

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Mauritius - 2021

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY
LABOUR Protocol of 2014 P029 to the Forced Labour Convention***

REPORTING

Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations, b) The most representative workers organizations, c) The competent authorities?

92. To which employers organizations was the report sent? [12] Please provide the list

Employers organizations - Business Mauritius -
p.dursun@businessmauritius.org

93. To which workers organizations was the report sent? [13] Please provide the list

All the ten (10) existing confederations
A list of the 10 Confederations (Workers' Organisations) -
1. National Trade Union Confederation (NTUC) - fcsou@intnet.mu
2. Confederation Syndicale de Gauche – Solidarite (CSGS) - kacefbibi@intnet.mu and sashok@intnet.mu
3. Congress of Independent Trade Union (CITU) - citu.confederation@gmail.com
4. Confederation of Free Trade Union (CFTU) - gsa@intnet.mu
5. Mauritius Labour Congress (MLC) - mlcongress@intnet.mu and

	<p>hpeerun@yahoo.com 6. Mauritius Trade Union Congress (MTUC) - mtuc_mu@hotmail.com and mtuc_union@yahoo.com 7. Confédération des Travailleurs du Secteur Publique et Privé(CTSP) - ctsp.unions@gmail.com 8. Trade Unions Consultative Congress (TUCC) - ctsp.unions@gmail.com 9. All Employees Confederation (AEC) - ggsunion@intnet.mu 10. Confederation of General Trade Unions - gtunrs@intnet.mu and seegumvinod@yahoo.com</p>
--	---

<p>94. Please describe the consultation process(es). [10.2]</p>	<p>Present Questionnaire was sent by email, in excel format, to the social partners for their views and inputs thereon</p>
--	--

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

<p>83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p>	<p>No</p>
---	-----------

<p>95. Did employers organizations comment on the report? [11a]</p>	<p>No</p>
--	-----------

Workers' organizations

<p>83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p>	<p>No</p>
---	-----------

<p>96. Did workers organizations comment on the report? [11b]</p>	<p>No</p>
--	-----------

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

Unlikely

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]

Yes

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

69. Please describe these measures. [1.5]

The legislative framework addressing the combat of trafficking in persons for the purposes of forced labour, are the Combating of Trafficking in Persons Act and the Child Protection Act. The Combating of Trafficking in Persons Act was enacted to give effect to the United Nations Protocol to Prevent, Suppress

and Punish Trafficking in persons. Sections 11 and 14 of the Combating of Trafficking in Persons Act criminalises labour trafficking of a person and prescribes, on conviction, a penal servitude for a term not exceeding 15 years to the person who traffics another person or allows another person to be trafficked. An Inter-Ministerial Committee chaired by the Attorney-General, was set up in 2016 to ensure proper co-ordination on matters pertaining to trafficking in persons in Mauritius. Subsequently a Steering Committee and a Technical Committee on Trafficking in Persons enable better coordination and concerted response amongst relevant stakeholders to detect, track, and prevent offences related to trafficking in persons. The Child Protection Act provides for protection to children with respect to physical, psychological, emotional or moral injury, as well as sexual offences and sexual exploitation. Heavier penalties are imposed when sexual offences or sexual exploitation are committed against mentally handicapped children. Section 13A of the Child Protection Act criminalises child labour trafficking and provides that a person who wilfully and unlawfully recruits, transports, transfers, harbours or receives a child – (a) outside Mauritius for the purpose of exploitation (including forced labour) in Mauritius; (b) in Mauritius for the purpose of exploitation (including forced labour) outside Mauritius, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 30 years. Child Protection Act 1994: Section 13A Child Trafficking : Any person who wilfully and unlawfully recruits, transports, transfers, harbours or receives a child for the purpose of exploitation shall commit an offence and shall, on conviction be liable to penal

servitude for a term not exceeding 30 years. Any person who wilfully and unlawfully recruits, transports, harbours or receives a child outside Mauritius for the purpose of exploitation in Mauritius; for the purpose of exploitation outside Mauritius; shall commit an offence and shall on conviction be liable to penal servitude for a term not exceeding 30 years. Cases of Child Trafficking YEAR No. of cases 2015 5 2016 4 2017 1 2018 2 2019 2 2020 3 Source: Child Development Unit, 2020 Additionally, there are 4 main activities under the improvement Trafficking in Persons referral outcome in Comoros and Mauritius project are: (1) identify, map & bring together stakeholders in the target countries; • stakeholders mapping; and • inception meeting and technical working groups meeting. (2) develop victim-centered and trauma informed formalized guidelines and tools including aid procedures for national referral stakeholders to proactively identify victims of Trafficking in Persons and refer them to care; (3) train national referral stakeholders on the National Referral Mechanism guidelines and procedures developer training; and (4) assistance Fund for Victims of Trafficking in Persons • Emergency assistance • Repatriation support • Legal support Furthermore, the technical committee on missing expatriate consists of representatives of different ministries having the responsibility to develop means to look on whereabouts of missing expatriates and measures to be taken to prevent expatriates to leave their sites of work or company. A technical committee on missing expatriate chaired by the PS of the Ministry of Labour, Human Resource Development and Training (Employment Division) has also been set up.

<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
---	------------

<p>71. Please describe these data. [1.6.1]</p>	<p>Gender Issues. The Ministry of Gender Equality and Family Welfare in consultation with Statistics Mauritius annually publishes, a report entitled Statistics in Mauritius – A Gender Approach. It is based on sex-disaggregated data collected on issues pertaining to women and children. https://statsmauritius.govmu.org Police Department Statistical Data on forced and compulsory labour is collected by the Crime Records Office of the Police Department. Statistical Data is analysed for any action deemed appropriate thereon.</p>
---	---

Measures taken or envisaged for systematic and coordinated action

<p>64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]</p>	<p>An Inter-Ministerial Committee chaired by the Attorney-General is set up to ensure proper coordination on matters pertaining to trafficking in persons in Mauritius. Additionally a National Steering Committee and a Technical Committee against Trafficking in Persons under the chair of the Secretary for Home Affairs, from the Prime Minister's Office, with the involvement of relevant authorities, currently monitors all aspects which contribute to the combating of trafficking in person.</p>
--	---

Measures taken or envisaged to prevent forms of forced labour

<p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p>	<p>Yes</p>
--	------------

<p>75. If so, please indicate the type of measures, [2.2]</p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,f) Promotion of safe and regular migration,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations,j) Basic social security guarantees</p>
<p>75.f. Please provide a description of measures taken or envisaged:</p>	<ul style="list-style-type: none"> • Bilateral agreements exist between the Government of Mauritius and countries such as France, Italy, Qatar, UAE, China and the Republic of Seychelles with a view to regulating labour mobility and encouraging placement of Mauritian workers abroad. • An MOU between the Government of Nepal and the Government of Mauritius concerning the recruitment and employment of general workers from Nepal was signed in June 2019. • Other bilateral agreements with the Republic of Botswana, Zambia and the Kingdom of Lesotho are under consideration. These measures were taken in order to mitigate the risk for local workers as well as migrant workers to fall in the trap of labour exploitation and trafficking.
<p>75.f. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</p>	<p>The population groups benefiting from those measure are the citizens of Mauritius irrespective of their race and to some extent, non-citizens of Mauritius.</p>

Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	<p>Yes</p>
<p>77. If so, please indicate the type of measures [3.2]</p>	<p>a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,c) Material assistance for victims,d) Medical and psychological assistance for victims,e) Measures for the rehabilitation and social and professional reintegration of victims,g) Appropriate accommodation,h) Specific measures for children,i) Specific measures for migrants</p>
<p>Measures taken or envisaged to facilitate access to remedies</p>	
<p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p>	<p>Yes</p>
<p>79. If so, please indicate the type of measures, [4.2]</p>	<p>a) Information and counselling for victims regarding their rights,b) Free legal assistance,c) Cost-free proceedings,e) Access to remedies and compensation,f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges</p>
<p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p>	<p>Yes</p>

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]

Yes

82. Please briefly describe the modalities of this cooperation. [5.2]

The Government cooperates with other member States and bilateral agreements currently exist between Mauritius and other countries for the purpose of safe and regular migration. (see answer at question 75f) IOM provides assistance, technical or otherwise, to the Government pertaining to the issue of TiP. Technical cooperation with the SAMM is underway

Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

- As the level of the MLHRDT, the Workers' Rights Act has repealed and replaced the Employment Rights Act in August 2019 and same was promulgated in October 2019. - At the level of the Ministry of Gender Equality and Family Welfare, the National Plan of Action on TIPS is actually being reworked by the Prime Minister's office who has sought for consultancy services to develop and draft a National Action Plan to combat Trafficking in Person in Mauritius, it will also include commercial sexual exploitation of children (CSEC). The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 were introduced in the National Assembly in December 2020 and will be promulgated shortly.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

f) Shortcomings in the legislative framework,g) Lack of resources in the institutional framework