and government advertising in newspapers of La Sentinelle Group continued despite an out-of-court agreement reached by the parties in 2012. La Sentinelle pursued legal action against the government to enforce the agreement, and the case remained pending. The government's boycott followed a number of editorials and articles that criticized the government.

The government owned the sole domestic television network, MBC TV, and opposition parties and media commentators regularly criticized the station for its progovernment bias and allegedly unfair coverage of National Assembly debates. 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 of 2000 were a deterrent to the establishment of independent television stations.

Violence and Harassment: Following the publication of photographs taken from a video on August 16 and 17 of the prime minister dancing with a close friend and Labor Party activist, *La Sentinelle's* deputy chief editor, Vel Moonien, and director of publications, Nad Sivaramen, received threats from an advisor in the prime minister's office that details of their private lives would be exposed. Anecdotal evidence indicated the mobile phones and e-mail of the two senior journalists were tapped.

Censorship or Content Restrictions: Members of the press complained of censorship by the judiciary and harassment by police on political grounds. On February 6, the Supreme Court lifted a gag order on the two main press groups, *Le Mauricien Ltd.* and *La Sentinelle Ltd.* Authorities imposed the order imposed following the journalists' coverage of a 2012 incident involving an individual close to the prime minister whose photograph was taken by a Militant Socialist Movement party activist.

*The Satanic Verses* by Salman Rushdie continued to be banned, as it has been since 1989, and bookstores could not legally import the book, but there were no reports authorities fined bookstores for carrying the book.

Nongovernmental Impact: On October 10, members of the Voice of Hindu (VOH) group allegedly beat a journalist while the latter was taking photographs of

approximately 30 VOH members assaulting a security guard at Orchard Mall. The journalist, an employee of La Sentinelle Group, suffered injuries that required stitches. *L'Express*, a publication of La Sentinelle, reported police officers were present but did not intervene to prevent VOH members from assaulting the journalist. VOH members allegedly deleted all the photographs the journalist took of the incident.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet; however, there was anecdotal evidence the government monitored private online communications of some journalists. According to the International Telecommunication Union, 41 percent of the population used the internet in 2012.

### **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**

On October 7, the National Empowerment Foundation (NEF) fired a driver without official explanation, after his picture appeared in a newspaper report showing him attending a meeting of Parti Mauricien Social Democrate (PMSD). Two other former NEF employees, who were also recruited while PMSD was in the previous ruling alliance, reported they resigned from their positions due to harassment from management. According to the former employees, the harassment started as soon as PMSD left the previous ruling alliance.

### **c. Freedom of Religion**

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

### **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. The government generally respected these rights.

### **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 laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to 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. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: International and local observers characterized National Assembly elections held on December 10 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 specific minority communities based on 1972 census statistics through a system known as the Best Loser System (BLS). In legislative elections, the Alliance Lepep (AL) led by the Militant Socialist Movement won 47 parliamentary seats, the Alliance of Unity and Modernity (AUM) led by the Mauritian Militant Movement and Labor parties won 13 seats, and the Rodrigues People's Organization won two seats. Under the BLS, the AL obtained four additional seats and the AUM three.

Various political observers claimed the BLS undermines national unity and promotes discrimination. In 2012 the UN Human Rights Committee ruled a requirement citizens running for election must declare their ethnic and religious status violated article 25 of the International Covenant on Civil and Political Rights. In response to that ruling, the government amended the constitution on

July 17 so candidates in legislative elections are no longer required to declare themselves as belonging to one of four “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 reforms were proposed 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 considered for a BLS seat.

International observers of the 2014 legislative elections noted some problems. These included unequal representation because electoral district lines had not been redrawn to reflect population changes since 1999, the low number of women candidates, inequitable access to media to promote wider coverage of candidates, the counting of 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 stated that the government-owned television station, MBC TV, favored the ruling party.

Participation of Women and Minorities: After the December elections, there were eight women in the 69-seat National Assembly and three female ministers in the 25-member cabinet. Nine of the 23 Supreme Court judges were women. 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 than the others. One-third of elected candidates in the 2012 village and municipal elections were women.

Although historically the Hindu majority dominated politics, no groups were excluded from participation in the political system. In the National Assembly at year’s end, there were 37 Hindus, 12 Muslims, one Sino-Mauritian, and 19 members belonging to the General Population group as defined by the constitution. There were 17 Hindus, three Muslims, one Sino-Mauritian, and four members of the General Population group serving in the cabinet.

#### **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 2012 than in 2011, underscoring that corruption remained a problem.

Corruption: Statistics pertaining to allegations of police corruption filed during the year with the Independent Commission Against Corruption (ICAC) and the number of officers suspended in response to those allegations was unavailable at year's end. The Police Complaints Investigation Bureau was disbanded in 2013; however, all corruption complaints against police officers could be filed at ICAC.

Financial Disclosure: The law requires national government cabinet officers and commissioners of the Rodrigues Island Regional Assembly to make a public disclosure of family assets (including the assets of spouses, children, and grandchildren) 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; however, 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) became operational in April following an amendment to the Equal Opportunities Act of 2008. Its mandate is to investigate allegations of discrimination and promote 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, and its board was reconstituted during the year. 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, social status, political opinion, color, gender, disability, language, or sexual orientation. While the government generally enforced these provisions, some societal discrimination occurred. The law prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years' imprisonment for offenders.

### **Women**

Rape and Domestic Violence: The law prohibits rape, but there is no provision for spousal rape. Police and the judicial system did not effectively enforce the law. The penalty for rape is 20 years' imprisonment, with a fine not exceeding 200,000 rupees (\$6,350). 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. The Police Family Support Bureau had not reported by year's end statistics on either the incidence of rape or the 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 who had been granted court protection orders. Statistics on the number of domestic violence cases reported during the year and firm figures on the number of prosecutions resulting from those reports were unavailable at year's end, although most reported cases were prosecuted. Crimes including assault, such as aggravated assault, threats, and blows, are prosecuted 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. Penalties for domestic violence amounting to assault ranged from 10 years' to 20 years' imprisonment and a fine not exceeding 200,000 rupees (\$6,350) depending on the extent of injuries sustained. Anyone found guilty of violating a protection order under the Domestic Violence Act may be fined up to 25,000 rupees (\$790) 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.

Female Genital Mutilation/Cutting (FGM/C): There is neither a tradition of FGM/C nor specific legislation prohibiting the practice, and there were no reported incidents of the practice on women over the age of 18.

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 prohibitions against it. The EOC is responsible for investigating allegations of sexual harassment and gender discrimination, a mandate formerly carried out by the NHRC. The number of alleged sexual harassment and gender discrimination cases investigated by the EOC during the year was unavailable at year's end.

Reproductive Rights: The law provides for the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Couples and individuals were able to access contraception and skilled health attendance during pregnancy and childbirth, which were 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 15-49 used a modern method of contraception.

Discrimination: Men and women enjoy the same rights under the constitution and the law. The courts upheld these rights. The Ministry of Gender Equality, Child Development, and Family Welfare has a mandate to promote the rights of women. The government established the National Women Entrepreneur Council, a semiautonomous government body, in 1999 to promote the economic

empowerment of women. It operates under the aegis of the Ministry of Gender Equality, Child Development, and Family Welfare.

Despite legal equality, cultural and societal barriers prevented women from playing a more active role in society (see section 7.d.).

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: Citizenship is derived by birth within the country's territory if one or both parents are Mauritian. Births were registered, and the law provides for late registration. Failure to register births resulted in denial of some public services.

Child Abuse: NGOs asserted that 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 marriage was not a reported problem.

Female Genital Mutilation/Cutting (FGM/C): There is neither a tradition of FGM/C nor specific legislation prohibiting the practice, and there were no reported incidents of the practice on girls.

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 (\$3,170) for each of these offenses. Child prostitution was nonetheless a problem. As of September 1, there were three 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 (\$3,170).

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. Children victimized in prostitution were accompanied to the hospital by a child welfare officer, and police worked in conjunction with these officers to obtain statements from the children.

Institutionalized Children: There were no developments in the April 2013 case in which media reported that two minors with disabilities reported sexual abuse in an NGO-run shelter in 2011.

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 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. The law was not effectively enforced with respect to public conveyances where, for example, heavily used public buses presented particular problems to the physically challenged due to their high steps and narrow doors. Many older buildings also remained inaccessible to persons with disabilities despite a legal requirement all buildings be accessible for persons with disabilities. The Training and Employment of Disabled Persons Board is an advocacy agency promoting participation in the workplace of persons with disabilities and discouraging discrimination against them in either job recruitment or advancement.

The government implemented programs to ensure 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 disabled and elderly persons by providing wheelchairs. Children with physical disabilities attended mainstream schools wherever appropriate facilities existed; however, 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 (called 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 the act of sodomy, however, among both same-sex and heterosexual couples. Sodomy cases that reach the courts almost exclusively involve heterosexual persons, especially as an aggravating factor in divorce cases. The sodomy statute was rarely used against same-sex couples, unless one of the partners cited sodomy in the context of sexual assault.

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

ostracism or, in some cases, fear of reprisal from family members. A 16-year-old committed suicide on January 27 after constant bullying and taunting from classmates due to his sexual orientation.

Following a complaint about the questionnaire used by the Ministry of Health and Quality of Life to prohibit blood donation from LGBT persons, the ministry amended its policy and website in 2013 to indicate individuals who have had same-sex sexual activity could donate blood. The Young Queer Alliance group, however, reported Ministry of Health officials canceled a blood donation event in Rose Hill in November due to the officials' reluctance to collaborate with an LGBT organization.

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

The law provides 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 (PILS) reported continuing problems with breaches of confidentiality regarding HIV/AIDS patients' medical records in public hospitals, including on Rodrigues Island. The NGO also reported HIV/AIDS patients were denied 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 in uncertainty. On October 14, PILS announced a foreign female student faced automatic deportation due to her HIV-positive status, despite assurances from the government that it would not deport foreign students in such circumstances.

## **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 and provides for the right to strike. The law 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 only after meaningful negotiations have occurred and a deadlock between the parties involved has been reached--a process that is not to exceed 90 days unless the parties involved agree. When all these steps are followed and no compromise is reached, 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 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, 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 (\$790) 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, including targeted dissolving of unions and use of excessive force to end strikes or protests.

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 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 40,527 migrant workers in the country, mainly from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar. In addition Malagasy women reportedly transited the country en route to other countries, where they were subjected 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 under 16 years of age and prohibits the 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 (\$320) 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 five 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 or Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, HIV-positive status or having other communicable diseases, or social status. The law affords women broadly defined wage protections and requires equal pay for equal work for both men and women, but it also states women should not be forced to carry loads above certain weight limits. The government did not effectively enforce these laws and regulations.

Nonetheless, 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. There were few decision-making positions in the private sector filled by women, and there were even fewer women sitting on corporate boards. The first female firefighter was not recruited until 2011. 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 who were denied a work permit due to their HIV status.

#### **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 (\$19) per week, while the minimum wage for an unskilled domestic factory worker outside the EOE was approximately 794 rupees (\$25) per week. According to the National Empowerment Fund, the national poverty threshold was a household monthly income level of less than 6,200 rupees (\$200).

The standard legal workweek in the EOE was 45 hours. By law no worker outside the EOE can be forced 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. Those who work more than their stipulated hours must be remunerated 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, workers are not permitted 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. These standards were generally applied to both foreign and domestic 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 that full-time employees in the cleaning industry were not always paid the NRB-recommended minimum wage. Some employees reportedly earned up to 1,500 rupees (\$48) per month, well below the minimum wage for the sector.

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 cases of industrial accidents during the year, including five fatal ones. Major industrial accidents in which workers were injured or killed, however, 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 this situation. Workers exercised this right in practice.