



# MAURITIUS

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Common Law Civil Law Statutory Law	Written	Yes	Single State	Republic

## 1. INTRODUCTION

### 1.1. Mauritius and Modern Slavery (Human Trafficking)

Mauritius is a sovereign democratic State known as the Republic of Mauritius. Historically, Mauritius was a colony of the Netherlands, France, and the United Kingdom. It became independent in 1968. After independence, its Constitution established a parliamentary republic government. As a result of this history, the laws of Mauritius include civil and common law. The Parliament for Mauritius consists of the President and the National Assembly, and it is empowered to make laws.

The current Constitution of Mauritius of 1968 as amended is the supreme law of Mauritius.<sup>1</sup> It provides for fundamental rights and freedoms. No person shall be held in slavery or servitude, and no person shall be required to perform forced labour.<sup>2</sup> Every individual has the right to life, liberty, security of the person, and protection of the law, save as the law may authorise.<sup>3</sup>

These rights are enforced through the Constitution and domestic legislation, including, in the case of human trafficking, the Combating of Trafficking in Persons Act 2009 (**2009 Act**) and other supporting laws.<sup>4</sup>

According to the 2021 U.S. State Department Trafficking In Persons Report (**TIP Report**), Mauritius is ranked as Tier 2:<sup>5</sup>

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to improve. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. These efforts included identifying more trafficking victims; providing protective services to all identified child victims; and conducting nationwide campaigns to raise awareness of trafficking. The government also increased efforts to screen vulnerable populations, including migrants traveling alone and victims of crimes, for trafficking indicators, and it initiated two investigations involving adult sex trafficking of foreign nationals. In previous

<sup>1</sup> Constitution of Mauritius, available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

<sup>2</sup> *Id.*, section 6.

<sup>3</sup> *Id.*, section 3.

<sup>4</sup> Combating of Trafficking in Persons Act 2009, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>5</sup> U.S. Dep't of State, Trafficking in Persons Report 385 (2021), available at: <https://www.hsdl.org/?abstract&did=855864>. The U.S. Department of State rankings are based on the minimum standards specified in the U.S. Trafficking Victims Protection Act of 2000, "which are generally consistent with the [UN] Palermo Protocol." *Id.* at 51.

years, the government regularly deported potential victims without screening for trafficking indicators. However, the government did not meet the minimum standards in several key areas. The government continued to lack standard operating procedures to identify and refer adult victims to comprehensive protection services and did not designate a leading agency to address adult sex trafficking, hindering overall coordination and provision of adequate protection services to adult victims. The absence of a victim care policy for adult trafficking victims led to ad hoc assistance, a lack of victim-centered approaches, and potential re-traumatization of victims, such as the government denying foreign victims' requests for repatriation and requiring them to remain in the country until it completed ongoing investigations. The Inter-Ministerial Committee on Trafficking in Persons remained inactive for the second consecutive year, and the government did not adopt a national action plan for the seventh consecutive year, hampering government-wide efforts to combat trafficking.<sup>6</sup>

The TIP Report further commented on Mauritius' role as a destination, transit, or source country:

- “Human traffickers exploit domestic and foreign victims in Mauritius.”<sup>7</sup>
- “Peers, significant others, family members, or businessmen offering other forms of employment exploit girls from across the country in child sex trafficking.”<sup>8</sup>
- “An international organization reported that Russian traffickers or other criminal networks in Mauritius recruit Ukrainian women to move to Mauritius, under the guise of a marriage agency, then subsequently exploit them in sex trafficking.”<sup>9</sup>
- “Traffickers exploit Malagasy women who cross through Mauritius in forced labour, primarily for domestic servitude and sex trafficking in the Middle East.”<sup>10</sup>
- “Mauritius' manufacturing and construction sectors employ approximately 45,000 foreign migrant workers from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar, some of whom traffickers subject to forced labour.”<sup>11</sup>
- “The North Korean government may have forced its nationals to work in forced labour in Mauritius.”<sup>12</sup>
- “Employers operating small and medium-sized businesses employ migrant workers, primarily from Bangladesh, who have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin; labour trafficking cases are more common in these enterprises than in larger businesses, which recruit directly without the use of intermediaries. Despite Mauritian law prohibiting the practice, employers

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<sup>6</sup> U.S. Dep't of State, Trafficking in Persons Report 385-386 (2021), available at: <https://www.hsdl.org/?abstract&did=855864>.

<sup>7</sup> *Id.* at 387.

<sup>8</sup> *Id.* at 387-388.

<sup>9</sup> *Id.* at 388.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

routinely retain migrant workers' passports to prevent them from changing jobs, enhancing their vulnerability to forced labour."<sup>13</sup>

Several government agencies or organizations monitor and report human trafficking in Mauritius:

- The National Human Rights Commission established by the Protection of Human Rights Act 1998 is obliged to, amongst other things, promote and protect human rights, provide reports on the national situation with regard to human rights, contribute to reports satisfying Mauritius' international treaty obligations, and, through its Human Rights Division, enquire into any written complaints from any person alleging a violation of human rights.<sup>14</sup>
- The Human Rights Division operating under the Ministry of Foreign Affairs, Regional Integration and International Trade is responsible for preparing reports on human rights to meet State obligations, after consulting with all relevant stakeholders.
- The Inter-Ministerial Committee on Trafficking in Persons, chaired by the Attorney General's office, was established to coordinate interagency policies to combat trafficking, but it has not been active since 2019.<sup>15</sup>
- The National Steering Committee on Trafficking in Persons, a working-level technical committee under the Inter-Ministerial Committee, was designated to drive daily operations on anti-trafficking efforts.<sup>16</sup>
- The Ombudsman established by the Constitution is empowered to investigate claims of unjust actions taken by government departments, the Police Force, and certain other authorities in the exercise of their administrative functions, including violations of human rights conferred by the Constitution.
- The Ombudsman for Children has various duties, including investigating any suspected or reported case of child labour and any complaint relating to violations of children's rights.
- The Child Development Unit of the Ministry of Gender Equality, Child Development, and Family Welfare investigates child sexual abuse and child trafficking cases. It assists with statements, medical examinations, interviews, doctors reports, and sharing information with police. It is also responsible for other child trafficking assistance, including referral procedures for child trafficking victims.<sup>17</sup>
- The Child Services Coordinating Panel, which the Children's Act 2020 will establish when it comes into force,<sup>18</sup> will be responsible for the coordination of the implementation of the Children's Act

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<sup>13</sup> *Id.*

<sup>14</sup> Protection of Human Rights Act 1998, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69100/67757/F21666391/MUS69100.pdf>.

<sup>15</sup> U.S. Dep't of State, Trafficking in Persons Report 386 (2021), available at: <https://www.hsdl.org/?abstract&did=855864>.

<sup>16</sup> *Id.* at 387.

<sup>17</sup> *Id.*

<sup>18</sup> Children's Act 2020, Part II, Sub-Part B, available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

2020,<sup>19</sup> the United Nations Convention on the Rights of the Child (1989),<sup>20</sup> and the African Charter on the Rights and Welfare of the Child.<sup>21</sup> The Ombudsman for Children also has a role in these activities.

- The Ministry of Labour, Human Resource Development and Training and its supervising officers are responsible for the administration and enforcement of the Workers’ Rights Act 2019, including working conditions.<sup>22</sup>
- The Mauritius Police Force, through its various units, has primary responsibility for investigating trafficking in persons cases. In 2020, it had an ad hoc internal coordination committee to combat trafficking, as well as a “human rights desk,” which employed two police officers trained on trafficking crimes to serve as a resource for other police units.<sup>23</sup>

## 1.2. Mauritius’ Policy and Legal Position

The Constitution of Mauritius is the supreme law of Mauritius, and any inconsistent law is void to the extent of the inconsistency.<sup>24</sup> Chapter II provides for fundamental rights and freedoms, and any person may seek redress from the Supreme Court for any contravention of those rights.<sup>25</sup> Domestic laws and, in the case of trafficking in persons, the 2009 Act supplement these constitutional rights.

Mauritius has ratified or acceded to UN and other conventions protecting fundamental human rights.

## 2. OVERVIEW OF MAURITIUS’ LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

### 2.1. Mauritius’ Regional and International Law Obligations

#### 2.1.1. Fundamental human rights

Mauritius is a party to many UN conventions protecting fundamental human rights. It has ratified or acceded to the International Covenant on Civil and Political Rights<sup>26</sup> and its Optional Protocol (1973),<sup>27</sup>

<sup>19</sup> *Id.*

<sup>20</sup> United Nations Convention on the Rights of the Child: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4).

<sup>21</sup> African Charter on Human and Peoples’ Rights, available at: <https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf>.

<sup>22</sup> Workers’ Rights Act 2019, available at: <https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>23</sup> U.S. Dep’t of State, Trafficking in Persons Report 387 (2021), available at: <https://www.hsdl.org/?abstract&did=855864>.

<sup>24</sup> Constitution of Mauritius, section 2, available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

<sup>25</sup> *Id.*, Chapter II.

<sup>26</sup> International Covenant on Civil and Political Rights: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=treaty&mtmsg\\_no=iv-4&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=treaty&mtmsg_no=iv-4&chapter=4&clang=en).

<sup>27</sup> Optional Protocol to the International Covenant on Civil and Political Rights: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-5&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-5&chapter=4).

the International Covenant on Economic, Social and Cultural Rights (1973),<sup>28</sup> the Convention on the Elimination of All Forms of Discrimination against Women (1984)<sup>29</sup> and its Optional Protocol (2008)<sup>30</sup> and related inquiry procedure (2008),<sup>31</sup> and the Convention on the Rights of the Child (1990)<sup>32</sup> and its Optional Protocols Prohibiting the Use of Children in Armed Conflicts (2002)<sup>33</sup> and the Sale of Children, Child Prostitution and Child Pornography (2011).<sup>34</sup>

Mauritius is a Member State of the African Union.<sup>35</sup> It is also involved in human rights initiatives through a number of voluntary pledges and commitments, including its participation in the African Charter on Human and Peoples' Rights,<sup>36</sup> the Protocol on the Rights of Women in Africa,<sup>37</sup> the African Charter on the Rights and Welfare of the Child,<sup>38</sup> and the African Youth Charter.<sup>39</sup>

Mauritius has ratified 38 International Labour Organization (ILO) Conventions, including the Minimum Age Convention (No. 138),<sup>40</sup> the Worst Forms of Child Labour Convention (No. 182),<sup>41</sup> and various Workmen's Compensation Conventions.

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<sup>28</sup> International Covenant on Economic, Social and Cultural Rights: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4).

<sup>29</sup> Convention on the Elimination of All Forms of Discrimination against Women: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4).

<sup>30</sup> Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: Signatories, United Nations Treaty Protocol, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8-b&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&clang=en).

<sup>31</sup> *Inquiry Procedure*, United Nations Human Rights: Office of the High Commissioner, available at: <https://www.ohchr.org/en/hrbodies/cedaw/pages/inquiryprocedure.aspx>.

<sup>32</sup> United Nations Convention on the Rights of the Child: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4).

<sup>33</sup> Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en).

<sup>34</sup> Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-c&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en).

<sup>35</sup> *Member States*, African Union, available at: [https://au.int/en/member\\_states/countryprofiles2](https://au.int/en/member_states/countryprofiles2).

<sup>36</sup> African Charter on Human and Peoples' Rights, available at: [https://au.int/sites/default/files/treaties/36390-treaty-0011-african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011-african_charter_on_human_and_peoples_rights_e.pdf).

<sup>37</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, available at: <https://www.ohchr.org/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>.

<sup>38</sup> African Charter on the Rights and Welfare of the Child, available at: [https://au.int/sites/default/files/treaties/36804-treaty-african\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf).

<sup>39</sup> African Youth Charter, available at: [https://au.int/sites/default/files/treaties/7789-treaty-0033-african\\_youth\\_charter\\_e.pdf](https://au.int/sites/default/files/treaties/7789-treaty-0033-african_youth_charter_e.pdf).

<sup>40</sup> C138 - Minimum Age Convention, 1973 (No. 138), available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ilo\\_code:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ilo_code:C138).

<sup>41</sup> C182 - Worst Forms of Child Labour Convention, 1999 (No. 182), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182).

### 2.1.2. *Slavery and trafficking*

In 2003, Mauritius ratified the UN Convention against Transnational Organized Crime (2000)<sup>42</sup> and acceded to the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>43</sup> and the related Protocol Against the Smuggling of Migrants by Land, Sea and Air.<sup>44</sup>

### 2.1.3. *Effect under Mauritius' law*

The Constitution is silent about the status of ratified international treaties and conventions under Mauritius law. As such, their enforceability is unclear where domestic legislation does not give them effect. The 2009 Act is an example of domestic legislation implementing a convention.

## 2.2. Human Rights Protections Under Mauritius' Law

The Constitution sets forth fundamental rights and freedoms and a mechanism to enforce those rights and freedoms.

Section 28 of the Constitution obligates the President to uphold and defend the Constitution and to ensure that the fundamental rights of all are respected.<sup>45</sup>

Section 3 recognises and declares the individual's rights to life, liberty, security of the person, and the protection of the law.<sup>46</sup> These human rights exist without discrimination by reason of race, place of origin, political opinions, colour, creed, or sex, subject to the rights and freedoms of others and the public interest.<sup>47</sup>

Section 6 provides that no person shall be held in slavery or servitude, and no person shall be required to perform forced labour.<sup>48</sup>

Section 17 provides that any person may apply to the Supreme Court to redress any violation or likely violation of sections 3 to 16 of the Constitution, without prejudice to any other lawfully available action. The Supreme Court has original jurisdiction to hear and determine any such application and to make such orders, issue such writs, and give such directions as it may consider appropriate, provided that the applicant has no other adequate means of redress.<sup>49</sup>

<sup>42</sup> United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-12&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12&chapter=18&clang=en).

<sup>43</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-12-a&chapter=18](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18).

<sup>44</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-12-b&chapter=18](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-b&chapter=18).

<sup>45</sup> Constitution of Mauritius, section 28, available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

<sup>46</sup> *Id.*, section 3.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*, section 6.

<sup>49</sup> *Id.*, section 17.

The Mauritius legal framework with respect to human rights protection is thus derived from its Constitution in the first instance and supplemented by specific domestic legislation. Refer to Section 3.

## 2.3. Criminalization of Modern Slavery

The 2009 Act for combating trafficking in persons makes human trafficking a crime.<sup>50</sup>

The National Assembly has passed and the President has assented to the Children Act 2020, and the Gazette has published it.<sup>51</sup> It will commence on a day fixed by Proclamation, which has not yet occurred. Once it occurs, it will amend the 2009 Act to provide additional penalties for trafficking offences involving children.<sup>52</sup>

## 2.4. Supply Chain Reporting

Mauritius does not have any government policies or legislation on supply chain reporting regarding trafficking-related matters.

## 2.5. Investigation, Prosecution, and Enforcement

### 2.5.1. Investigation and prosecution of criminal offenses

The Mauritius Police Force investigates criminal offences, including trafficking cases. Other authorities, such as the Ombudsman, Ombudsman for Children, and certain Ministries, also investigate complaints of human rights violations, which may be a trafficking offence. Investigators have search and seizure powers and the power to require persons to attend examinations and to produce all required documents.

The Criminal Procedure Act 1853 applies to the crime of trafficking in persons,<sup>53</sup> except that the 2009 Act gives a Magistrate jurisdiction to try offences under the 2009 Act and impose any penalty prescribed by that Act.<sup>54</sup> Procedures that apply to offences before Magistrates, therefore, apply to prosecutions of trafficking in persons offences. The Director of Public Prosecutions is empowered under the Criminal Procedure Act 1853 to prosecute offenders of crimes in the name of and on behalf of the State.<sup>55</sup>

Section 7 of the Criminal Procedure Act forbids joining any civil action with a prosecution brought on behalf of the State.<sup>56</sup> A private party on whose behalf a prosecution has been instituted may bring an

<sup>50</sup> Combatting of Trafficking in Persons Act 2009, section 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>51</sup> Children's Act 2020, available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

<sup>52</sup> *Id.*, section 73(5).

<sup>53</sup> Criminal Procedure Act 1853, available at: <https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/C/Cr/CRIMINAL%20PROCEDURE%20ACT,%20Cap%20169.pdf>.

<sup>54</sup> Combatting of Trafficking in Persons Act 2009, section 15(2), available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>55</sup> Criminal Procedure Act 1853, section 3, available at: <https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/C/Cr/CRIMINAL%20PROCEDURE%20ACT,%20Cap%20169.pdf>.

<sup>56</sup> *Id.*, section 7.

action for damages in a civil court against the offender, but the verdict or judgment in one case shall not be admitted as evidence in the other.<sup>57</sup>

Where the Director of Public Prosecutions declines to prosecute an alleged crime or misdemeanor triable before the Supreme Court, the aggrieved party may institute the prosecution and produce any information to a Judge.<sup>58</sup> If the Judge accepts the information, the Judge may order the prosecution to proceed.<sup>59</sup>

### 2.5.2. *Mutual assistance/international cooperation*

Mauritius is participating in several international programs to combat human trafficking:

- the Regional Programme for East Africa entitled *Promoting the Rule of Law and Human Security In Eastern Africa (2016–2021)* developed and managed by the Regional Office for East Africa of the United Nations Office of Drugs and Crime;<sup>60</sup>
- the South African Development Community and its programmes, which aim to target children exposed to sexual exploitation, trafficking, and other harmful practices, such as early marriage;<sup>61</sup> and
- the Southern African Regional Police Chiefs Co-operation Organisation, which promotes police co-operation in targeting trafficking in persons across the region.<sup>62</sup>

Mauritius is also involved in various programmes with other countries and private actors on the UN Sustainable Development Goals initiative.<sup>63</sup>

## 3. MAURITIUS' FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

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### 3.1. Overview of Criminal Offenses

The Combating of Trafficking in Persons Act 2009 (**2009 Act**), which gives effect to the UN Protocol to Prevent, Suppress and Punish Trafficking in persons, creates criminal offences for slavery, slavery-like conditions, and human trafficking.

Section 11 of the 2009 Act defines human trafficking offences as:

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.*, sections 4(2) and 5.

<sup>59</sup> *Id.*

<sup>60</sup> *Promoting the Rule of Law and Human Security In Eastern Africa*, United Nations Office on Drugs and Crime, available at: [https://www.unodc.org/documents/easternafrika/FrontOffice/07413\\_UNODC\\_Promoting\\_the\\_Rule\\_of\\_Law\\_English.pdf](https://www.unodc.org/documents/easternafrika/FrontOffice/07413_UNODC_Promoting_the_Rule_of_Law_English.pdf).

<sup>61</sup> *SADC Overview*, Southern African Development Community, available at: <https://www.sadc.int/about-sadc/overview/>.

<sup>62</sup> *POLICE (SARPCCO)*, Southern African Development Community, available at: <https://www.sadc.int/themes/politics-defence-security/police-sarpcco/>.

<sup>63</sup> Mauritius, *Sustainable Development Goals: Knowledge Platform*, available at: <https://sustainabledevelopment.un.org/memberstates/mauritius>.



- (1) (a) Any person who trafficks another person or allows another person to be trafficked shall commit an offence.
  - (b) It shall not be a defence to a charge under paragraph (a) that a person who is a victim of trafficking, or a person having control or authority over a minor who is a victim of trafficking, has consented to the act which was intended to constitute trafficking.
- (2) Any person who knowingly –
  - (a) leases a room, house, building, or establishment or subleases or allows it to be used, for the purpose of harbouring a victim of trafficking; or
  - (b) advertises, publishes, prints, broadcasts, distributes, or causes the advertisement, publication, broadcast, or distribution of, information which suggests or alludes to trafficking by any means, including the use of the internet or other information technology,

shall commit an offence.
- (3) (a) Every internet service provider operating in Mauritius shall be under a duty to report to the Police forthwith any site on its server which contains information in contravention of subsection (2)(b).
  - (b) Any internet service provider who fails to comply with paragraph (a) shall commit an offence.
- (4) Any person who knowingly benefits, financially or otherwise, from the services of a victim of trafficking or uses, or enables another person’s usage of, the services of a victim of trafficking shall commit an offence.<sup>64</sup>

Section 12 provides that any person who, without good cause, has in his possession, destroys, confiscates, conceals, or tampers with any actual or purported identification document, passport, or other travel document of a victim of trafficking shall commit an offence.<sup>65</sup>

Trafficking is defined in section 2 of the 2009 Act to mean:

- (a) the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring, or receipt of a person –
  - (i) by the use of threat, force, intimidation, coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability; or
  - (ii) by the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
- (b) the adoption of a person facilitated or secured through illegal means, for the purpose of exploitation.<sup>66</sup>

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<sup>64</sup> Combatting of Trafficking in Persons Act 2009, section 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>65</sup> *Id.*, section 12.

<sup>66</sup> *Id.*, section 2.

Exploitation is defined to include: “(a) all forms of slavery or practices similar to slavery, including forced marriage; (b) sexual exploitation; (c) forced labour; and (d) the illegal removal of body organs.”<sup>67</sup>

Sexual exploitation is defined to mean “obtaining financial or other benefits through the involvement of another person in prostitution or in other kinds of sexual services, including pornographic acts or the production of pornographic materials, as a result of subjecting another person to one of the means listed in paragraph (a) of the definition of ‘trafficking.’”<sup>68</sup> The term trafficking in persons therefore encompasses slavery practices similar to slavery, human trafficking, and sexual exploitation.

Section 14 provides that any person who commits an offence under section 11 of the 2009 Act shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.<sup>69</sup> Any person who commits an offence under section 12 of the 2009 Act shall, on conviction, be liable to imprisonment for a term not exceeding five years and to a fine not exceeding MUR 100,000.<sup>70</sup>

The amends certain provisions of the 2009 Act.<sup>71</sup> For example, after the Children’s Act 2020 becomes effective, the definition of “trafficking” will read:

- (a) recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring, or receipt of a person –
  - (i) by the use of threat, force, intimidation, coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability; or
  - (ii) by the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
- (b) adoption or custody of a person, including any act done by another person as intermediary for the purpose of an adoption or a custody, where such adoption or custody has been facilitated or secured through illegal means, for the purposes of exploitation.<sup>72</sup>

Additionally, after the Children’s Act 2020 becomes effective, “[w]here the trafficked person is a child, an offence shall be committed notwithstanding that none of the means referred to in the definition of ‘trafficking’ have been employed.”<sup>73</sup> Another amendment adds a new category—aggravating circumstances—to the 2009 Act. “Aggravating circumstances” will be defined to exist where:

- (a) the offence involves a victim who is particularly vulnerable, including a pregnant woman;
- (b) the offence exposed the victim to a life-threatening illness;

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*, section 14(1).

<sup>70</sup> *Id.*, section 14(2).

<sup>71</sup> Children’s Act 2020, available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

<sup>72</sup> *Id.*, section 73(5)(a); Combatting of Trafficking in Persons Act 2009, section 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>73</sup> Children’s Act 2020, section 73(5)(c), available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

- (c) the victim is physically or mentally handicapped;
- (d) the victim is a child;
- (e) drugs, medications or weapons were used in the commission of the offence;
- (f) a child has been adopted for the purpose of trafficking;
- (g) the offender has been previously convicted for the same or similar offences;
- (h) the offender is the spouse or partner of the victim;
- (i) the offender is in a position of responsibility or trust in relation to the victim; or
- (j) the offender is in a position of authority concerning the child victim.<sup>74</sup>

Any person convicted of an offence under section 11 or 12 of the 2009 Act with an aggravating circumstance shall be liable to penal servitude for a term not exceeding 20 years.<sup>75</sup>



## 3.2. Slavery Offenses Under the Criminal Code

### 3.2.1. General

Section 6 of the Constitution provides that no person shall be held in slavery.<sup>76</sup>

Slavery (defined as meaning the exercise of any or all of the powers attaching to the right of ownership over a person) is included in the definition of exploitation and, therefore, is part of the trafficking in person offence in section 11 of the 2009 Act.<sup>77</sup>

<sup>74</sup> *Id.*, section 73(5)(d).

<sup>75</sup> *Id.*, section 73(5)(e).

<sup>76</sup> Constitution of Mauritius, section 6(1), available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

<sup>77</sup> Combatting of Trafficking in Persons Act 2009, sections 2 and 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

### 3.2.2. Extraterritorial application

Section 15(1) of the 2009 Act provides for its extraterritorial application when:

[a]ny person who commits an act outside Mauritius which would have constituted an offence under [the 2009] Act, had it been committed in Mauritius, regardless of whether the act constitutes an offence at the place of its commission, shall commit an offence, where the person –

- (a) is a citizen of Mauritius;
- (b) is ordinarily resident in Mauritius;
- (c) is arrested in the territory of Mauritius, or in its territorial waters or on board a ship or aircraft registered or required to be registered in Mauritius at the time the offence is committed; or
- (d) is a legal person under any law of Mauritius.<sup>78</sup>

## 3.3. Slavery-Like Offenses in Mauritius' Legal Order

### 3.3.1. Servitude

Section 6 of the Constitution provides that no person shall be held in servitude.<sup>79</sup>

“Servitude” is not mentioned in the definition of exploitation for purposes of a trafficking offence, but that definition includes “slavery.”<sup>80</sup> Servitude is a practice similar to slavery, so it is included in the trafficking in person offence under the 2009 Act.<sup>81</sup>

### 3.3.2. Forced labor

Section 6 of the Constitution provides that no person shall be required to perform forced labour.<sup>82</sup> For the purposes of section 6, “forced labour” does not include:

- (a) any labour required in consequence of the sentence or order of a court;
- (b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
- (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a

<sup>78</sup> Combatting of Trafficking in Persons Act 2009, section 15(1), available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>79</sup> Constitution of Mauritius, section 6(1), available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

<sup>80</sup> Combatting of Trafficking in Persons Act 2009, sections 2 and 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>81</sup> *Id.*, section 11.

<sup>82</sup> Constitution of Mauritius, section 6(2), available at: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en).

member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or

- (d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.<sup>83</sup>

The 2009 Act’s definition of exploitation includes forced labour (defined as meaning “labour or services obtained or maintained through threats, the use of force, intimidation, or other forms of coercion, or physical restraint”), so it is part of the trafficking in person offence in section 11.<sup>84</sup>

### 3.3.3. *Deceptive recruiting for labor or services*

Deceptive recruiting for labour or services is included in the trafficking in persons offence in section 11 of the 2009 Act.<sup>85</sup>

### 3.3.4. *Early and forced marriage*

The 2009 Act’s definition of exploitation includes forced marriage, so it is part of the trafficking in persons offence in section 11 of the 2009 Act.<sup>86</sup>

The minimum legal marriage age for boys and girls is 18 years, but a person from 16 years of age may marry with parental consent or judge consent under article 145 of the Code Civil Mauricien.<sup>87</sup> However, the Children’s Act 2020 repeals and replaces article 145 of the Civil Code with section 12 of that Act, which reads:

- (1) No person shall
  - (a) marry a child civilly or religiously; or
  - (b) cause or force a child to marry civilly or religiously.
- (2) No person shall –
  - (a) live together with a child, under the same roof, either as spouses or unmarried partners; or
  - (b) cause or force a child to live together with another person, under the same roof, either as spouses or unmarried partners.
- (3) It shall not be a defence that a child has given their consent to be married or to live together under subsection (1) or (2), as the case may be.

<sup>83</sup> *Id.*, section 6(3).

<sup>84</sup> Combatting of Trafficking in Persons Act 2009, section 2, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>85</sup> *Id.*, section 11.

<sup>86</sup> *Id.*, sections 2 and 11.

<sup>87</sup> Code Civil Mauricien, section 145, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88152/114145/F-172904586/MUS88152%20Fre.pdf>.

- (4) Any person who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable for a fine not exceeding [MUR] one million ... and be imprisoned for a term not exceeding 10 years.<sup>88</sup>

The Children's Act 2020 also defines a child as a person under the age of 18 years.<sup>89</sup>

### **3.3.5. Debt bondage**

The 2009 Act's definition of exploitation does not mention debt bondage.<sup>90</sup> However, debt bondage is a practice similar to slavery, so it is included in the trafficking in person offence in section 11 of the 2009 Act.<sup>91</sup>

### **3.3.6. Any other relevant offenses**

Mauritius has no other relevant slavery-like offences.

### **3.3.7. Extraterritorial application of the offenses**

Refer to Section 3.2.2.

## **3.4. Human Trafficking/Smuggling-Related Criminal Offenses**

### **3.4.1. International and domestic trafficking/smuggling of people**

Trafficking in persons is a criminal offence in section 11 of the 2009 Act.<sup>92</sup> Refer to Section 3.1.

The 2009 Act's trafficking in persons offence includes smuggling of persons for purposes of exploitation.<sup>93</sup>

### **3.4.2. International and domestic trafficking in children**

Section 3 of the 2009 Act provides that the Act supplements the Child Protection Act 1995.<sup>94</sup> The 2009 Act's trafficking in persons offence covers trafficking in children.<sup>95</sup>

<sup>88</sup> Children's Act 2020, sections 12 and 73(2)(b), available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

<sup>89</sup> *Id.*, section 2.

<sup>90</sup> Combatting of Trafficking in Persons Act 2009, sections 2 and 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>91</sup> *Id.*, section 11.

<sup>92</sup> *Id.*, section 11.

<sup>93</sup> *Id.*, section 2.

<sup>94</sup> Combatting of Trafficking in Persons Act 2009, section 3, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>; Child Protection Act 1995, available at: [https://www.icta.mu/docs/laws/child\\_protection.pdf](https://www.icta.mu/docs/laws/child_protection.pdf).

<sup>95</sup> Combatting of Trafficking in Persons Act 2009, section 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

The Child Protection Act 1995 also created a child trafficking offence with penal servitude of up to 30 years.<sup>96</sup>

Once the Children’s Act 2020 commences, it will repeal and replace the Child Protection Act and amend the 2009 Act.<sup>97</sup> Refer to Section 3.1.

### 3.4.3. *Victim harboring*

Section 11 of the 2009 Act includes victim harbouring within its trafficking in persons offence.<sup>98</sup>

### 3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

## 3.5. Online Exploitation of Children Offenses

The 2009 Act’s definition of exploitation for purposes of the trafficking in person offence includes sexual exploitation of children.<sup>99</sup> Once the amendments made by the Children’s Act 2020 come into force, the offence in the 2009 Act involving children will carry a higher penalty.<sup>100</sup> Refer to Section 3.1.

The Child Protection Act did not have an express offence punishing online exploitation of children.

Section 21 of the Children’s Act 2020 will add an offence for child pornography:

- (1) No person shall –
  - (a) knowingly obtain access, through information and communication technologies, to child pornography;
  - (b) produce, possess, procure, obtain, import, export or distribute child pornography, whether or not through information and communication technologies, for himself or for another person;
  - (c) view, supply, disseminate, offer or make available child pornography and any other pornographic material; or
  - (d) coerce, force or otherwise induce a child to view a pornographic performance or pornographic material, or to witness a sexual act.
- (2) Any person who commits an offence under subsection (1) shall, on conviction, be liable –
  - (a) where the child is physically or mentally handicapped, to penal servitude for a term not exceeding 20 years;

<sup>96</sup> Child Protection Act 1995, section 13A, available at: [https://www.icta.mu/docs/laws/child\\_protection.pdf](https://www.icta.mu/docs/laws/child_protection.pdf).

<sup>97</sup> Children’s Act 2020, 73(5), available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

<sup>98</sup> Combatting of Trafficking in Persons Act 2009, section 11, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>99</sup> *Id.*, section 2.

<sup>100</sup> Children’s Act 2020, 73(5)(e), available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

(b) in any other case, to penal servitude for a term not exceeding 10 years.<sup>101</sup>

“In this section, ‘child pornography’ includes any representation by whatever means –  
 (a) where a child is, or appears to be, engaged in real or simulated explicit sexual activities; or  
 (b) of the sexual parts of a child, primarily for sexual purposes.”<sup>102</sup>

### 3.6. Child Sex Tourism Offenses

The definition of sexual exploitation in the 2009 Act covers child sex tourism so it is included within the definition of the trafficking in persons offence.<sup>103</sup> Once the amendments made by the Children’s Act 2020 come into force, the offence in the 2009 Act involving children will carry a higher penalty.<sup>104</sup> Refer to Section 3.1.

## 4. MAURITIUS’ SUPPLY CHAIN REPORTING LEGISLATION

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Mauritius does not have any government policies or legislation on supply chain reporting regarding trafficking-related matters.

## 5. FORCED LABOR: OVERVIEW OF APPLICABLE MAURITIUS’ EMPLOYMENT AND MIGRATION LAWS

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### 5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

Victims of forced labour and trafficking who qualify as workers under the Workers’ Rights Act 2019 (**WR Act**) can seek civil remedies for unpaid wages and other entitlements pursuant to that Act.<sup>105</sup>

### 5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

The WR Act applies to every agreement defined as a contract of employment between an employer and a worker, whether oral, written, implied, or express.<sup>106</sup>

In general, under the WR Act, “employer” is defined as a person who employs a worker and is responsible to pay the worker, and “worker” is defined as a person who enters into, or works under an

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<sup>101</sup> *Id.*, section 21(1) and (2).

<sup>102</sup> *Id.*, section 21(4).

<sup>103</sup> Combatting of Trafficking in Persons Act 2009, section 2, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>104</sup> Children’s Act 2020, section 73(5)(e), available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

<sup>105</sup> Workers’ Rights Act 2019, Sub-Part III, available at: <https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>106</sup> *Id.*, section 2.



agreement, whether by way of casual work, manual labour, clerical work, or otherwise, and however remunerated.<sup>107</sup>

A victim of forced labour or trafficking could therefore be a worker as defined if there is an implied contract of employment.

A worker/victim can bring a claim for minimum wages and entitlements not paid under the WR Act.<sup>108</sup>

### 5.3. Statutory Rights

The WR Act confers minimum entitlements on workers and makes void any worker's agreement to relinquish rights under the Act.<sup>109</sup>

#### 5.3.1. Rights to minimum wages, entitlements, and other applicable minimum standards

The WR Act and related laws confer numerous rights for workers:

- (1) The right to receive a minimum wage per month.<sup>110</sup> For the 2021 calendar year, the minimum wage is MUR 10,075 for a worker in a non-export enterprise and MUR 9,375 for a worker in an export enterprise, as prescribed by the National Minimum Wage Regulations 2017 as amended,<sup>111</sup> plus a special allowance payable by the government.<sup>112</sup> The special allowance for 2021 varies from MUR 140 to MUR 1,340 depending on various circumstances. For a full-time worker in a non-export enterprise, the maximum amount is MUR 500 per month.<sup>113</sup>
- (2) The normal working week for every full-time worker, excluding a garde malade (caregiver), is "45 hours of work, excluding time allowed for meal and tea breaks ... (a) where the worker is required to work on 5 days in a week, 9 hours' work on any 5 days of the week, other than a public holiday; (b) where the worker is required to work 6 days in a week (i) 8 hours' work on any 5 days of the week other than a public holiday; and (ii) 5 hours' work on one other day of the week other than a public holiday."<sup>114</sup>
- (3) "No worker, other than a garde malade [caregiver], shall be required to work for more than 12 hours per day," unless special circumstances or another law permits.<sup>115</sup>

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*, Sub-Part III.

<sup>109</sup> *Id.*, Part V.

<sup>110</sup> Workers' Rights Act 2019, section 2, available at:

<https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers'%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>111</sup> National Minimum Wage Regulations 2017, available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/109421/135735/F-500032222/MUS109421%20National%20Minimum%20Wage%20Regulations%202017.pdf>.

<sup>112</sup> *Special Allowance – Employees*, Mauritius Revenue Authority, available at:

<https://www.mra.mu/index.php/eservices1/individual/special-allowance-employees>.

<sup>113</sup> *Id.*

<sup>114</sup> Workers' Rights Act 2019, section 20(1), available at:

<https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers'%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>115</sup> *Id.*, section 20(3).

- (4) “A worker shall be entitled to a rest day of at least 24 consecutive hours in every period of 7 consecutive days.”<sup>116</sup> That rest day must be Sunday, unless an employer operates on a seven-day week; in that case, the rest day must be Sunday at least twice a month.<sup>117</sup> Every worker is “entitled to a rest of not less than 11 consecutive hours in any day.”<sup>118</sup>
- (5) For work on a public holiday, the employer must pay not less than twice the worker’s normal rate for work during normal working hours and not less than three times the worker’s normal rate for work after normal working hours.<sup>119</sup>
- (6) Where a worker works on a weekday for more than the normal working hours, the employer must pay for each extra hour at not less than one and a half times the worker’s normal rate.<sup>120</sup>
- (7) The employer is to pay the worker monthly in legal tender or, by agreement, by cheque or a deposit into the worker’s bank account.<sup>121</sup>
- (8) Every worker, other than a part-time worker, who remains in continuous employment with the same employer for a period of 12 consecutive months shall be entitled, during each subsequent period of 12 months while the worker remains in continuous employment, to 20 working days of annual leave.<sup>122</sup> Every worker is also entitled to two additional days of leave in every year.<sup>123</sup>
- (9) Every worker, other than a part-time worker, who remains in continuous employment with the same employer for a period of 12 consecutive months shall be entitled, during each subsequent period of 12 months while the worker remains in continuous employment, to 15 working days of sick leave on full pay.<sup>124</sup> A worker may accumulate outstanding sick leave to which the worker is entitled up to a maximum of 90 working days.<sup>125</sup>
- (10) A worker, other than a migrant worker, who remains in continuous employment with the same employer for a period of at least five consecutive years shall be entitled to vacation leave with pay of not more than 30 days, whether taken consecutively or otherwise, for every period of five consecutive years, to be spent abroad, locally, or partly abroad and partly locally.<sup>126</sup> Any subsequent eligibility period of five consecutive years shall be computed after the worker resumes work after the vacation leave.<sup>127</sup>
- (11) Where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, the worker shall be entitled to (a) six working days of special leave on full pay to celebrate the worker’s first civil or religious marriage; (b) three working days of special leave on

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<sup>116</sup> *Id.*, section 20(5)(a).

<sup>117</sup> *Id.*, section 20(5)(b).

<sup>118</sup> *Id.*, section 20(7).

<sup>119</sup> *Id.*, section 24(3).

<sup>120</sup> *Id.*, section 24(4).

<sup>121</sup> *Id.*, section 27.

<sup>122</sup> *Id.*, section 45(1).

<sup>123</sup> *Id.*, section 45(2).

<sup>124</sup> *Id.*, section 46(1)(a).

<sup>125</sup> *Id.*, section 46(1)(b).

<sup>126</sup> *Id.*, section 47(1).

<sup>127</sup> *Id.*, section 47(2).

full pay to celebrate the first civil or religious marriage of a son or daughter; and (c) three working days of special leave on full pay on the death of the worker’s spouse, child, father, mother, brother, or sister.<sup>128</sup>

- (12) An employer must grant leave with pay to a worker summoned to serve as juror under the Courts Act 1945.<sup>129</sup>
- (13) A worker who is selected or nominated to represent Mauritius in an international sporting event is entitled to leave with pay for the duration of the event or such longer period as may be necessary.<sup>130</sup>
- (14) An employer must grant leave to a worker to attend Court regarding any matter in which the worker is a party or a witness.<sup>131</sup> The employer must pay a worker who is attending Court as a representative of the employer or on its behalf.<sup>132</sup>
- (15) A female worker is entitled to 14 weeks of maternity leave on full pay to be taken: (a) before confinement, provided that the worker takes at least seven weeks of maternity leave immediately following the confinement; or (b) after confinement.<sup>133</sup> There is a range of other benefits for female workers who give birth to a child, suffer a miscarriage, give birth to a stillborn child, or adopt a child less than 12 months old.<sup>134</sup>
- (16) Where the spouse of a male worker, who is in the continuous employment for a period of 12 consecutive months, gives birth to a child, the male worker is entitled to a paternity leave of five continuous working days, which shall begin within two weeks from the child’s birth.<sup>135</sup>
- (17) Where a worker drawing a monthly basic wage or salary of not more than MUR 100,000 remains in continuous employment of an employer for the whole or part of a year and with the same employer as at 31 December of the year, the worker is entitled to a bonus equivalent to one twelfth of the worker’s earnings for that year.<sup>136</sup> This bonus does not apply to certain workers in the sugar industry, field-crop and orchard workers, livestock workers, fishermen, and frigo-workers.<sup>137</sup>

### 5.3.2. Claims available in relation to misrepresentations and “sham” arrangements

Mauritius has no applicable laws.

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<sup>128</sup> *Id.*, section 48.

<sup>129</sup> *Id.*, section 49; Courts Act 1945, available at: [https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-7%20Acts/C/Co/COURTS%20ACT,%20Cap%20168,%20\(Act%2041%20of%201945\).pdf](https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-7%20Acts/C/Co/COURTS%20ACT,%20Cap%20168,%20(Act%2041%20of%201945).pdf).

<sup>130</sup> Workers’ Rights Act 2019, section 50, available at: <https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>131</sup> *Id.*, section 51(1).

<sup>132</sup> *Id.*, section 51(2).

<sup>133</sup> *Id.*, section 52(1).

<sup>134</sup> *Id.*, section 52(2)-(12).

<sup>135</sup> *Id.*, section 53(1).

<sup>136</sup> *Id.*, section 54(1)(a).

<sup>137</sup> *Id.*, section 54(2).

### 5.3.3. Claims available in relation to unlawful deductions, loans, and debt bondage

Section 34 of the WR Act provides that:

- (1) Subject to subsection (2) [see below], no employer shall deduct any amount from a worker's remuneration, other than an amount –
  - (a) authorised by the worker in writing which –
    - (i) is due to the employer in recovery of an advance made on basic wages, provided the deduction does not exceed one fifth of the basic wages due for a pay period; or
    - (ii) the worker wishes to be deducted to make any payment or contribution to any fund, body or other institution; or
  - (b) which is deducted in accordance with any enactment or a Court order.
- (2) No employer shall deduct any amount from a worker's remuneration, which in the aggregate, exceeds one half of the worker's remuneration for any pay period.
- (3) No employer shall, in respect of the payment of remuneration, deduct any amount –
  - (a) by way of fine or compensation for poor or negligent work or for damage caused to the property of the employer;
  - (b) as a direct or indirect payment for the purpose of obtaining or retaining employment; or
  - (c) by way of discount, interest or any charge on account of any advance of remuneration made to a worker.<sup>138</sup>

### 5.3.4. Remedies

A worker can claim for unpaid wages by bringing a complaint against an employer to the Industrial Court.

Under Section 120 of the WR Act, any worker may make a complaint to the supervising officer of the Ministry of Labour against the worker's employer or agent regarding any employment matter. The supervising officer shall enquire into the complaint.

Section 121 of the WR Act sets out the process for the enquiry. Where the supervising officer has reasonable grounds to believe that the employer has not complied with the WR Act or any other enactment relating to the worker's employment, the officer may serve a notice to the employer requesting compliance. An employer to whom a notice is issued may, within seven days after receipt of the notice, appeal to the Industrial Court, which may, after hearing the parties, revoke or affirm the notice. Where the Court affirms the notice, it shall order the employer to comply with the notice.

The supervising officer also may apply to the Court for a compliance order if an employer has not complied with a notice of compliance issued under this section or has not challenged the notice of compliance. Where an employer does not challenge a notice, or where the employer challenges the

<sup>138</sup> Workers' Rights Act 2019, section 34, available at:

<https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers'%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

notice and the Court affirms the notice, the employer must comply within 14 days of receiving the notice or the Court’s decision.<sup>139</sup>

An employer who fails to comply with a compliance notice by the specified date commits an offence. Any person who commits this offence is liable, on conviction, for a fine not exceeding MUR 25,000 and subject to imprisonment for a term not exceeding two years.<sup>140</sup>

## 5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

### 5.4.1. Occupational Safety and Health Act 2005

Section 5 of the Occupational Safety and Health Act 2005 prescribes employers’ general duties:

- (1) Every employer shall, so far as is reasonably practicable, ensure the safety, health and welfare at work of all his employees.
- (2) The employer shall, so far as is reasonably practicable, in particular –
  - (a) (i) provide and maintain a working environment;
    - (ii) provide and maintain any plant or system of work;
    - (iii) maintain any place of work under his control, including the means of access to, or egress from it, that is safe and without risks to health;
  - (b) ensure that use, handling, storage or transport of articles or substances is safe and without risks to health;
  - (c) provide and maintain adequate facilities and arrangements for the welfare at work of his employees;
  - (d) provide information, instruction, training and supervision as is necessary to ensure the safety and health at work of his employees;
  - (e) ensure that any person not in his employment is not exposed to any risk to the safety or health of his employees.<sup>141</sup>

Section 15 provides that an employee may file a complaint against the employer with the Permanent Secretary of the Ministry if the employee considers that the employer’s breach of, or inadequate measures taken under, the Occupational Safety and Health Act 2005 can adversely affect the employee’s safety and health. “No civil or criminal action, or any form of disciplinary proceedings, shall

<sup>139</sup> *Id.*, sections 120 and 121.

<sup>140</sup> *Id.*, section 123(2).

<sup>141</sup> Occupational Safety and Health Act 2005, section 5, available at: [https://labour.govmu.org/Documents/Legislations/osh%202005/act/1.%20OCCUPATIONAL%20SAFETY%20AND%20HEALTH%20ACT%202005%20-%20updated%20as%20at%202013%20\(latest\).pdf](https://labour.govmu.org/Documents/Legislations/osh%202005/act/1.%20OCCUPATIONAL%20SAFETY%20AND%20HEALTH%20ACT%202005%20-%20updated%20as%20at%202013%20(latest).pdf).

lie against any employee as a result of a complaint made in good faith against his employer under this Act.”<sup>142</sup>

Section 94 of the Occupational Safety and Health Act 2005 makes any person who violates the Act liable for a fine not exceeding MUR 75,000 and subject to imprisonment for a term not exceeding one year.<sup>143</sup>

#### 5.4.2. *The Workmen’s Compensation Act 1931*

The Workmen’s Compensation Act 1931 requires an employer to pay specified compensation to a worker who suffers personal injury from an accident arising out of and in the course of the employment.<sup>144</sup> But compensation may be disallowed when the injury results from the worker’s serious and wilful misconduct, unless the injury results in death or disablement entailing 20% permanent incapacity or more.<sup>145</sup> A worker who, in the course of employment, suffers personal injury as a result of acting in an emergency to rescue a person or protect property, or to avert or minimise damage is entitled to compensation, notwithstanding that the worker acted in contravention of any safety rules or recklessly.<sup>146</sup>

Where (a) a certifying surgeon certifies that a worker is suffering from a prescribed disease that disables the worker from earning full wages at work; or (b) a worker died because of a prescribed disease caused by the nature of the worker’s employment at any time within the 12 months before the disablement or death, then the worker or the worker’s dependents shall be entitled to compensation under the Act.<sup>147</sup>

The Act defines a worker in general as a person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done.<sup>148</sup>

A reference to a worker who has been injured includes, where the worker is dead, the worker’s dependents, heirs, or other persons to whom, or for whose benefit, compensation may be payable under the Act.<sup>149</sup>

Where the employer’s and its agent’s personal negligence or willful act causes an injury (i) nothing in the Workmen’s Compensation Act 1931 shall affect the employer’s civil liability; and (ii) the injured worker may claim for compensation under the Act or bring proceedings under the Code Civil Mauricien against the employer; but (ii) the employer shall not be liable to pay both compensation under the Workmen’s Compensation Act 1931 and damages under the Code Civil Mauricien for the same incapacity or death.<sup>150</sup>

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<sup>142</sup> *Id.*, section 15.

<sup>143</sup> *Id.*, section 94.

<sup>144</sup> Workmen’s Compensation Act 1931, sections 2 and 3, available at: <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/45330/135761/F-1007340117/MUS45330%20Workmens%20Compensation%20Act%201931.pdf>.

<sup>145</sup> *Id.*, section 2(a).

<sup>146</sup> *Id.*, section 2(b).

<sup>147</sup> *Id.*, section 37.

<sup>148</sup> *Id.*, section 4.

<sup>149</sup> *Id.*, section 5(1).

<sup>150</sup> *Id.*, section 22(1).

## 5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

Access to justice is difficult for victims. Enforcing legislation through prosecutions has progressed slowly, and more resources or funding are needed for enforcement.

Victims are often not aware of their rights, remedies, and protection available. They also do not have funding and assistance to make claims and seek protection.

Because there have not been many prosecutions for human trafficking, prosecution is not seen as a major deterrent.

The Child Development Unit of the Ministry of Gender Equality, Child Development, and Family Welfare, various units of the Police Force, and various NGOs, including the Halley Movement, assist victims with access to justice.

## 5.6. Interaction Between Employment Law and Migration

### 5.6.1. *Employment rights affected where employment is unlawful under migration law*

Claims under employment law for victims which fall within the worker definition in the WR Act are not expressly disqualified because of immigration status or breach of migration law.

Victims of forced labour or trafficking do not have immunity from criminal sanctions under the Immigration Act 1970.<sup>151</sup> However, the 2009 Act allows the Minister for Home Affairs to issue a visitor's permit, subject to prescribed conditions, to a victim of trafficking who (a) is present in Mauritius; (b) has agreed to cooperate with investigating officers and prosecuting authorities in the investigation and prosecution of a case of trafficking; and (c) is placed in the care of a Centre or of any other authorised person, organisation, or institution.<sup>152</sup> The Minister may extend a visitor's permit on humanitarian grounds, taking into account the likelihood that the permit holder may be harmed, killed, or trafficked again if returned to the victim's country of origin or the country from which the victim has been trafficked.<sup>153</sup>

No victim of trafficking, who is a non-citizen, may, unless the victim agrees, be returned to the victim's country of origin or the country from which the victim has been trafficked without due consideration of (i) the victim's safety during the repatriation process; (ii) the victim's safety in the country to which the victim is to be returned; and (iii) the possibility that the victim may be harmed, killed, or trafficked again.<sup>154</sup>

### 5.6.2. *Rights/remedies available under applicable migration law and regulations*

Refer to Section 5.6.1.

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<sup>151</sup> Immigration Act 1970, available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68664/110139/F943544104/MUS68664.pdf>.

<sup>152</sup> Combatting of Trafficking in Persons Act 2009, section 7(1), available at:

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>153</sup> *Id.*, section 7(3).

<sup>154</sup> *Id.*, section 8(1).

## 5.7. Employment Laws and Child Labor

Section 8 of the WR Act provides that no person shall employ a child (a person under the age of 16 years) for employment or work in any occupation.<sup>155</sup> This prohibition does not apply to a child who, during school holidays or outside school hours, remains at the place of work of the child’s parent or assists a parent in a family business in a light job that is not harmful to the child’s health or development or prevents the child’s participation in a vocational orientation or training programme.<sup>156</sup>

A person who contravenes section 8 of the WR Act commits an offence and shall, on conviction, be liable for a fine not exceeding MUR 25,000 and subject to imprisonment for a term not exceeding two years.<sup>157</sup>

Section 9 of the WR Act provides that no person shall employ, or continue to employ, a young person (a person aged 16 to 18 years) (a) in work which, by its nature, or the circumstances in which it is carried out, is likely to jeopardise the young person’s health, safety, or physical, mental, moral, or social development; or (b) after being notified in writing by the supervising officer that the kind of work for which the young person is employed is unsuitable or is likely to interfere with the young person’s education.<sup>158</sup>

As reported in the TIP Report, child labour is common in Mauritius.<sup>159</sup>

## 6. GOVERNMENT PROCUREMENT RULES

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The Public Procurement Act 2006 regulates Mauritian government procurement, subject to various exemptions.<sup>160</sup>

The Act does not require any bidder to covenant that its business does not use trafficked workers, that it does not use goods made by trafficked workers, or that it does not otherwise act in violation of people-trafficking laws.

That Act defines procurement as the acquisition by a public body, by purchase, lease, or any other contractual means, of goods, work, consultancy, or other services.<sup>161</sup>

The Public Procurement Act 2006 establishes a Central Procurement Board, which must approve public bodies’ awards of major procurement contracts.<sup>162</sup> Major contracts are for values above prescribed amounts for various public bodies in the range mainly of MUR 50 or 100 million.<sup>163</sup>

<sup>155</sup> Workers’ Rights Act 2019, section 8(1), available at:

<https://labour.govmu.org/Documents/Legislations/THE%20WORKERS%20RIGHTS%20Act%202019/Consolidated%20Version%20of%20the%20Workers'%20Rights%20Act%202019%20as%20at%207%20September%202020.pdf>.

<sup>156</sup> *Id.*, section 8(2).

<sup>157</sup> *Id.*, section 123(2).

<sup>158</sup> *Id.*, sections 2 and 9.

<sup>159</sup> U.S. Dep’t of State, Trafficking in Persons Report 389 (2021), available at: <https://www.hsd.org/?abstract&did=855864>.

<sup>160</sup> Public Procurement Act 2006, available at:

<https://mof.govmu.org/Documents/Legislations/Other%20acts/Public%20Procurement%20Act%202006.pdf>.

<sup>161</sup> *Id.*, section 2.

<sup>162</sup> *Id.*, Part III.

<sup>163</sup> *Id.*, First Schedule.



The Board must authorise the public body to call for bids or use another appropriate procurement method.<sup>164</sup> The Board must approve the award of every major contract.<sup>165</sup> No public body may advertise, invite, solicit, or call for bids in respect of a major contract unless authorised by the Board; or award a major contract unless the Board has approved the award.<sup>166</sup> No person may sign a major contract with a public body unless the Board has approved the award.<sup>167</sup>

The Board shall strive to achieve the highest standards of transparency and equity in performing its duties, taking into account (a) the evaluation criteria and methodology disclosed in the bidding documents; (b) the qualification criteria and methodology disclosed in the bidding documents; (c) equal opportunity to all bidders; (d) fair treatment to all parties; (e) the need to obtain the best value for money in terms of price, quality, and delivery, while meeting the set specifications; and (f) transparent process and decisions.<sup>168</sup>

The procurement methods available to a public body are (i) open advertised bidding; (ii) restricted bidding; (iii) request for sealed quotations; (iv) direct procurement; (v) community or end-user participation; or (vi) departmental execution.<sup>169</sup> The Public Procurement Act 2006 sets out the circumstances when a public body should use each method.<sup>170</sup> Open advertised bidding shall provide equal access to all eligible and qualified bidders without discrimination.<sup>171</sup>

A public body must award a procurement contract to the bidder who submitted the lowest evaluated substantially responsive bid that meets the qualification criteria specified in the prequalification or bidding documents.<sup>172</sup>

Unsatisfied bidders can challenge an award by notice to the chief executive officer of the public body and then to the Independent Review Panel.<sup>173</sup>

A public body may exclude a bidder (i) whose performance in a previous public contract was deficient; or (ii) who has failed to deliver goods, work, or services satisfactorily, and has caused prejudice to the public body with regard to contractual requirements, notwithstanding that the bidder is not disqualified.<sup>174</sup>

The Director may suspend, debar, or disqualify a potential bidder or supplier from participation in procurement for up to five years on various grounds including:

- (1) misconduct relating to the submission of bids, including corruption, price fixing, a pattern of under-pricing bids, breach of confidentiality, misconduct relating to

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<sup>164</sup> *Id.*, section 14(2).

<sup>165</sup> *Id.*, section 14(3).

<sup>166</sup> *Id.*, section 14(4).

<sup>167</sup> *Id.*, section 14(5).

<sup>168</sup> *Id.*, section 11(2).

<sup>169</sup> *Id.*, section 15(1)(a).

<sup>170</sup> *Id.*, Part IV.

<sup>171</sup> *Id.*, section 15(2)(a).

<sup>172</sup> *Id.*, section 40(1).

<sup>173</sup> *Id.*, section 43.

<sup>174</sup> *Id.*, section 35(1A).

execution of procurement contracts, or any other misconduct relating to the responsibilities of the bidder or supplier;

- (2) conviction for an offence relating to obtaining or attempting to obtain a procurement contract;
- (3) conviction for an offence related to dishonesty or fraud in a professional activity;
- (4) repeated failure, in the performance of one or more contracts by the supplier, contractor, or consultant, to comply with the terms and conditions of the contract or the specifications; or
- (5) committing a material breach of contract.<sup>175</sup>

## 7. RESTITUTION AND VICTIM COMPENSATION

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Section 16 of the 2009 Act provides that the Court before which a person is convicted of an offence under section 11 may, in addition to any penalty which it may impose for the offence, order the convicted person to pay appropriate compensation to a victim of the offence for: (a) damage to, or loss or destruction of, property, including money; (b) physical, psychological, or other injury; or (c) loss of income or support resulting from the commission of the offence. The maximum compensation award is MUR 500,000.

The Court shall determine the timing and method for paying compensation and consider the offender's means when assessing compensation. The Court also may suspend the offender's sentence on the condition that the offender pay appropriate compensation to the victim of the offence.

Where the victim's amount of damage, injury, or loss exceeds the Court's award of compensation, the victim may recover the excess through a civil lawsuit.

The Court, in its discretion, may enforce its order to pay compensation (a) by allowing the person to pay compensation on such conditions and in such instalments at the intervals it deems fit; and (b) where the amount expected to be recovered will be sufficient to cover, in addition to the amount of compensation, the costs and expenses involved, by attachment and sale of any property belonging to the person.<sup>176</sup>

Section 18 of the 2009 Act provides that "[w]here a Court has ordered a person to pay compensation and suspended a sentence pursuant to section 16(5) and the compensation is not paid in full or recovered in full, the Court which made the order may – (a) summon the person to appear before it; or (b) issue a warrant directing that the person be arrested and brought before the Court."<sup>177</sup> Unless the amount of compensation due is paid or recovered forthwith, the Court may reimpose the suspended sentence or impose a lesser sentence as the Court thinks fit, taking into account the amount of compensation already paid or recovered.<sup>178</sup>

Section 4 of the 2009 Act provides for trafficked Victims Centres to be established to provide temporary accommodation suited for the needs of trafficking victims with an investigation officer to be in charge

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<sup>175</sup> *Id.*, section 53(1).

<sup>176</sup> Combatting of Trafficking in Persons Act 2009, section 16, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81532/88610/F640081770/MUS81532.pdf>.

<sup>177</sup> *Id.*, section 18(1).

<sup>178</sup> *Id.*, section 18(2).

of each Centre. Every Centre is required to secure its residents' safety against any risk of retaliation; to provide counselling and rehabilitation services; to facilitate the integration of its residents into their families; and to provide, where necessary, reception, care, and other facilities for children who are in the care and custody of residents. Each Centre also may offer facilities aimed at providing education, skills development, and training.

The officer in charge of a Centre shall assess and determine the risks to the safety of the resident and of any child in the resident's care and custody; and the resident's immediate and long term needs. On the application of an investigating officer, a Judge in Chambers may order that a Centre admit an adult for such period as the Court may determine.<sup>179</sup>

However, the 2009 Act does not establish any funds or schemes for victim assistance and compensation other than the establishment of Centres.

## 8. MAURITIUS' MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

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A number of government agencies in Mauritius cooperate to combat human trafficking:

- The National Human Rights Commission, which the Protection of Human Rights Act 1998 established, is obliged, amongst other things, to promote and protect human rights, provide reports on the national situation with regard to human rights, contribute to reports to satisfy Mauritius' international treaty obligations, and, through its Human Rights Division, to enquire into any written complaints alleging violations of human rights.<sup>180</sup>
- The Human Rights Division operating under the Ministry of Foreign Affairs, Regional Integration and International Trade is responsible for State obligations to report on human rights.
- The Inter-Ministerial Committee on Trafficking in Persons, chaired by the Attorney General's office, was established to coordinate interagency policies to combat trafficking, but it has not been active since 2019.<sup>181</sup>
- The National Steering Committee on Trafficking in Persons, a working-level technical committee under the Inter-Ministerial Committee, is designated to drive daily operations on anti-trafficking efforts.<sup>182</sup>
- The Child Development Unit of the Ministry of Gender Equality, Child Development, and Family Welfare investigates child sexual abuse and child trafficking cases. It assists with statements, medical examinations, interviews, doctors' reports, and sharing information with police. It also refers child-trafficking victims for assistance.
- The Child Services Coordinating Panel, which the Children's Act 2020 establishes when it comes into force,<sup>183</sup> will be responsible for the coordination of the implementation of the Children's Act

<sup>179</sup> *Id.*, section 4.

<sup>180</sup> Protection of Human Rights Act 1998, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69100/67757/F21666391/MUS69100.pdf>.

<sup>181</sup> U.S. Dep't of State, Trafficking in Persons Report 386 (2021), available at: <https://www.hsdl.org/?abstract&did=855864>.

<sup>182</sup> *Id.* at 387.

<sup>183</sup> Children's Act 2020, Part II, Sub-Part B, available at: <https://mauritiusassembly.govmu.org/Documents/Acts/2020/act132020.pdf>.

2020,<sup>184</sup> the United Nations Convention on the Rights of the Child (1989),<sup>185</sup> and the African Charter on the Rights and Welfare of the Child.<sup>186</sup> The Ombudsman for Children also has a role in these activities.

- The Ministry of Labour, Human Resource Development and Training and its supervising officers administer and enforce the Workers’ Rights Act 2019, including working conditions.<sup>187</sup>

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<sup>184</sup> *Id.*

<sup>185</sup> United Nations Convention on the Rights of the Child: Signatories, United Nations Treaty Collection, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-11&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4).

<sup>186</sup> African Charter on Human and Peoples' Rights, available at: <https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf>.

<sup>187</sup> African Charter on Human and Peoples' Rights, available at: <https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf>.