

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Mauritius - 2022

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 consulted: [10.1]

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

92. List of employers' organizations to which the report was sent [12] Please provide the list

Employers' organizations - Business Mauritius - (info@businessmauritius.org and p.dursun@businessmauritius.org)

93. List of workers' organizations to which the report was sent? [13]

All the ten (10) existing confederations A list of the 10 Confederations (Workers' Organisations) is as follows - 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 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) - ctspp.unions@gmail.com 8. Trade Unions Consultative Congress (TUCC) - ctspp.unions@gmail.com 9. All Employees Confederation (AEC) - ggsunion@intnet.mu 10.

	Confederation of General Trade Unions - gtunrs@intnet.mu and seegumvinod@yahoo.com
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94. Description of the consultation process(es). [10.2]	The present Questionnaire was sent by email, in excel format, to the social partners for their views and inputs thereon
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OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and/or workers' organizations been consulted in the development and implementation of adopted measures? [6.1]	No
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95. Did employers organizations comment on the report? [11a]	No
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Workers' organizations

83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	No
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96. Did workers organizations comment on the report? [11b]	No
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EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification status

p29 Ratification status	Not ratified
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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
62. The impediments to the ratification of the 2014 Protocol to Convention No. 29	A National Action Plan, as recommended in Article 1 of the Protocol, is yet to be finalised.

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
65. The manner in which employers' and workers' organizations have been consulted. [1.3]	Same has yet to be considered by the authorities concerned
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
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Description of these data. [1.6.1]	<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 Child Exploitation: Statistical Data on forced and compulsory labour is collected by the Crime Records Office of the Police Department. The Statistical Data is analysed for any action deemed appropriate thereof Data are classified as per laws in force in Mauritius. i. The Trafficking in Persons Act 2009 ii. The Children Act 2020 iii. The Criminal Code Act – Sect 254 Sexual harassment</p>

Measures taken or envisaged for systematic and coordinated action

64. Description of the measures envisaged, the established objectives and the authorities responsible for the	The Inter-Ministerial Committee chaired by the Attorney-General has been set up to ensure proper coordination on matters pertaining to trafficking in persons in Mauritius.
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implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	
Measures taken or envisaged to prevent forms of forced labour	
74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. Indication of the type of measures, [2.2]	<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, e) Addressing the root causes that perpetuate forced labour, 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>
75.f. Description of measures taken or envisaged:	<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. • A 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.
75.f. Population groups benefiting from these measures and the relevant forced labour practices:	The population groups benefitting from those measure are the citizens of Mauritius irrespective of their race and to some extent, non-citizens of Mauritius.
Measures taken or envisaged to protect victims of forced labour	
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]	Yes
77. The type of measures [3.2]	<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)</p>

	Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants
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Measures taken or envisaged to facilitate access to remedies

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]	Yes
79. the type of measures [4.2]	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
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]	Yes

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. Description of 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, orderly and regular migration. (see answer at question 75f) IOM provides assistance, technical or otherwise, to the Government pertaining to the issue of TiP).

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]	At the level of the MLHRDT, there was the promulgation of the National Employment Act on 01 October 2021. At the level of the Ministry of Gender Equality and Family Welfare, the Children's Act, the Children's Court Act and the Child sex Offender register Act have been proclaimed and came into operation since January 2022. Furthermore, the Government of the Republic of Mauritius through the Ministry of Gender Equality and Family Welfare (MGEFW) has adopted a National Gender Policy for 2022-2030 in March 2022. The purpose of the National Gender Policy is to have principal guidelines that will underpin the Government's commitment
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to integrate gender into all development planning, implementation, monitoring and evaluation. The Ministry of Labour, Human Resource Development and Training (MLHRDT) is fully involved in the process. The MGEFW is strengthening its mechanisms to ensure that gender permeates in all policies and programmes of Government; thereby providing guidance and new strategic orientations to promote a gender responsive culture.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners and the Government

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

TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

Yes

88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]

- b) Awareness-raising and mobilization activities => Important
- c) Collection and analysis of data and information => Important
- d) Guidance on the development of the national policy and plan of action => Important
- e) Strengthening the legal framework => Most Important
- f) Capacity building for the competent authorities => Most Important
- g) Inter-institutional coordination => Most Important
- h) Promotion of fair recruitment and placement practices => Important

	<p>i) Promotion of fair migration policies => Less Important</p> <p>j) Vocational training, job-creation and income-generation programmes for at-risk populations => Important</p> <p>k) Basic social security guarantees => Less Important</p> <p>l) Guidance on supporting due diligence => Important</p> <p>m) Capacity building for employers' and workers' organizations => Important</p> <p>n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Important</p> <p>o) Exchange of experiences between countries or regions; international cooperation => Less Important</p> <p>p) Other => Important</p>
<p>89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.</p>	<p>-Identification of victims of forced labour or trafficking in persons cases at workplaces has been a challenge. -Capacity building of enforcement officers would be an advantage. -The need to strengthening legal framework for migrant workers. - Guidance with respect to a national policy to suppress any form of forced labour would also be an advantage.</p>