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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF MAURITIUS
FOR THE 45TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Mauritius (Mauritius) for the 45th Session of the Universal Periodic Review (UPR).

Background

2. Mauritius is located in the Indian Ocean east of Madagascar and has a population of approximately 1.3 million people.¹ Approximately 48% of the population identifies as Hindu, 26% as Roman Catholic, 17% as Muslim, and 6% as other Christian.²

3. Mauritius's previous review was held on November 7, 2018.³ As a result of the review, Mauritius received 176 recommendations, 133 of which Mauritius accepted.⁴ One recommendation that was made by the Democratic Republic of Congo, and accepted by Mauritius, was that the government "[t]ake a series of measures to ensure the adequate application of the law on combating trafficking in persons, in particular by initiating proceedings against perpetrators of crimes linked to this phenomenon."⁵ It was also recommended by the Netherlands, and supported by Mauritius, that the government "[c]ontinue to strengthen efforts to combat child abuse in all its forms, by adopting and implementing the Children's Bill, with particular attention on issues such as . . . trafficking, sexual exploitation and forced prostitution."⁶

Legal Framework

4. Under Article 6 of the Constitution of Mauritius, "[n]o person shall be held in slavery or servitude. No person shall be required to perform forced labour."⁷

5. Section 253 of the Criminal Code of Mauritius punishes the act of enticing or exploiting a human being for prostitution with up to ten years in prison and a fine of up to 100,000 rupees.⁸ Further, under Sections 11 and 14 of the Combatting of Trafficking in Persons Act 2009, "[a]ny person who traffics another person or allows another person to be trafficked shall commit an offence"⁹ and is punished with "penal servitude for a term not exceeding 15 years."¹⁰

6. In 2020, Mauritius passed the Children's Act.¹¹ Under Article 20 of this Act:

(1) No person shall –

(a) offer, obtain, procure or provide a child for prostitution;

(b) cause, coerce or force a child to participate in prostitution;

(c) profit from, or otherwise exploit, a child's participation in prostitution; or

(d) have recourse to child prostitution.

...

(3) Any person who commits an offence under subsection (1) or (2) shall, on conviction, be liable –

(a) where the child is physically or mentally handicapped, to penal servitude for a term not exceeding 20 years; or

(b) in any other case, to penal servitude for a term not exceeding 10 years.¹²

7. Mauritius is a party to the International Covenant on Civil and Political Rights (ICCPR).¹³ Under Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁴ Moreover, under Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Mauritius is also a party,¹⁵ “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”¹⁶

8. Mauritius is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁷ Under Article 9 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁸

9. Under Article 34 of the Convention of the Rights of the Child (CRC), to which Mauritius is a party:¹⁹

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices.²⁰

Sexual Exploitation

10. Mauritius largely serves as a transit route for victims of human trafficking who originate from East Africa and Madagascar, and it is estimated that more than 1,000 people are

living as modern slaves in Mauritius.²¹ Children in Mauritius are particularly trafficked for commercial sexual exploitation.²²

11. One victim of human trafficking, Janine, explained how she was lured to Mauritius from Madagascar to pursue employment opportunities.²³ She explained that

while in a shared taxi, she got chatting with a woman who told her about overseas job opportunities. According to the woman, there were plenty of well-paying jobs in restaurants and factories in Mauritius. The salaries were so high that someone could earn as much in a couple of months as they could in a year in Madagascar.²⁴

Janine initially refused the offer because she was poor, but the woman informed her that she knew an individual who would lend her the money for the flight, and that Janine would then repay the lender with money from her new job.²⁵ However, once she arrived in Mauritius she found herself forced into prostitution and was told that this was how she would repay her travel expenses.²⁶ Thankfully, she was rescued after police raided the brothel where she was held captive.²⁷

12. On March 2, 2023, a human trafficker brought a thirty-year-old woman to Mauritius with the false promise that he was going to pay for her beautician classes.²⁸ However, once she arrived in Mauritius, she was sexually abused by her trafficker, and he confessed to her that she would not be a beautician but instead be exploited for sex and that she had no choice.²⁹ On March 14, 2023, she was able to file a complaint with the police, and the man was arrested and charged with human trafficking.³⁰

13. In order to help combat human trafficking, in July 2021, the government partnered with MIEUX+ (Migration EU Expertise) to combat trafficking in human beings (THB).³¹ This partnership was designed to provide public officials with the capacity to identify trafficking victims and be able to effectively investigate and prosecute human trafficking cases.³² This initiative has further allowed experts to meet with stakeholders in order to fully understand the scope of human trafficking in Mauritius.³³ The Mauritius Police Force was also able to highlight the difficulties they have in combatting THB, specifically the difficulty they have in gathering evidence to prosecute traffickers beyond a reasonable doubt.³⁴

14. On February 5, 2020, a Bangladeshi woman traveled to Mauritius through a recruiting agency.³⁵ After she arrived in Mauritius, she was taken to the Fire Mount Textile Company where she worked as helper but did not receive regular compensation for her work.³⁶ While working there, she was raped by the owner of the company and forced to have sexual relations with others and even forced to have an abortion when she became pregnant.³⁷ On December 28, 2020, she was set free and allowed to return to her home in Bangladesh on the condition that she would not file a police report.³⁸ In June 2021, she decided to file a report with the assistance of the BRAC Migration programme, a Bangladeshi organization combatting human trafficking,³⁹ and stated that more than 600 Bangladeshi women work in that factory and are forced to engage in prostitution.⁴⁰

15. Additionally, children are also at risk for child prostitution and sexual exploitation.⁴¹ In particular, girls as young as ten have been found in prostitution.⁴² Unfortunately, the extent of this criminal activity remains largely unknown due to its clandestine nature and the fact that Mauritius lacks comprehensive and reliable data.⁴³ Furthermore, while Mauritius passed a new

Children’s Act in 2020, the country still lacks a comprehensive strategy to effectively combat the sale and exploitation of children.⁴⁴ For example, there is no one organization dedicated to coordinating efforts regarding the exploitation of children.⁴⁵ Rather, multiple government bodies are responsible for governing children’s rights.⁴⁶ This often creates challenges in communication and in the coordination of efforts to protect children from exploitation.⁴⁷

Recommendations

16. Mauritius must do more to protect women and children from sex trafficking and sexual exploitation. In order to do this, Mauritius should create an agency dedicated to combatting this problem and provide the necessary resources and training to effectively combat sex trafficking and prosecute the perpetrators. While the government has taken some steps to address the THB problem since the previous UPR, such as the creation of a new Children’s Act in 2020, it is clear that the government’s efforts are still lacking.

¹ Mauritius, THE WORLD FACTBOOK (May 16, 2023), <https://www.cia.gov/the-world-factbook/countries/mauritius/>.

² *Id.*

³ *Universal Periodic Review – Mauritius*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/mu-index> (last visited May 23, 2023).

⁴ *Mauritius Infographic 31st*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MU/MAURITIUS_Infographic_31st.pdf (last visited May 23, 2023).

⁵ OHCHR, UPR of Mauritius (3rd Cycle – 31st Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MU/MatriceRecommendationsMauritius.docx> (last visited May 23, 2023).

⁶ *Id.*

⁷ CONSTITUTION OF THE REPUBLIC OF MAURITIUS 1968 (amended 2016), art.6, https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en.

⁸ CRIMINAL CODE § 253 (Mauritius), <https://antislaverylaw.ac.uk/country/mauritius/>.

⁹ Combatting of Trafficking in Persons Act 2009, § 11 (Mauritius), <https://antislaverylaw.ac.uk/country/mauritius/>.

¹⁰ *Id.* § 14.

¹¹ The Children’s Act 2020 (Act No. 13/2020) (Mauritius), <https://mauritiusassembly.govmu.org/mauritiusassembly/wp-content/uploads/2023/03/act132020.pdf>.

¹² *Id.* art. 20.

¹³ *Ratification Status for Mauritius*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=111&Lang=en (last visited May 23, 2023).

¹⁴ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁵ *Ratification Status for Mauritius*, *supra* note 13.

¹⁶ Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

¹⁷ *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en (May 23, 2023, 9:15 AM).

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* on

Nov. 15, 2000, 2237 U.N.T.S. 319, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

¹⁹ *Ratification Status for Mauritius*, *supra* note 13.

²⁰ Convention on the Rights of the Child art. 34, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²¹ *Mauritius*, GLOB. ORGANIZED CRIME INDEX, <https://ocindex.net/country/mauritius> (last visited May 23, 2023).

²² BUREAU OF INT’L LAB. AFF.’S, 2021 FINDINGS ON THE WORST FORMS OF CHILD LABOR: MAURITIUS 1 (2021), https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2021/Mauritius.pdf.

²³ *Trafficked*, PAUL CHOY, <https://www.paulchoy.com/articles/trafficked> (last visited May 23, 2023).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Sexagenarian from Pitot Valley Arrested for Human Trafficking*, LE MATINAL (Mar. 16, 2023), <https://english.lematinal.media/sexagenarian-from-pitot-valley-arrested-for-human-trafficking/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Mauritius III*, MIEUX+, <https://www.mieux-initiative.eu/en/actions/194-mauritius-iii> (last visited May 23, 2023).

³² *Id.*

³³ *Fighting Against Trafficking in Human Beings in Mauritius*, MIEUX+ (Dec. 7, 2021), <https://www.mieux-initiative.eu/en/news-events/news/237-fighting-against-trafficking-in-human-beings-in-mauritius>.

³⁴ *Id.*

³⁵ *Woman Returned From Mauritius Files Trafficking Case Against Recruiting Agency*, PROTHOM ALO (Jul. 11, 2021), <https://en.prothomalo.com/bangladesh/crime-and-law/woman-returned-from-mauritius-files-trafficking-case-against-recruiting-agency>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *See id.*; *see also Migration*, BRAC, <http://www.brac.net/program/migration/> (last visited May 23, 2023) (describing the work of BRAC).

⁴⁰ *Woman Returned From Mauritius Files Trafficking Case Against Recruiting Agency*, *supra* note 35.

⁴¹ *Mauritius: UN Expert Applauds Progress on Sale and Exploitation of Children, Challenges Still Remain*, OHCHR (Jun. 30, 2022), <https://www.ohchr.org/en/press-releases/2022/06/mauritius-un-expert-applauds-progress-sale-and-exploitation-children>.

⁴² *General Information on Mauritius*, SOS CHILD.’S VILL.’S, <https://www.sos-childrensvillages.org/where-we-help/africa/mauritius> (last visited May 23, 2023).

⁴³ *Mauritius: UN Expert Applauds Progress on Sale and Exploitation of Children, Challenges Still Remain*, *supra* note 41.

⁴⁴ *Id.*

⁴⁵ EPCAT, MAURITIUS: COUNTRY OVERVIEW 2 (2019), <https://ecpat.org/wp-content/uploads/2019/07/ECPAT-Country-Overview-Mauritius-July-2019.pdf>.

⁴⁶ *Id.*

⁴⁷ *Id.*