

MAURITIUS 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mauritius is a multiparty democracy 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 2010 elections, judged by international and local observers to be generally free and fair. Security forces reported to civilian authorities.

The most important reported human rights problems were security force abuse of suspects and detainees, arbitrary arrests, and prison overcrowding.

Other reported human rights problems included official corruption, violence and discrimination against women, abuse and sexual exploitation of children, discrimination and abuse based on sexual orientation, discrimination against persons living 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 that 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.

On October 9, police of the Central Investigation Division of Pointe aux Sables arrested and allegedly beat a 16-year-old boy they suspected of theft. Police later allegedly interrogated the minor without the presence of any legal guardian or lawyer.

Police completed its investigation in the case from December 2011 involving the director of the National Security Service (NSS) who allegedly assaulted a motorcyclist with a baton after the official reproached the rider for his dangerous driving. Police referred the case to the Office of the Director of Public Prosecutions. After a crowd gathered in front of the house of the NSS director, two of the motorcyclist's relatives were arrested and brought to court for incitement to rebellion. On January 3 and 6, respectively, police arrested the motorcyclist and four others. Police accused the five of inciting a crowd to rebel against law enforcement but then released them on bail.

Prison and Detention Center Conditions

Prison and detention center conditions did not always meet international standards.

Physical Conditions: The media reported cases of overcrowding and drug abuse in the country's five prisons. As of November 30, the Beau Bassin Central Prison, which has a capacity of 1,064, held 1,933 prisoners, including 152 females and 1,781 males. The juvenile detention facility held 19 convicted boys and 132 were in custody awaiting trial. Authorities held men and women in separate buildings and held pretrial detainees separately from convicted prisoners.

There were no reports generally of threats to life and health or of food shortages, inadequate potable water, poor ventilation, extreme temperature, or lighting problems. The exception was in Beau Bassin Central Prison, where the media reported that lack of hygiene, sanitation, and basic medical care remained problems.

Administration: Recordkeeping on prisoners was adequate. Authorities sometimes used alternatives to incarceration of nonviolent offenders. Prisoners and detainees had access to visitors and religious observance. The country had no ombudsman to serve on behalf of prisoners; however, authorities permitted prisoners and detainees to submit complaints to judicial authorities, such as the National Human Rights Commission (NHRC), 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. Inmates' relatives sometimes turned to private radio stations to denounce hygiene conditions or other problems in the Beau Bassin Central Prison. Prisoners filed 24 complaints of abuse with the NHRC, of which authorities dismissed 17 for lack of substantiation and seven remained under investigation. The media reported that there were no mechanisms for prisoners dissatisfied with their conditions to file complaints through the penitentiary system.

Monitoring: The government permitted prison visits by independent observers, including the press, NHRC, local nongovernmental organizations (NGOs), the UN Office of Drugs and Crime, UNAIDS, and the EU.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always respect this right. For example, on December 18, police arrested Yogida Sawmynaden, a opposition party Militant Socialist Movement (MSM) activist, for allegedly “using a telecommunication service for the purpose of causing needless anxiety to a person” after he took the picture of a Labor Party activist with his mobile phone. He was released on bail on the same day, and the case was dismissed shortly thereafter.

On December 26, police arrested Pravind Jugnauth, leader of the MSM and interrogated him for six hours, following a public statement he made in a press conference on December 22 in which he said that the government was a “pedophile government” for not suspending a teacher suspected of statutory rape of his female student. At year's end police had not informed Jugnauth of the charges against him.

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 and suspects were problems. The Office of the Ombudsperson, the NHRC, and the Police Complaints Bureau are the mechanisms available to investigate security force abuses.

The NHRC investigates allegations of police abuse and may report such cases to the office of the director of public prosecutions. The NHRC received 37 complaints of physical or verbal abuse by police. Of these, 22 complaints were withdrawn or dismissed for lack of evidence, and 15 cases remained under investigation.

Arrest Procedures and Treatment While in Detention

The constitution and law require that arrest warrants be based on sufficient evidence and issued by an 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 of arrest. Police generally respected these rights, although they 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. Those arrested can be detained for up to a week without charge, after which they may bring the issue of bail before a magistrate. Alternatively, if police agree, an arrested individual may be released on bail the day of arrest. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail. Courts accepted bail for most alleged offenses.

A total of 11 male prisoners died of natural causes while in custody; five died of HIV/AIDS-related diseases, and one committed suicide. No female prisoners died while in detention during the year.

Pretrial Detention: Due to a backlogged court system, approximately 49 percent of the prison population was in pretrial detention. Pretrial detainees generally remained in custody for at least two years before they went to trial. In practice judges applied time served in custody 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.

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 defense. The law does not provide for the right to remain silent.

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 court system, 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. The ombudsman has the authority to make recommendations but cannot impose penalties on a government agency. Individuals or organizations can appeal decisions to the United Kingdom's Privy Council, which is the highest court to which the local judicial system has access.

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

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

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, and the government generally respected these rights.

Freedom of Press: The independent media were active and expressed a wide variety of views; however, unlike in previous years, the government did not restrict press freedom. The boycott by government agencies on subscriptions to the newspapers of La Sentinelle Group ended in June when the parties reached an agreement out of court. The government owned the sole domestic television network, 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.

Violence and Harassment: The prime minister regularly warned the press that tougher media laws were being developed, but he did not introduce such legislation.

Publishing Restrictions: The *Satanic Verses* by Salman Rushdie continued to be banned, as it had been since 1989, and officially bookstores did not import the book. Authorities did not fine bookstores for carrying the book during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. According to the International Telecommunications Union, 35 percent of individuals used the Internet in 2011.

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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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.

Protection of Refugees

Access to Asylum: The laws do not 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 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 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

Recent Elections: International and local observers characterized the 2010 National Assembly elections as free and fair. The constitution provides for 62 of the 70 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 system known as the “best loser system” (BLS). In the 2010 legislative elections, the ruling coalition Alliance of the Future (AF), led by the Labor Party, won 41 parliamentary seats; the Alliance of the Heart coalition (AH), led by the Mauritian Militant Movement (MMM), won 18; the Rodrigues Movement won two; and the Mauritian Solidarity Front won one seat. Subsequently, under the BLS, the AF obtained four additional seats, the AH two, and the Rodrigues Peoples Organization obtained one.

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 documented in the 1972 census. There were concerns, however, that since the Muslim community and the General Population increased since the 1972 census, the results no longer reflected the country's demographic composition.

Various political observers stated that the BLS undermined national unity and promoted discrimination. On September 4, the UN Human Rights Committee ruled that the obligation of citizens running for elections to declare their ethnic and religious status represented a breach of Article 25 of the International Covenant on Civil and Political Rights. At year's end, there were no further action by the government to comply with the UN Human Rights Committee ruling.

International election observers of the 2010 legislative elections noted some problems. These included unequal representation because electoral district lines had not been redrawn since 1999, the inability to vote of persons who turned 18 between certain months in 2009 and 2010 due to use of the 2009 voters roll, lack of accommodations for persons with disabilities, and lack of legal provisions for domestic election observers. Various candidates stated that some politicians distributed gifts to their constituents prior to the 2010 election and that some polling materials were not available in Creole, a language spoken by more than 90 percent of the population.

Political Parties: Political parties operated without restriction or outside interference. Opposition parties stated that the government-owned TV station, MBC TV, favored the ruling party. Opposition and MMM leader Paul Berenger stated during the 2012 local government elections that MBC TV provided more airtime and better picture quality to the prime minister than to other politicians.

Participation of Women and Minorities: There were 13 women in the 70-seat National Assembly. Following the August 2011 cabinet reshuffle, there were two female ministers in the 25-member cabinet. Of the 20 Supreme Court judges, eight were women. An amended law increased the number of women running for office in local governments by requiring that at least one candidate of the three running in each ward or village be of a different gender. On average 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 the political system. In the National Assembly, there were 37 Hindus, 20 members of the General Population, 11 Muslims, and two Sino-

Mauritians. In the cabinet, there were 16 Hindus, four Muslims, four members of the general population, and one Sino-Mauritian.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The Independent Commission Against Corruption (ICAC) reported increases in the number of complaints filed alleging corrupt practices. There was a public perception of corruption in the legislative and executive branches. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a problem.

On September 19, a court found Johnson Roussety, a member of the Rodrigues Regional Assembly, guilty of influence peddling for forcing a civil servant to employ 243 workers who allegedly were partisans of his former political party. A court sentenced him to three months' imprisonment. Roussety appealed the judgment.

There were no developments in the January 2011 case wherein opposition MMM party leader Paul Berenger told the media that the government bought a private clinic for 144.7 million rupees (\$4,752,000) that was initially appraised at 75 million rupees (\$2,463,000). Two ministers were shareholders in the private clinic at the time of the sale. A minister and five civil servants were arrested in 2011.

During the year the ICAC registered 153 complaints of corruption against police officers: 71 cases were rejected for irrelevancy, 27 remained under investigation, two were referred to the director of public prosecutions, and 53 were discontinued for lack of substantiation. The Police Complaints Investigation Bureau received three complaints against police officers for corruption, but no officers were suspended for corruption allegations during the year.

Ministers of the national government and commissioners of the Rodrigues Island Regional Assembly are required 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 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 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 that the ombudsman initiate an investigation. As an alternative to filing charges in the court system, the ombudsman makes recommendations to the appropriate government office for responses to injustices committed by a public officer or 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 2008. It is mandated to investigate cases of discrimination and promote equality of opportunity in both the private and public sectors. The EOC was 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, despite increasing criticisms that the commission had been without a chairman for the past two years. The commission did not issue a report during the year.

In 2009 the parliament established an ad hoc Truth and Justice Commission (TJC). The mandate of the TJC was to conduct inquiries into slavery and indentured labor during the colonial period in Mauritius. In 2011 the TJC presented a comprehensive report of its activities and findings based on factual and objective information and evidence.

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.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but 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 (\$6,568). Rape was widespread, and most victims chose not to report or file charges against their attackers due to cultural pressures and fear of retaliation. As of November 30, the police Family Support Bureau had received 46 reports of rape. One person was found guilty of rape during the year.

While the law criminalizes domestic violence, it was a major problem. Domestic violence activists stated that 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 protection orders from the court. As of November 30, more than 5,300 domestic violence cases were reported during the year; no information was available on the number of abusers prosecuted during the year. Penalties for domestic violence that constitutes assault ranged from 10 years' to 20 years' imprisonment and a fine not exceeding 200,000 rupees (\$6,568) depending on the extent of injuries involved. Anyone found guilty of violating a protection order under the Domestic Violence Act may be fined up to 25,000 rupees (\$821) 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: 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. Since April the new EOC is the agency that investigates sexual harassment and gender discrimination matters, a mandate formerly carried out by the NHRC. Between April and October 23, the EOC investigated three cases of sexual harassment and five cases of gender discrimination.

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, 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 attendants during childbirth, which were provided free of charge in government-run hospitals, which also provided free essential obstetric and postpartum care. The maternal mortality ratio was 22 per 100,000 live births, according to a 2010 UNICEF report.

Discrimination: Men and women enjoy the same rights under the constitution and the law, and the courts upheld these rights. The Ministry of Gender Equality, Child Development and Family Welfare is mandated 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.

Cultural and societal barriers prevented women from playing a bigger role in society. For example, the first female firefighter was recruited in 2011. There were few decision-making positions in the private sector filled by women, and there were even fewer women sitting on boards of directors. A large majority of women held unskilled labor jobs.

Women had equal access to education, employment, and government services. Women had equal access to credit and could own or manage businesses. The private sector paid women 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 states that women should not be forced to carry loads above certain weight limits. A law passed during the year requires at least one-third of political party candidates be women in local government elections.

Children

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

Child Abuse: Child abuse was more widespread than the government acknowledged publicly, according to NGOs. The law criminalizes certain acts compromising the health, security, or morality of a child, although the government was unable to enforce complete compliance. 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.

Child Marriage: The minimum legal marriage age for boys and girls is 16, with the parent's consent. Early marriage was not a problem.

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 (\$3,284) for these offences. However, child prostitution was a problem, and the government targeted the practice as a law enforcement and prevention priority. As of November 30, there were no cases prosecuted 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 (\$3,284).

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.

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.

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, including transportation by air or other transportation. However, public buses, a popular means of transportation, presented particular problems due to high steps and narrow doors. 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 to persons with disabilities, making it difficult for organizations in those buildings to hire many persons with disabilities. The law requires organizations employing more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities, but the government was not always effective in enforcing this law. The 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 did not restrict the right of persons with disabilities to vote or participate in civic activities. Unlike in previous elections, the government made provisions to render polling stations more accessible to disabled and elderly persons by providing wheelchairs. Children with disabilities attended specialized schools.

National/Racial/Ethnic Minorities

Pervasive poverty continued to be more prevalent among the Creole community than in any other community, leading many Creole leaders to claim a national bias. Creoles are people of African descent, who according to the constitution are classified under the General Population category. On August 8, Senior Editor Darlmah Naeck published an opinion piece titled “Why Creoles are Problematic” in *Le Defi*. Various Creole opinion leaders denounced the article as being derogatory and biased. Naeck was dismissed from the newspaper.

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

The law does not specifically criminalize consensual same-sex sexual activity. It does criminalize the act of sodomy, and this prohibition is equally applied to same-sex and heterosexual couples.

Sodomy cases that reach the courts almost exclusively involve heterosexual persons, especially in divorce cases. The sodomy statute rarely is used against same-sex couples, unless one of the partners claims sexual assault, including sodomy.

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; however, victims generally refused to file complaints with police for fear of reprisal from family members.

During the year the EOC investigated a case of discrimination based on sexual orientation where it found that a questionnaire used by a local NGO for screening blood donors discriminates against LGBT persons. Both the NGO and the plaintiff agreed to review the questionnaire. Similarly, the Ministry of Health and Quality of Life agreed to review the wording used on its Web site to eliminate derogatory text towards LGBT persons. There was no other report of discrimination in employment, occupation, housing, statelessness, or access to education or health care.

Other Societal Violence or Discrimination

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

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

In 2011 local NGO PILS recorded three cases of discrimination against HIV/AIDS patients and their relatives. PILS also reported that breaches of confidentiality regarding HIV/AIDS patients' medical records in public hospitals, including Rodrigues Island, remained a problem.

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 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. 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 were followed and no compromise found, the workers may call a strike. 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. 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 workers in the EOE.

The government effectively enforced applicable laws, and there were few delays in procedures and appeals.

Freedom of association and the right to collective bargaining were generally respected in practice, 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 all forms of forced or compulsory labor, including by children.

Although there were no confirmed cases of forced labor during the year, some migrant workers reported passport confiscation, underpayment of wages, substandard living conditions, and threats of deportation. In July 2011 maritime authorities intercepted a Thai-flagged fishing vessel and rescued 24 Cambodian males, including one child, who claimed to be working in conditions of forced labor. Although the government did not designate the 24 Cambodians as victims of human trafficking or offer them shelter, it facilitated the International Organization for Migration's interviewing of the victims, and the immigration office provided the victims assistance at the airport when they were repatriated to Cambodia in the November 2011. In addition, Malagasy women reportedly transit the country en route to other countries where they were subjected to conditions of forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. 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. The penalties for employing a child are a fine of no more than 10,000 rupees (\$328) 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 52 labor and industrial relations officers to investigate all reports of labor abuses, including those of child labor.

The ministry developed vocational training programs to prevent employment of underage children and conducted programs to identify and integrate street children in its vocational training program.

As of November 30, the ministry did not find any cases of child labor; however, child labor occurred. Children worked in the informal sector, including as street traders, in small businesses, in restaurants, in agriculture, and in small apparel workshops.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. 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 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. According to the National Empowerment Fund, a combined monthly income level of 6,200 rupees (\$203) represents the minimum poverty income level.

The standard legal workweek in the EOE was 45 hours. By law no worker can be forced to work more than eight hours a day, six days a week. According to the 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 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. The law requires that the ministry investigate cases of overtime violations. If an employer fails to take action to address the violations (e.g. 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 of the EOE. The law provides for a standard workweek and paid annual holidays, requires premium pay for overtime, and prohibits compulsory overtime. All workers outside the EOE are covered by these laws.

The government set occupational safety and health standards, and workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment. Ministry of Labor, Industrial Relations and Employment officials inspected working conditions. The ministry effectively enforced the minimum wage law. These standards were generally enforced for both foreign and domestic workers. However, the inadequate number of inspectors 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 per month (\$49).

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. In practice, workers exercised the right to remove themselves from dangerous situations without jeopardizing their employment.

During the year there were nine workplace fatalities. Major industrial accidents in which workers were injured or killed occurred mainly in the construction and manufacturing sectors.