

MAURITIUS (2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2018 AR: The following organisations were consulted: Business Mauritius, National Trade Union Confederation, Confédération Syndicale de Gauche – Solidarité, Congress of Independent Trade Unions, Confederation of Free Trade Union, Mauritius Labour Congress, Mauritius Trade Union Congress, Confédération des Travailleurs du Secteur Publique et Privé, Trade Unions Consultative Congress, All Employees Confederation, Confederation of General Trade Union. Written consultations were held with the employers' and workers' organizations whereby they were requested to submit their inputs to the questionnaire as appropriate.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	Yes.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Mauritius has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	<p>2018 AR: There is no national policy and/or plan of action for the suppression of forced or compulsory labour but a plan of action for combatting trafficking in persons for the purposes of forced or compulsory labour does exist.</p>	
	Measures taken or envisaged for systematic and coordinated action	<p>2018 AR: The Government has set up a Steering Committee, to deal with the issue of Trafficking in Persons, which comprises representatives from the Attorney General's Office, Ministry of Justice, Human Rights and Institutional Reforms, Ministry of Foreign Affairs, Regional Integration and International Trade, Ministry of Labour, Industrial Relations, Employment and Training, Ministry of Gender Equality, Child Development and Family Welfare, International Organisation for Migration, Mauritius Police Force, Passport and Immigration Office. It further reports that the functions of the Steering Committee are as follows:</p> <ul style="list-style-type: none"> (i) to formulate government policy on all aspects of prevention and suppression of human trafficking; (ii) to coordinate with relevant authorities to create public awareness in combating human trafficking; (iii) to work in coordination with regional and international organisations and NGOs to combat human trafficking; (iv) to provide necessary assistance, advise and work in cooperation with NGOs and other stakeholders; and (v) to monitor and plan different programs implemented to combat human trafficking. 	
	Measures taken or envisaged to prevent forms of forced labour	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers:</i> the Police aim at reducing vulnerability and sensitize members of the public through awareness-raising campaigns/programmes, lectures/workshops with community and students and media; Worker's education sessions are being carried out at workplaces; b) <i>Strengthening and broadening of the coverage of legislation, particularly</i></p>	

		<p><i>labour law:</i> according to the Government, section 6 of the Constitution provides, inter alia, that no person shall be held in slavery or servitude and no person shall be required to perform forced labour. Section 7 protects from inhuman treatment. The “Combating of Trafficking in Persons Act, 2009” inter alia, i) prevents and combats trafficking in persons, ii) protects and assists victims of such trafficking, including non-citizens, and iii) caters for trafficking in persons for the purposes of forced labour. The Special Migrant Workers’ Unit (SMWU) of the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET) ensures that the fundamental and legal rights of migrant workers are fully respected in line with the following legislation: (i) The Employment Rights Act 2008 and (ii) The Employment Relations Act 2008. The Government further reports that one of the requirements for the recruitment of migrant workers is that they should at least be 20 years age. Prior to their coming into Mauritius and submission of their application for a work permit their Contract of employment should be vetted by the SMWU; c) <i>Regulation and supervision of the labour recruitment and placement process:</i> the Government indicates that the current legislative framework aims at eliminating the risks of trafficking in persons. Currently, the employment of migrant workers is governed by the Non-Citizens (Employment Restriction) Act, the Non-Citizens (Work Permit) (Fees) Regulation 2013 and the Employment (Non-Citizens) (Restriction) Regulation 1973. The Recruitment of Workers Act 1993 regulates the recruitment of Mauritians for employment abroad. In line with the Recruitment of Workers Act 1993, the MLIRET regulates the operation of agents for the recruitment of i) Mauritian workers on the local market, ii) Mauritian workers to work abroad and iii) Non-citizens in Mauritius. The Government adds that upon receipt of new applications for recruitment license, the Employment Service of MLIRET conducts site visits. The followings are looked into i) the Location of the office to ascertain that the company has the necessary infrastructure and equipment; ii) the educational level of the person being involved to ensure that recruitment activities are carried out in a professional manner, iii) certificates of character of the persons, involved in the recruitment activities, and iv) for Mauritian workers employed on cruise ships, a maritime labour convention certificate (MLC) is issued to the recruitment agent. The Government further reports that in line with the current regulation, recruitment agencies are requested to submit quarterly returns on placement made in Mauritius regarding the citizens of Mauritius, returns of placements made abroad of citizens of Mauritius and returns of particulars of non-citizens in employment in Mauritius; d) <i>Supporting due diligence by the public and private sectors:</i> according to the Government, the Police Crimestoppers’ Scheme was set up, to provide free, anonymous, telephone access. Hotline 148 has been set up too; e) <i>Promotion of safe and regular migration:</i> the Government reports that bilateral agreements exist between Mauritius and countries such as France, Italy, Qatar, UAE and the Republic of Seychelles with a view to regulating labour mobility and encouraging placement of Mauritian workers abroad, and that other bilateral agreements with the Republic of Botswana, Zambia and the Kingdom of Lesotho are under consideration. Bilateral Labour Service Cooperation with the Republic of China also exists. These measures have been taken in order to protect Mauritian workers as well as migrant workers against the risks of labour exploitation and trafficking; f) <i>Capacity building for the competent authorities:</i> according to the Government, four Officers of the SMWU have followed an intensive two-week’s training on “trafficking in persons”, at the International Law Enforcement Academy (ILEA) in 2016 and 2017 in Gaborone, Botswana. The course was held with the cooperation of the International Office for Migration and was conducted by Mr Paul Holmes, world renowned expert on human trafficking. The officers had the opportunity to carry in-house training with the technical cadre of MLIRET icw TIP and Child labour for year 2017; g) <i>Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations:</i> the Government indicates that migrant workers have the same rights as their local counterpart to form or join a trade union of their own choice as well as to take part in the activities of a trade union of which he is a member. Section 31 of the said Act protects against discrimination and victimisation and provides that any contravention of the provisions laid down therein constitutes an offence, which on conviction, may entail a fine not exceeding 100,000 rupees. Also, according to section</p>
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	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2018 AR: The Government following measures have been take or envisaged: a) <i>Training of relevant actors for identification of forced labour practices</i>; b) <i>Legal protection of victims</i>: the Government reports that the Child Protection Act 1994 under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) makes provision for all cases of child trafficking, abandonment and abduction. The Act provides that any person who wilfully and unlawfully recruits, transports, transfers, harbours or receives a child for the purpose of exploitation (the definition of which includes forced labour), in and outside Mauritius, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 30 years; c) <i>Material assistance for victims</i>: section 16(a) and (c) of the Combating of Trafficking in Persons Act; d) <i>Medical and psychological assistance for victims</i>: section 16(1)(b) of the Combating of Trafficking in Persons Act; e) <i>Appropriate accommodation</i>: a Residential Care/ Drop-in Centre for Children Victims of CSEC set up by Government in September 2014 for the protection, recovery, rehabilitation and reintegration of victims; f) <i>Specific measures for children</i>: the Brigade pour la Protection des Mineurs also assists with the identification of victims of CSEC/Child trafficking. Officers of the Brigade inspect such places like game houses, guest houses, hotels, discotheques and investigating in suspected/alleged cases of CSEC; and g) <i>Specific measures for migrants</i>: regular inspections and enquiries are carried out at workplaces by Officers of the SMWU of the MLIRET to ensure that terms and conditions of employment of migrant workers are being complied. The Government further reports that it responds promptly to all complaints coming from expatriate workers.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2018 AR: The following measures have been take or envisaged: a) <i>Information and counselling for victims regarding their rights</i>: worker's education sessions are being carried out at workplaces; b) <i>Free legal assistance</i>: the services of the SMWU and other institutions mentioned above are free from payment of any fee; the Legal Aid And Legal Assistance Act 1973 makes provision for free legal assistance.; c) <i>Cost-free proceedings</i>: the Ministry provide free service in assisting the workers; the Legal Aid And Legal Assistance Act 1973 makes provision for cost-free proceedings; d) <i>Access to remedies and compensation</i>: section 16 of the Combating of Trafficking in Persons Act caters for the issue of compensation to victims of trafficking; and e) <i>Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges</i>: capacity building for Police Officers: according to the Government, since 2015 to-date (30.09.2018), 2884 Police Officers have undergone training in integrated approaches (with other Ministries, NGOs, etc.) of detecting, investigation and prosecuting trafficking in persons and other related offences.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2018 AR: The Government cooperates with other member States and that bilateral agreements exist between Mauritius and other countries for the purpose of safe and regular migration.</p>

	Promotional activities	
	Special initiatives/Progress	
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations
		Workers' organizations
	According to the Government	<p>2018 AR: The Government identifies the following difficulties: a) <i>Shortcomings in the legislative framework:</i> no specific provision exists in the law to ensure that victims of forced or compulsory labour are not prosecuted and penalties imposed on them, for their involvement in unlawful activities which they have been compelled to commit; b) <i>Challenges linked to the labour recruitment and placement process:</i> the Government reports that granting of permanent residence permits and access to the labour market to migrant workers subjected to forced labour does not form part of its policy. It adds that measures have to be reinforced with regard to cooperation among member countries to ensure the prevention and elimination of all forms of forced or compulsory labour, and that ensuring proper implementation and alignment with other policies is necessary; and c) Challenges linked to migration policies:</p>
TECHNICAL COOPERATION NEEDS	Request	<p>2018 AR: The Government indicates that there is no need for technical cooperation.</p>
	Offer	