

MAURITIUS

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 May 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 violence and discrimination against women.

Other reported human rights problems included security force abuse of suspects and detainees, prison overcrowding, official corruption, abuse and sexual exploitation of children, discrimination against persons living with HIV/AIDS, discrimination and abuse based on sexual orientation, 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, impunity at times 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 December 30, the Director of the National Security Service allegedly assaulted a motorcyclist with a baton after the official reproached

the rider for his dangerous driving. Two of the motorcyclist's relatives were arrested and brought to court for incitement to rebellion after a crowd gathered in front of the police officer's house. The investigation regarding the initial incident was ongoing at year's end, and the senior police officer was not arrested or suspended.

An investigation continued in the 2010 case involving a motorcyclist and six plainclothes police officers. According to media reports, motorcyclist Wesley Agathe narrowly avoided hitting a plainclothes police officer, who allegedly had been pushed in front of Agathe's bike by five other plainclothes officers. Agathe stopped his motorbike to reproach the six plainclothes officers for the near collision and reported the incident to uniformed police officers who drove towards him. During the incident one of the six plainclothes police officers accused Agathe of stealing a mobile phone and 7,000 rupees (\$242). The six plainclothes officers took Agathe to the Pamplemousses police station, and in view of two uniformed police officers, beat Agathe so severely that he lost consciousness and sustained bruises on his face and neck. Agathe subsequently was released without charge. The police officers involved in the beating retained their positions pending an investigation.

There were no developments in the June 2010 incident in which some of the 34 inmates who escaped from Grand River North West Prison were observed with bruises and facial swelling after they were recaptured and transferred to the Beau Bassin Central Prison. A detainee's relative reported that prison guards had beaten some of the inmates.

Prison and Detention Center Conditions

The media reported cases of overcrowding and drug abuse in the country's five prisons. Prisoners did not file complaints of abuse with the National Human Rights Commission (NHRC). There were no reports of threats to life and health; food shortages; inadequate potable water, ventilation, temperature, or lighting problems; however, hygiene, sanitation, and basic medical care remained a problem.

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

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

The government permitted prison visits by independent observers, including the press, the NHRC, local nongovernmental organizations (NGOs), and the UN. The country had no ombudsman to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders; circumstances of confinement for juvenile offenders; or improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The police force is headed by a police commissioner who has authority over all police and other security forces, including the Coast Guard and Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. The police commissioner reports directly to the Prime Minister's Office. Police corruption and abuse of detainees 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 had received 26 complaints of physical or verbal abuse by police: nine complaints were withdrawn or dismissed for lack of evidence, and 17 cases remained under investigation.

Arrest Procedures and Treatment While in Detention

The constitution and law require that arrest warrants be based on sufficient evidence and issued by a duly authorized official and that the accused be read his

or her rights, including the right to remain silent and the right to an attorney. The law requires that suspects be brought before the local district magistrate within 48 hours. Police generally respected these rights, although police sometimes delayed suspects' access to defense counsel. Detainees generally had prompt access to family members, although minors and those who did not know their rights were less likely to be provided such access. A suspect can be detained for up to a week, after which the person may bring the issue of bail before a magistrate. Alternatively, if police agree with the accused, that person may be released on bail the same day as the 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.

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

e. Denial of Fair Public Trial

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

Trial Procedures

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. The law provides access to a court to bring lawsuits seeking damages for human rights violations. The constitution provides for an ombudsman to investigate complaints from the public and members of parliament against government institutions and to seek redress for injustices committed by a public officer or authority in official duties as an alternative to the court system. The ombudsman has the authority to make recommendations but cannot impose penalties on a government agency.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Speech: Individuals could criticize the government publicly or privately without reprisal.

Freedom of Press: The independent media were active and expressed a wide variety of views, although the government at times restricted press freedom. 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.

The boycott by government agencies on subscriptions to the newspapers of La Sentinelle Group was still ongoing at year's end.

Violence and Harassment: The prime minister regularly warned the press about tougher media laws that were being developed, although no such legislation was introduced during the year.

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; however, 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.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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 in practice.

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

Protection of Refugees

The 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 has not expelled or returned refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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 May 2010 National Assembly elections as free and fair. The constitution provides for 62 National Assembly seats to be filled by election. It also provides for the Electoral Supervisory Commission to allocate up to eight additional seats to unsuccessful candidates from minority communities through a system known as the “best loser system” (BLS). In the May 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 (MR) 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 found in the 1972 census. However, there were concerns the 1972 census results no longer reflected the country’s demographic composition. Various political observers stated that the BLS undermined national unity and promoted discrimination. At year’s end, there were active public discussions of legislative modifications to, or elimination of, the BLS.

International election observers noted some problems including unequal representation due to electoral constituencies not being redrawn, the inability of persons who turned 18 between January 2009 and May 2010 to vote due to use of the 2009 voters roll, lack of accommodations for persons with disabilities, and lack of legal provisions to provide for domestic election observers. Also various candidates stated that some politicians distributed gifts in their constituencies prior to the May 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 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 that MBC TV provided more airtime to and better picture quality of the prime minister.

Participation of Women and Minorities: There were 13 women in the 70-seat National Assembly. Following the May 2010 National Assembly elections, there were two female ministers in the 25-member cabinet. Of the 20 Supreme Court judges, eight 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-Mauritian. In the cabinet there were 17 Hindus, four Muslims, four members of the general population, and one Sino-Mauritian.

Section 4. Official Corruption and Government Transparency

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

On January 6, opposition MMM party leader Paul Berenger told the media that the government bought a private clinic for 144.7 million rupees (\$5,006,920) that was initially appraised at 75 million rupees (\$2,595,160). Two ministers were shareholders in the private clinic when it was sold. A minister and five civil servants were arrested, and an investigation continued at year's end.

There were no developments in the December 2010 case in which police arrested Johnson Roussety, the leader of the Rodrigues Regional Assembly and an MR

member , for influence peddling in forcing a civil servant to employ 200 workers who were allegedly MR partisans.

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

ICAC continued to investigate the following 2009 cases: the District Council of Pamplémousses-Rivière du Rempart overpayment for a cleaning contract, and bribery by the then director of the National Art Gallery.

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 were often cooperative and responsive to their views.

UN and Other International Bodies: The government cooperated with international organizations and permitted visits by UN representatives and other international organizations.

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. The

ombudsman makes recommendations to the appropriate government office for injustices committed by a public officer or authority carrying out official duties as an alternative to filing charges in the court system.

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

In 2009 the Parliament established the Truth and Justice Commission (TJC). The mandate of the TJC is to conduct inquiries into slavery and indentured labor during the colonial period in Mauritius. On November 25, 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, political opinion, color, gender, disability, or language. 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. 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. The penalty for rape is 20 years' imprisonment, with a fine not exceeding 200,000 rupees (\$6,920). As of November 2010, the police Family Support Bureau had received six reports of rape; 2010 statistics on prosecutions of rape were not yet available. However, rape was widespread, and most victims chose not to report or file charges against their attackers due to cultural pressures and fear of retaliation.

The law criminalizes domestic violence; however, it was a major problem. Domestic violence activists stated that police did not effectively enforce the law. As of August 2010, more than 1,600 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 (\$6,920) 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 (\$865) 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. During 2010 the Sex Discrimination Division of the NHRC received 20 complaints; two involved sex discrimination, four involved sexual harassment, and 14 involved moral harassment, a term which refers to nonsexual harassment. At year's end four cases remained under investigation, authorities dismissed three for lack of evidence, plaintiffs withdrew one case, five cases were referred to other authorities for appropriate action, and the commission completed seven investigations.

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 attendance during childbirth, which was 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. Women were equally treated for sexually transmitted infections.

Discrimination: Men and women enjoy the same rights under the constitution and the law, and these rights were upheld before the courts. The Ministry of Gender Equality, Child Development and Family Welfare is mandated to promote the rights of women. The National Women Entrepreneur Council, a semiautonomous government body, was set up in 1999 to promote the economic empowerment of women, and operates under the aegis of the Ministry of Gender Equality.

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

However, women had equal access to education, employment, and government services. Women had equal access to credit and could own or manage businesses; however, in the private sector, women were paid less than men for substantially similar work. The law criminalizes the abandonment of one's family or pregnant spouse for more than two months and the nonpayment of court-ordered food support. The law affords women broadly defined wage protections, and authorities generally respected the law in practice. The law 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. Births were registered, and the law provides for late registration. Failure to register births resulted in denial of some public services.

Education: The law requires that children attend school until the age of 16, and tuition-free public education is available through the secondary level. Books and uniforms were required and provided.

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 conducted public education programs on the sexual abuse of minors.

The media reported that a seven-year-old girl, Patricia Martin, was found dead in Richelieu on September 13. The post mortem examination revealed that she was raped and burned alive. Police arrested her uncle, Marie Jose Tristan Casimir, on the same day. He remained in police detention pending trial at year's end.

Sexual Exploitation of Children: Child prostitution was a problem, and the government targeted the practice as a law enforcement and prevention priority. The law prohibits child prostitution and child pornography and provides for a maximum penalty of 15 years' imprisonment for child trafficking. The minimum age for consensual sex is 16 years. Any person found guilty of statutory rape may

face a sentence of up to 20 years' imprisonment and a fine not exceeding 100,000 rupees (\$3,460).

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, and the Training and Employment of Disabled Persons Board effectively enforced it. 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, and the government enforced this law. The government effectively implemented programs to ensure that persons with disabilities had access to information and communications. The state-run television station aired a weekly news program for persons with disabilities. The government does not restrict the right of persons with disabilities to vote or participate in civic activities; however, during the May 2010 legislative elections, private radio stations reported that a few persons with disabilities were not able to vote because the polling stations were not accessible.

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

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

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

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

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

Other Societal Violence or Discrimination

The law provides that persons living with HIV/AIDS 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 HIV-positive detainees at the Central Prison were forced to wear yellow badges so that they could easily be identified during routine medical checkups.

During the year 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; however, it also establishes a required process for declaring a legal strike. This process calls for labor disputes to be reported to the Commission for Conciliation and Mediation only after meaningful negotiations have occurred and a deadlock has been reached between the parties involved, a process that is not to exceed 90 days unless the parties involved agree. 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 resort to the Industrial Relations Court to seek redress.

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

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 in practice. 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.

On December 7, former trade unionist Rehana Ameer of the Mauritius Broadcasting Corporation (MBC) was reinstated. In August 2010, the governmental MBC had suspended her for allegedly sending an anonymous letter to MBC employees criticizing management practices. MBC dismissed Ameer in December 2010 for allegedly authoring the letter and for speaking to the media about her suspension. Ameer claimed that she was suspended as a result of her trade union activities. Since 2008 four MBC trade union activists were suspended or dismissed.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. There were no reports of forced child labor during the reporting period.

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. According to the law, the penalties for employing a child are a fine of no more than 10,000 rupees (\$346) and imprisonment not to exceed one year.

While the government generally respected this law, it did not effectively enforce this law.

The ministry is responsible for the enforcement of child labor laws and conducted frequent inspections; however, it employed only 45 inspectors to investigate all reports of labor abuses, including those of child labor. There were no statistics on the number of child labor cases fined during the reporting period.

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.

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 (\$21) per week, while the minimum wage for an unskilled domestic factory worker outside the EOE was approximately 794 rupees (\$27) per week.

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. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary. For industrial positions, workers are not permitted to work more than 10 hours a day. If the worker has worked until or past 10 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. The law provides that, in cases of overtime violations, the ministry is required to investigate, and employers are encouraged to take remedial actions, failing which a court action is initiated.

The government set occupational safety and health standards, and Ministry of Labor 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.

Although the minimum wage did not provide a decent standard of living for a worker and family, the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. There were reports that full-time employees in the cleaning industry were not always paid the NRB-recommended minimum wage; they reportedly earned up to 1,500 rupees per month (\$51).

Unions have reported cases of underpayment for overtime in the textile and apparel industries due to differences in existing legislation and remuneration orders for the calculation of overtime hours.

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 had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

During the year there were three workplace fatalities. Major industrial accidents in which workers were injured or killed occurred mainly in the construction sector.