

MAURITIUS 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mauritius is a multi-party 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. Authorities maintained effective control over the security forces. Security forces committed some human rights abuses.

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 or gender identity, discrimination against persons with HIV/AIDS, restrictions on labor rights, anti-union 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 November 21, for example, two Somali detainees

accused of piracy on the high seas claimed before a magistrate that two prison guards had assaulted them en route to court. The detainees alleged this had happened numerous times and they could identify the prison guards involved.

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 five prisons. The nation's largest penal facility, the Beau Bassin Central Prison, has a capacity of 1,064 but held 1,346 prisoners (including 139 females) on September 1. Authorities held men and women in separate buildings and held pretrial detainees separately from convicted prisoners. A separate juvenile detention facility held seven convicted boys.

The media reported that 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.

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 inhumane 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. Inmates' relatives sometimes turned to private radio stations to denounce hygiene conditions or other problems in the Beau Bassin Central Prison. Prisoners filed 27 complaints of abuse with the NHRC during the year, of which authorities dismissed 17 for lack of evidence while continuing to investigate ten. The media reported there were no mechanisms for prisoners dissatisfied with their conditions to file administrative complaints through the penitentiary system.

Independent Monitoring: The government permitted prison visits by independent observers, including the press, the NHRC, local nongovernmental organizations

(NGOs), the UN Office of Drugs and Crime, the Joint UN Programme on HIV/AIDS (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 these rights. On April 26, for example, police allegedly beat a man after the latter questioned the reason he was being searched. Police later detained the man for a few hours at the Rose Hill police station and released him without charge. On April 29, the victim filed a complaint with the Police Complaints Investigation Bureau, and the investigation continued at year's end.

Police arbitrarily arrested but ultimately did not charge Pravind Jugnauth in connection with a December 2012 incident wherein Jugnauth accused the government of being a "pedophile government" for not suspending an individual close to a cabinet minister. That individual is suspected in the statutory rape of one of his students and an investigation continued at year's end. On January 13, the Office of the Director of Public Prosecutions (DPP) dropped its case against Yogida Sawmynaden, a Mouvement Socialiste Militant (MSM) activist who was also arbitrarily arrested and investigated for taking pictures of an individual close to the prime minister. The DPP found no evidence that Sawmynaden transmitted the photographs from his mobile phone to "cause needless anxiety to a person," and thus he was not charged with an offense. While interrogated at length, police did not formally detain either Jugnauth or Sawmynaden.

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. An independent ombudsman appointed by the president in consultation with the prime minister and leader of the opposition, and the NHRC are empowered to investigate security force abuses. The government disbanded the Police Complaints Investigation Bureau on October 4, and complaints against police officers could be filed at any police station.

The NHRC investigates allegations of police abuse and may refer such cases to the director of public prosecutions. The NHRC received 128 complaints of physical or verbal abuse by police. Of these, 35 complaints were withdrawn or dismissed for lack of evidence, and 93 cases involving assault and verbal abuse remained under investigation.

Arrest Procedures and Treatment of Detainees

The constitution and law require that 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 that 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 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. 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, a total of four male prisoners had died of natural causes while in custody, and three had died of HIV/AIDS-related diseases during the year. There were no cases of prisoners who committed suicide. 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 49 percent of the prison population was in pretrial detention. Pretrial detainees typically remained in custody for at least two years before they went 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. Individuals or organizations can appeal decisions to the United Kingdom's Privy Council, which is the highest court of appeal, after all local appeals have been exhausted.

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

The constitution prohibits such actions, but the government did not always respect these prohibitions in practice. 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 of the 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 October 1, police searched the office and residence of a journalist after a director of the Tertiary Education Commission filed a complaint for “false news.” The journalist was not arrested, and the investigation continued at year’s end. On November 14, police arrested Nitin Chinien, a singer and former MBC radio host, for allegedly threatening the prime minister and for violating the Information and Communications Technologies Authority Act when he posted a video online in which he denounced his employment conditions. Police detained Chinien in a high security prison but released him on bail December 6.

The boycott by government agencies of subscriptions to newspapers of La Sentinelle Group continued despite an out-of-court agreement reached by the parties in June 2012.

The government owns the sole domestic television network, MBC TV, and opposition parties and media commentators regularly criticized the station for its pro-government 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 are a deterrent to the establishment of independent television stations.

Censorship or Content Restrictions: Members of the press complained of censorship by the judiciary and harassment by police on political grounds. The two main press groups, Le Mauricien Ltd. and La Sentinelle Ltd., were subject to a judicial gag order following their coverage of a 2012 incident involving an individual close to the prime minister whose photograph was taken by an MSM 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. There were no reports that authorities fined 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, 41 percent of individuals 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 freedom of assembly and association; however, the government did not always respect these rights. On May 13, for example, police arrested four social workers who were protesting poor infrastructure conditions on the highway. They were detained for five hours without being given the opportunity to contact a lawyer. Police released them the same day, and an investigation was pending at year's end.

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. 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 and law provide citizens with the right to change their government peacefully, and citizens exercised this right 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 up to 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 seats, the Rodrigues Movement won two seats, and the Mauritian Solidarity Front won one seat. Under the BLS, the AF obtained four additional seats, the AH two, and the Rodrigues Peoples Organization one.

The constitution requires all candidates to declare themselves as belonging to one of 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 had grown relative to other groups since the 1972 census, the BLS no longer ensured accurate and proportional demographic representation.

Various political observers stated that the BLS undermined national unity and promoted discrimination. In September 2012 the UN Human Rights Committee

(UNHRC) ruled a requirement that citizens running for election 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 the government had not revised its laws to comport with the UNHRC ruling.

International observers of the 2010 legislative elections noted some problems. These included unequal representation because electoral district lines had not been redrawn to reflect population changes since 1999, the disenfranchisement of persons who turned 18 (the legal voting age) in months preceding the 2010 elections 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 candidates distributed gifts to their constituents prior to the 2010 elections 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 69-seat National Assembly and two female ministers in the 24-member cabinet. Of the 20 Supreme Court judges, eight 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. 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 participation in the political system. In the National Assembly, there were 36 Hindus, 11 Muslims, two Sino-Mauritians, and 20 members belonging to the General Population group as defined by the constitution. There were 14 Hindus, four 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: During the year the Independent Commission Against Corruption (ICAC) registered 84 complaints of corruption against police officers. Of these, 37 remained under investigation, including mostly bribery cases. The remainder were dismissed as groundless or discontinued for lack of evidence. The Police Complaints Investigation Bureau was disbanded on October 4; however, all corruption complaints against police officers could be filed at ICAC. Only six officers were suspended for corruption allegations during the year.

Whistleblower Protection: The law provides for the protection of informers in corruption cases. All information pertaining to their identity is kept secret.

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 did not enforce the law.

Public Access to Information: There is no law that 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 that 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 Opportunity 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 National Human Rights Commission (NHRC), an independent parastatal organization, enjoyed the government's cooperation and operated without government or party interference. The NHRC had adequate resources, despite increasing criticism that the commission had been without a chairman for the past three years. 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.

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 (\$6,667). Rape was widespread, but most victims chose not to report or file charges against their attackers due to cultural pressures and fear of retaliation. As of September 1, the police Family Support Bureau had received 39 reports of rape. Six persons were found guilty of rape during the year.

While the law criminalizes domestic violence, 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 protection orders from a court. As of September 1, more than 5,900 domestic violence cases were reported and most of these cases were prosecuted, but firm figures on the number of

prosecutions were unavailable during the year. Crimes including assault, such as aggravated assault, threats, and blows are prosecuted under the Criminal Code, but law enforcement recordkeeping does not always indicate whether they are linked to domestic violence. The law provides for both protection and occupancy and tenancy orders, as well as counseling for the abuser. Penalties for domestic violence amounting to an assault ranged from 10 years' to 20 years' imprisonment and a fine not exceeding 200,000 rupees (\$6,667) 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 (\$833) or imprisoned for up to two years. The local NGO SOS Femmes reported women often remained in abusive situations for fear of losing financial support and, as a result, few filed complaints against their abusers. The Ministry of Gender Equality, Child Development, and Family Welfare maintained an abuse hotline and a website on legal protections for victims.

Sexual Harassment: The law prohibits sexual harassment, which is punishable by up to two years' imprisonment. Sexual harassment was a problem, however, and the government was not effective at enforcing prohibitions against it. The EOC is responsible for investigating allegations of sexual harassment and gender discrimination, a mandate formerly carried out by the NHRC. Statistics on the number of EOC investigations of alleged sexual harassment and gender discrimination were 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, 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 together with free essential obstetric and postpartum care. According to the UN Population Fund (UNFPA), 39 percent of girls and women ages 15-49 used a modern method of contraception.

A 2012 World Health Organization report estimated the maternal mortality ratio at 60 deaths per 100,000 live births.

Discrimination: Men and women enjoy the same rights under the constitution and the law, including under family law, labor law, property law, and inheritance law. 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.

Despite legal equality, cultural and societal barriers prevented women from playing a more active role in society. For example, the first female firefighter was not recruited until 2011. There were few decision-making positions in the private sector filled by women, and there were even fewer women sitting on corporate boards. A large majority of women held unskilled labor jobs.

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 requires equal pay for equal work; however, 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 as well as 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.

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 said 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.

Forced and Early Marriage: The minimum legal marriage age for boys and girls is 16 with the parent's consent. Forced or 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 (\$3,333) for each of these offences. Child prostitution was a problem, however, and the government targeted the practice as a law enforcement and prevention priority. As of September 1, there were two 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 (\$3,333).

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.

Institutionalized Children: On April 10, the media reported a 2011 case wherein two minors with disabilities reported sexual abuse in an NGO-run shelter. The case remained under investigation at year's end. At the time of denunciation, the children were living in government-run shelters.

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 http://travel.state.gov/abduction/country/country_6004.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.

Persons with Disabilities

The law prohibits discrimination in employment, 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 is 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. Enforcement of the law was deficient also since many older buildings remained inaccessible to persons with disabilities despite a legal requirement that 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 people with disabilities, and discouraging discrimination against them in either job recruitment or advancement.

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 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. Many Creole leaders claimed there was discrimination in the employment of Creoles in the public service.

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 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 rarely was 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.

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 to indicate that individuals who have had same-sex sexual activity could now donate blood.

Other Societal Violence or Discrimination

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

Local NGO Prevention Information Lutte contre le Sida (PILS) recorded two cases during the year of discrimination against HIV/AIDS patients and their relatives involving foreign workers who were denied a work permit due to their HIV status. PILS also reported that breaches of confidentiality regarding HIV/AIDS patients' medical records in public hospitals, including on Rodrigues Island, remained a problem. The NGO also reported that HIV/AIDS patients have been denied social aid due to the absence of appropriate referral doctors at the medical board of the Ministry of Health and Quality of Life, thus forcing HIV/AIDS patients to live in uncertainty.

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 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 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 all workers, with exceptions in the EOE pertaining to overtime.

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

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. However, a provision of the Merchant Shipping Act, No. 26 of 2007 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 during the year (See Section 7c). However, data on the number of victims removed from forced labor and/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 37,000 migrant workers, 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.

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 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 (\$333) 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, including four 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, the 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/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

In the private sector, the NRB sets minimum wages for non-managerial 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 (\$207) represents the minimum poverty income level.

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 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. 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 that the employee works in excess of the stipulated hours without added remuneration if the number

of hours covered in a fortnight does not exceed 90 hours, or such lesser number of hours as agreed by both parties.

The government sets occupational safety and health standards, and workers have 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 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 (\$50) 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. Workers exercised the right to remove themselves from dangerous situations without jeopardizing their employment.

Statistics on workplace fatalities were unavailable at year's end. Major industrial accidents in which workers were injured or killed, however, have historically occurred mainly in the construction and manufacturing sectors.