

Mauritius 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Mauritius during the year.

Significant human rights issues included credible reports of: arbitrary arrest or detention; extensive gender-based violence, including domestic or intimate partner violence and sexual violence; and trafficking in persons, including forced labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses, but enforcement was not consistent.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

On January 26, the Office of the Director of Public Prosecutions asked police to reopen an investigation into the 2020 death of a political activist, Soopramanien Kistnen, following receipt of a judicial inquiry report that

challenged police assertions he died by suicide. The investigation was not completed at year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, but allegations of police abuse were made via traditional or social media. There were no known cases available for citation, but some observers claimed authorities underreported incidents of police abuse.

On June 27, the Independent Police Complaints Commission, an official investigative body, referred to the Office of the Director of Public Prosecutions the cases of six Criminal Investigation Division of Terre Rouge police officers implicated in May 2022 abuse of detainees that came to light in a leaked video. The case remained pending at year's end.

Opposition parties and media raised concerns that the government did not always investigate and punish abusive officials, although some were prosecuted.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted prison visits by independent observers including media, the National Human Rights Commission, domestic nongovernmental organizations (NGOs), and foreign diplomatic missions.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government in most cases observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution and law required arrest warrants be based on sufficient evidence and issued by a magistrate. A provisional charge based on a reasonable suspicion allowed police to detain an individual up to 21 days with the concurrence of a magistrate, whom the law required to review the

case within 48 hours of the arrest. Authorities generally respected these rights.

Arbitrary Arrest: A small number of persons aligned with the political opposition were arrested or charged with crimes that critics characterized as governmental targeting of political opponents. For example, on May 12, prominent attorney Jayarama (Rama) Valayden was arrested and provisionally charged with “perverting the course of justice” after he alleged on a radio program that the government engaged in politically motivated prosecution of opposition supporters. On May 23, a court dropped the charges at the request of the chief public prosecutor, who advised the police commissioner to refrain from “invariably” filing provisional charges with limited evidence and encouraged greater legal consultation between prosecutors and police investigators.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, and an independent judiciary generally enforced this right. Trials were typically not timely, however, and an extensive case backlog significantly delayed the

process.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this

right.

Freedom of Expression: The law prohibited expression made “with intent to stir up contempt or hatred against any section or part of any section of the public distinguished by race, caste, place of origin, political opinion, colour, creed, or sex.” The law also criminalized the posting on social media of anything that could cause “annoyance, humiliation, inconvenience, distress or anxiety to any person.” The law was infrequently used. Some media outlets characterized the May arrest and subsequent dropping of charges against a lawyer and government critic for comments he made on a radio talk show criticizing police elements as an attempt by authorities to limit political speech.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views.

Opposition parties and independent media commentators regularly criticized the state broadcasting outlet Mauritius Broadcasting Corporation for its perceived progovernment bias and unfavorable coverage of opposition parties. The ruling party and government alleged antigovernment bias by most independent media.

The government maintained its 1989 ban of *The Satanic Verses* by Salman Rushdie and *The Rape of Sita* by Lindsey Collen. While bookstores could not

legally import the books, individuals could buy them online without difficulty.

Libel/Slander Laws: Libel, slander, and defamation were criminal offenses. The law contained blasphemy provisions that criminalized “outrage against any religion legally established.” During the year, the government did not use or threaten to use these laws to restrict expression.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provided for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR). According to UNHCR, the country had no legal or formal framework to protect refugees and asylum seekers. The government permitted refugees and asylum-seekers to stay in the country provided UNHCR was willing to find them durable solutions. Refugee status determination was conducted virtually by a UNHCR office in South Africa.

Access to Asylum: The law did not provide for the granting of asylum or refugee status; however, the government collaborated with a church agency to provide shelter to refugees and asylum seekers while UNHCR identified a country willing to receive them.

Section 3. Freedom to Participate in the Political Process

The constitution and the law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections, last conducted in 2019, were widely reported to be fair and free of abuses and irregularities. Opposition parties complained that electoral boundaries had not been reviewed in more than 20 years, in contravention of a law that provided for more regular reviews.

Political Parties and Political Participation: Political parties operated without restriction or outside interference. Opposition parties, however, alleged the state broadcaster's television coverage favored the ruling party.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively; however, there were isolated allegations of corrupt acts by individual government officials during the year.

Corruption: After a whistleblower complaint to the government's primary anti-corruption agency alleged senior government officials had solicited a bribe of four million rupees (\$88,800) regarding a government permit, authorities arrested Principal Inspector of the Registrar of Associations Rajesh Ramnarain on May 10, and Parliamentary Private Secretary Rajanah Dhaliyah on August 31, in connection with this matter. The case was pending

at year's end.

For additional information about corruption in the country, see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction to monitor and investigate human rights conditions and cases and publish their findings. Government officials often were cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The National Human Rights Commission enjoyed the government's cooperation and operated without government or party interference. It was regarded as independent and effective.

An ombudsperson appointed by the president investigated complaints against public servants, including police officers and prison guards. Individual citizens, council ministers, or members of the National Assembly could request the ombudsperson to initiate an investigation. The

ombudsperson was considered independent and effective.

Established by law, the Equal Opportunities Commission investigated allegations of discrimination and promoted equality of opportunity in both the private and public sectors. The commission was regarded as independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape, including of men. Although the law did not mention spousal rape, it stipulated that a spouse could not force or threaten the other partner into a sexual act “from which the spouse or the other person has the right to abstain.” The penalty for rape was up to 20 years’ imprisonment, with a substantial fine, and the law was enforced.

The law also criminalized domestic violence, and defined it to include verbal, psychological, economic, and sexual abuses “committed by a person against his spouse, a child of his spouse or another person living under the same roof.” Penalties for domestic violence included, for a first conviction, a fine and imprisonment of up to a year, and double that for a second conviction. Police and the judicial system did not always effectively enforce the law, according to domestic NGOs that worked with domestic violence survivors.

According to the NGO SOS Femme, police were not always effective in protecting domestic violence survivors to whom authorities had granted court protection orders. Authorities prosecuted crimes including assault, aggravated assault, threats, and blows, but police recordkeeping did not always indicate whether they were linked to domestic violence, according to officials at the Ministry of Gender Equality and Family Welfare.

The law provided for protection and housing rights for survivors, as well as counseling for the abuser; however, counseling for the abuser was not mandatory, and there were few shelters available to women survivors, and no dedicated shelters for men. According to NGOs and officials at the Ministry of Gender Equality and Family Welfare, government policy placed survivors in shelters rather than removing domestic violence perpetrators from the home, which, according to NGOs, resulted in social and schooling disruptions for survivors. By law the penalty for violating a protection order was a fine and imprisonment not to exceed one year for the first offense, two years for a second offense, and up to five years' imprisonment for subsequent offenses. The law was enforced. The government operated a mobile telephone application, the Family Welfare App, to facilitate reporting of domestic violence and child abuse; however, civil society observers asserted cases were underreported.

Other Forms of Gender-based Violence or Harassment: Sexual harassment continued to be widespread due to lax government enforcement and

because survivors often did not believe filing a complaint would resolve the matter.

Discrimination: Men and women enjoyed the same legal status and rights under the constitution and law, and courts upheld these rights.

Discrimination occurred with respect to gender. While women had equal access to education, the private sector paid women less than men for substantially similar work. Women filled few decision-making positions in the private sector, and there were even fewer women sitting on corporate boards where approximately 6 percent of all board members were women.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Couples and individuals had the right to decide the number, spacing, and timing of their children and to manage their reproductive health. They had access to the information and means to do so free from discrimination, coercion, or violence. No legal, social, or cultural barriers or government policies adversely affected access to contraception, and all types of contraception were available at retail stores, pharmacies, and hospitals. There were no reports of legal, social, or cultural barriers or government policies that impeded access to sexual and reproductive health services. Individuals younger than age 18 required parental permission to obtain health services. Individuals were able to access contraception and skilled health attendance during pregnancy and childbirth, as well as essential obstetric and

postpartum care that the state provided free of charge in government hospitals. Emergency health care was available, including services for the management of complications arising from abortion. Authorities required medical staff, however, to report any postabortion complications, which meant many women did not seek medical assistance.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception and postexposure prophylaxis, as part of the clinical management of rape. Emergency contraception was also available over the counter.

There were no reports of legal, social, or cultural barriers, including harmful practices, related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including any limits on a girl's access to education. There was no legal restriction stopping girls from continuing their education while pregnant or in motherhood status, but social and cultural barriers did in some cases limit access to education for pregnant girls.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and the law protected members of racial or ethnic minorities or groups from violence and discrimination, and the government enforced the law. Community leaders claimed there was discrimination in the employment of Creoles (citizens of African descent) and Muslims of

Indian origin in the public service. Poverty continued to be more common among Creoles than among those in any other community. Some political and civil society activists criticized government failure to publish full results of the country's 2022 census.

Children

Birth Registration: Failure to register births resulted in denial of some public services.

Child Abuse: The law criminalized acts compromising the health, security, or morality of a child. The government generally enforced the law, but NGOs asserted child abuse was more widespread than the government acknowledged or than survivors reported to authorities.

Child, Early, and Forced Marriage: The minimum legal marriage age was 18, and the government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the sexual exploitation, sale, grooming, or use of children for commercial exploitation. The law criminalized child sex trafficking. The law prohibited child pornography and provided for a maximum penalty of 20 years in prison and a fine for each offense. The government enforced the laws. The minimum age for consensual sex was 16.

The government assisted victims of child abuse and survivors of child sex

trafficking. Medical treatment and psychological support were available at public clinics and NGO centers.

Antisemitism

The Jewish community consisted of approximately 120 persons, predominantly foreign residents. On October 21, a group of approximately 30 Muslim men, some armed with bludgeons and swords, interrupted a charity concert held at a venue located between two Muslim majority neighborhoods in Port Louis and forced attendees to disperse. According to media reports and WhatsApp messages sympathetic to this action, the group was attempting to prevent the playing of a song written by a prominent Jewish-American musician. The disturbance drew immediate condemnation from across the political spectrum, including the prime minister, and led to numerous arrests.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: In October the Supreme Court found a colonial-era law that criminalized sodomy to be unconstitutional in the case of same-sex couples, effectively decriminalizing same-sex sexual conduct.

Violence and Harassment: According to NGOs, lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons reported incidents of verbal abuse or violence, but generally did not file complaints with police due to fears of ostracism or, in some cases, reprisal from family members.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, expressly with respect to essential goods and services such as housing, employment, and access to government services such as health care. The government generally enforced the law. The National Blood Transfusion Service disqualified men who had anal or oral sex with other men from donating blood, and LGBTQI+ NGOs reported that transgender persons experienced discrimination in employment and housing.

Availability of Legal Gender Recognition: Legal gender recognition was not

available.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy during the year, nor were there reports that surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions of freedom of expression, association, or peaceful assembly regarding the LGBTQI+ community during the year.

Persons with Disabilities

According to NGO observers, some persons with disabilities could not access education, health services, public buildings, or transportation on an equal basis with others. Authorities reportedly did not effectively enforce the law that required equal access to public conveyances. Many buildings remained inaccessible to persons with disabilities despite a legal requirement for public buildings to be accessible for them. The government implemented programs to provide persons with disabilities with access to information and communications, such as captions and sign language interpretation of news broadcasts. The state-run television station broadcast a weekly sign-language news program for persons with hearing disabilities. There was no provision, however, to make government websites accessible to persons with disabilities.

Social workers reported that children with disabilities were susceptible to sexual assault and rape.

The law prohibited discrimination in employment against persons with physical, sensory, intellectual, and mental disabilities, and there were no reported actions under the law. The law required 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. Children with physical disabilities had the right to attend mainstream schools, but, according to students with disabilities and their parents, schools often turned them away because they could not be accommodated. Children with mental disabilities attended separate schools that received minimal government funding.

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 past elections, the government provided wheelchairs to make polling stations more accessible to persons with disabilities and to elderly persons.

Other Societal Violence or Discrimination

The law stated that persons with HIV and AIDS should be free from stigmatization and discrimination. The local NGO Aide Infos Liberte Solidarite reported that authorities did not automatically grant HIV and AIDS

patients social aid unless accompanied by a social worker to advocate their cases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provided for the rights of all workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes. The law also prohibited antiunion discrimination. Freedom of association and the right to collective bargaining were generally respected by the government and most employers, and workers exercised these rights. Most unions collectively negotiated wages higher than those set by the National Remuneration Board. Worker organizations were independent of the government and political parties. There were no reports of government interference in union activities.

The law made no provision for self-employed workers to join unions. Most 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. Foreign workers were able to join unions, but only if they had a valid work permit. The law provided for a commission to investigate and mediate labor disputes, and a program to provide

unemployment benefits and job training to all workers. The law allowed unions to conduct their activities without government interference.

The law established a mandatory, complex, and lengthy process for declaring a legal strike. This process called for labor disputes to be reported to the Commission for Conciliation and Mediation only after meaningful negotiations occurred and the parties involved reached a deadlock. If the parties reached no compromise, the workers could call a strike. The law required workers in many sectors to provide minimum service levels in the event of a strike, including sectors that international standards did not classify as “essential services.” The law prohibited strikes and other demonstrations during the sittings of the National Assembly and did not allow unions to organize strikes at the national level or concerning general economic policy topics.

Worker participation in an unlawful strike was sufficient grounds for dismissal, but workers could seek a remedy in court if they believed their dismissals were unjustified. The law prohibited antiunion discrimination, but it did not provide for reinstatement of workers fired for union activity. The government effectively enforced applicable laws, but there were delays in court procedures and appeals. Penalties for violations by employers were not commensurate with those for similar violations. Penalties were regularly applied against violators.

Despite the law, according to trade union officials, antiunion discrimination

and dismissal 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. Approximately 36,700 persons worked in the EOE; only 10 percent belonged to unions.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The government established different minimum wage schedules. The lowest private sector minimum wage was for nonmanagerial workers outside the EOE and was more than the official definition of poverty. The actual market wage for most workers was much higher than the minimum wage due to a labor shortage and collective

bargaining.

The law provided for a standard workweek of 45 hours and paid annual holidays, required premium pay for overtime, and prohibited compulsory overtime. By law employers could not force a worker outside the EOE to work more than eight hours per day, six days per week. A worker (other than a part-time worker or a watchperson) and an employer could agree, however, to have the employee work more than the stipulated hours without added remuneration, if the number of hours covered in a 14-day period did not exceed 90 hours or a lesser number of hours as agreed to by both parties.

The standard legal workweek in the EOE was 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week was nonetheless mandatory at certain textile factories in the EOE. Regulations required remuneration for those who worked more than their stipulated hours at one and a half times the normal salary rate. Those who worked during their stipulated hours on public holidays were remunerated at double their normal salary rate. The law provided for paid annual holidays but did not prohibit compulsory overtime in the EOE. For industrial positions, regulations did not permit workers to work more than 10 hours a day. The law required the Ministry of Labor to investigate cases of overtime violations. If an employer failed to take action to address the violations, the ministry could initiate a court action.

Occupational Safety and Health: The government set appropriate occupational safety and health (OSH) standards for main industries, and the responsibility for identifying unsafe conditions was with inspectors. By law workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in these situations; workers did not generally exercise this right. The government proactively identified unsafe conditions. Employers did not always comply with safety regulations, according to media reports.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage laws and regulations, but this was not always the case for overtime and OSH laws according to trade unions. Ministry of Labor officials were responsible for the enforcement of wage and hour laws. Inspectors had the authority to make unannounced inspections, except at employer provided lodgings, and to initiate sanctions. As of September 30, the ministry made 1,815 labor and OSH inspections to construction sites and worker dormitories.

While the government generally enforced wages in the formal sector, there were reports employers demoted workers to part-time status to evade wage and hour requirements. Authorities generally applied these standards to both foreign and citizen workers except in the informal sector. Penalties for wage and hour violations were less than those for similar violations, and

penalties were rarely applied in the informal 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.

The ministry's labor and industrial relations officers, including labor inspectors in the Migrant Labor Unit, also inspected OSH compliance. Despite an increase in the number of inspectors in the Migrant Labor Unit, trade unions called attention to the fact that the number of officers remained insufficient to enforce compliance. Penalties for OSH violations were not always commensurate with those for similar violations and were regularly applied against violators. Wage, hour, and OSH violations were prevalent in the construction, agriculture, auto repair, and seafaring sectors.

According to a 2013 government report, the most recent data available, informal workers made up 10 percent of the workforce. Labor laws applied to the informal sector, but they were seldom enforced and penalties were not applied.