**General Assembly Resolution A/RES/74/148 on the Protection of Migrants**

From a human rights perspective in Mauritius, we do not discriminate between citizens and migrants.

## Constitution

1. **Section 3 of the Constitution** entitled “*Fundamental rights and freedoms of the individual”* reads as follows –

### “3. Fundamental rights and freedoms of individual

*It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms—*

1. *the right of the individual to life, liberty, security of the person and the protection of the law;*
2. *freedom of conscience, of expression, of assembly and association and freedom to establish schools; and*
3. *the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,*

*and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.”*

1. **Section 16 of the Constitution** provides that no law shall make any provision that is discriminatory either of itself or in its effect. The term “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.
2. **Section 17 of the Constitution** provides that a citizen who alleges that his right under, *inter alia*, Section 16 of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

## The Equal Opportunities Act (EOA)

1. The EOA ensures better protection from discrimination as it prohibits both direct and indirect discrimination on the grounds of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The EOA also prohibits discrimination by victimisation.

## Health

1. There is no discrimination in accessing healthcare services. Migrant workers and Citizens of Comoros Islands (covered by an MoU), benefit also from free health care services. However, any other foreign nationals are required to pay for services provided at Public Health Institutions. Consideration is being given to exempt foreign nationals married to Mauritian Citizens.

*HIV Positive Individuals*

1. According to Section 8 (1) (b) of the Immigration Act, persons who are afflicted with any infectious or contagious disease are considered as prohibited immigrants and are not admitted to Mauritius.
2. However, provision exists under section 8(2) and (3) of the Immigration Act provide for the Prime Minister to authorize the admission to Mauritius of a non-citizen suffering from any infectious and contagious disease, under certain conditions that he deems appropriate.
3. There are various examples of cases where non-citizens afflicted with infectious and contagious diseases (HIV) have been allowed entry to Mauritius.

1. The HIV and AIDS Act provides for a rights-based approach to HIV and AIDS – related issues, and aims in particular at protecting persons living with HIV and AIDS from discrimination, the **Civil Status Act** has been amended in order to allow marriages between a Mauritian citizen and a non-citizen who is HIV positive or has AIDS provided at the time of making an application for the publication of the marriage, they have disclosed to each other whether or not they are HIV-positive or have AIDS.

## Employment

1. Article 13 of the Code Civil Mauricien provides as follows –

*“13. L'étranger jouira à Maurice des mêmes droits civils que ceux qui sont ou seront accordés aux Mauriciens par les traités de la nation à laquelle cet étranger appartiendra.”*

1. Migrant workers enjoy the same terms and conditions of employment, including minimum wages as those laid down for local workers in our labour legislation. No worker shall be treated in a discriminatory manner by his employer in his employment or occupation and no person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.
2. Section 64(1)(a) of the Workers’ Rights Act provides that an agreement shall not be terminated by an employer by reason of a worker’s race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities.
3. The Employment Relations Act 2008 guarantees the fundamental right of migrant workers to freedom of association and protects their right to organise and engage in collective bargaining. Section 29 of the Act protects in unambiguous terms the right of workers to be or not to be a member of a trade union and to participate in trade union activities, including the right to seek and hold appointment or election as officers of a union. Section 30 of the Act protects trade union of workers against acts of interference whilst section 31 of the Act protects workers against discrimination, victimisation or termination of employment by the employer in the exercise of this right.
4. The Occupational Safety and Health (Employees’ Lodging Accommodation) Regulations 2011 were promulgated on 28 January 2011. These regulations aim at establishing norms for workers’ lodging accommodations with a view to improving the standards of living conditions in lodging accommodation provided to any employee including migrant workers.
5. As from **October 2016**, an **Employees’ Lodging Accommodation Unit** was created within the Occupational Safety and Health (OSH) Division for the better enforcement of the Occupational Safety and Health (Employees’ Lodging Accommodation) Regulations 2011 all over the island through regular inspections and follow ups. Additionally, joint visits are also carried out with officers of the Ministry of Health and Wellness whenever complaints are received as regards to poor living and unsanitary conditions and appropriate actions are taken. The penalty for breach of these regulations is a maximum fine of Rs 75,000 and imprisonment not exceeding one year.

**STATISTICS FOR YEAR 2011 TILL 2019 FOR THE OSH DIVISION:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2015** | **2016** | **2017** | **2018** | **2019** |
| Number of complaints investigation carried out  |  32 |  27 |  50 |  73 |  52 |
| Number of Visits | 997 | 932 | 1006 | 1251 | 1451 |
| Number of lodging Accommodation permits issued |  412 |  629 |  522 |  845 |  911 |
| Number of cases lodged in Court | 6 | 10 | 24 | 48 | 14 |

1. The number of lodging accommodations with a valid lodging accommodation permit as at December 2019 is **1871**.
2. Mauritius is also a party to the following –
* The UN Convention against Transnational Organised Crime, the Protocol to Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention.
* ILO Convention No. 29 concerning Forced Labour and ILO Convention No. 105 concerning the Abolition of Forced Labour; ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and Bargain Collectively; ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation; ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons); ILO Convention No. 97 concerning Migration for Employment; ILO Convention No. 138 on Minimum Age and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
* The four Geneva Conventions and the two Additional Protocols relating to international humanitarian law.
* Furthermore, Mauritius is party to the International Convention on the Elimination of all forms of Racial Discrimination (CERD), and is required to take effective measures to eliminate all forms of discrimination against all individuals including migrant workers. The Committee on the Elimination of Racial Discrimination has the competence to receive and consider communications from individuals claiming to be victims of a violation by the State of Mauritius of any of the rights set forth in the Convention.

## Migration Policy

1. Mauritius has a Migration and Development Policy which has been approved by Government since June 2018 as recommended by the Global Compact for safe, orderly, and regular migration. This ensures a holistic and coordinated approach “a whole -of- government approach to ensure horizontal and vertical policy coherence across all sectors and levels of government”. The policy measures have been proposed under different axes of intervention.
2. The Policy allows all the stakeholders concerned with the issue to debate on the type of migration management that is desirable for the country and to identify solutions and innovative approaches to it. It further aims to establish a pro-active, flexible and result-oriented coordinated policy framework responding to the priorities and challenges of the country.
3. The Policy analyses and deals with the complexity of migration in a broad perspective with a view to ensuring better and sustainable living conditions, including measures to address unemployment among others.
4. The Policy document has been driven by the current and future imperatives generated by globalization, rapid transformation of economies and societies, external and internal factors, challenges and opportunities as well as international commitments taken to promote universal respect and observance of human rights and freedom for all.
5. With regard to the protection of the rights of migrants from other countries, all recruiting agencies which are authorised to recruit migrants to work in Mauritius are accredited by the the Ministry of Labour, Human Resource Development and Training (MLHRDT).
6. The Policy is in coherence with the UN GA **A/RES/74/148** regarding migrants while emphasizing on Orderly, Safe and Regular migration, aligning with the Global Compact for Migration. and Sustainable Development Goals (SDGs) 2030 Target 10.7.

## Immigration Programmes

1. Mauritius has been developing planned and well managed immigration programmes with some countries, that ensure the protection of rights of migrants, safeguard conditions of decent work and allow migrants to integrate fully into the host countries. Some Memorandum of Understandings have already been signed with some countries, while others are under study. One such programme is with the government of Quebec in Canada which was which was initiated in 2019.
2. The other underlying principles that have been taken into account to formulate the policy include, inter alia, the following:
3. prevention and elimination of all forms of discrimination with regard to various groups;
4. responsibility of the State towards its nationals, based on protection mechanisms at all stages of migration (pre-departure, departure, return and reintegration);
5. prevention of and fight against trafficking in persons, smuggling of migrants and other irregularities in the process of migration, as well as providing the necessary protection to those in need; and
6. Furthermore, in order to ensure Safe, Orderly and Regular Migration, Memorandum of Understandings have been signed with the following countries**:**
* The Government of the United Arab Emirates;
* Government of the Republic of Seychelles;
* Government of Nepal.
1. Agreements have also been signed with the following countries:
* Agreement between Government of Mauritius and the state of Qatar;
* Agreement between Government of Mauritius and the Peoples' Republic of China;
* "Declaration Conjointe" between the Ministry of Labour, Human Resource Development and Training (Mauritius) and Ministry of Labour (Italy).
1. Memorandum of Understanding that are in the pipeline/under process are with:
* Madagascar;
* India;
* Bangladesh and;
* Lesotho.

## General Situation of Migrants

1. As at January 2020, there were 45,062 valid work permits for 36,508 Male and 8,554 Female Migrant workers working among others in economic activities such as manufacturing (including textile), Construction, Trade, Hotel and Restaurant and Information and Communication Technology. Among the Migrant Workers, 26,216 were from Bangladesh, 10,599 from India, 4,340 from Madagascar, 1,674 from China, 1,106 from Sri Lanka and a few from Nepal and other Countries.
2. Several measures are put in place to ensure the protection of migrant workers starting from their recruitment. Companies have to abide to stringent conditions safeguarding the rights of the migrant workers prior to be allowed to employ him/her. These include:
* the company is incorporated and has a legal entity;
* the company has a valid lodging accommodation permit;
* the company and the migrant worker has a valid contract of employment in line with existing labour laws duly vetted by the Migrant Unit of the Ministry of Labour, Human Resource Development and Training;
* the migrant worker is provided with a return ticket (i.e travelling to and from Mauritius) to enable the worker to return to home country after the required period of employment; and
* the migrant workers is aged between 20 and 60.
1. The Migrant Unit ensures that terms and conditions of employment of migrant workers employed in Mauritius are not less favourable than those prescribed by law and to that of local counterpart and that theirs rights are respected by employers. Furthermore, it has a complaint desk and take immediate action to remedy any dispute reported. As at December 2019 the Unit has dealt with some 666 complaints and an amount of Rs7,758,208 ($195,544) was recovered on behalf of the migrant workers.
2. Additionally, the Occupational Health and Safety Division ensures that the migrant workers are provided with proper living conditions.
3. Employers are not allowed to retain Passports of migrant workers. Any case of non-compliance is referred to the Commissioner of Police for appropriate action.
4. Moreover, Memoranda of Understanding as signed between Mauritius and the sending countries to ensure that all the rights of migrant workers are respected from recruitment stage, during their stay and return to their country.
5. The Migrant Unit ascertains that all dues are paid to migrant workers prior to their departure and that they are provided with a return air ticket paid by the employer.
6. Basic necessities, including food, are provided to irregular migrants prior to their repatriation.

## Recruitment of Migrant Workers

1. Fair and ethical recruitment are facilitated through bilateral agreements and Memorandum of Understandings and through recruitment agencies in Mauritius who are holders of a Recruitment Licence which is governed by the Recruitment of Workers Act 1993.
2. The role of bilateral labour migration agreements in strengthening the regulatory framework aims primarily at the protection of migrant workers in the labour migration process. Bilateral agreements constitute an efficient way to regulate migration flows and to foster development, both in the countries of origin and destination.
3. The grant of Recruitment Licence is governed by the Recruitment of Workers Act 1993. The Act aims at regulating the operation of recruitment agencies.
4. In Mauritius, employers seeking to employ migrant workers need to fulfil the provisions made by the Occupational Safety and Health (Employees’ Lodging Accommodation) Regulations 2011 (OSHA) with regards to their accommodation and well-being. The authorities ensure that all migrant workers have access to adequate housing arrangements under OSHA, which provide the social and environmental well-being of migrant workers such as decent dormitories and healthy quality of life.
5. With regard to the effects of climate-related phenomena on migrants, the Migration, Environment and Climate Change Evidence for Policy (MECLEP) Project was implemented in the Republic of Mauritius. The project aimed to contribute to the global knowledge base on the relationship between migration and environmental change. More specifically, it aimed to formulate policy options on how migration, including displacement and planned relocation, can benefit adaptation strategies to environmental and climate change.
6. To address the challenges of migration movements in the context of sudden-onset and slow-onset natural disasters, the Migration, Environment and Climate Change Evidence for Policy (MECLEP) Project was implemented in the Republic of Mauritius. The project aimed to contribute to the global knowledge base on the relationship between migration and environmental change. More specifically, it aimed to formulate policy options on **how migration, including displacement and planned relocation, can benefit adaptation strategies to environmental and climate change.**
7. It involved research including household surveys.
8. Although Mauritius is not a signatory to the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Government, as far as possible, applies the essence of the Convention in cases of disputes between migrant workers and their employer.
9. Migrant workers coming to Mauritius are allowed to come with their families, except for low skilled workers. The main reason is that Mauritius is geographically small and we are among the most densely-populated island states. In addition, the country has limited resources and will not be able to provide the core basic services that would be required.

## Residence Permit/ Immigration Control

1. In reference with Immigration Act Section 7, 1(f), “exempted persons” stipulates that “Subject to section 8, the immigration officer may admit to Mauritius, on such conditions and for such period as he thinks fit in any particular case– “persons passing through Mauritius in transit to another country”, the Passport and Immigration Office therefore carries out verification at Transit Counters at Border Control aligning with the international human rights law.

The following measures are put in place to ensure that no violation of human rights of passengers are prevailed:

1. Verification of travel documents;
2. Consultation of databases;
3. The Immigration Officer carries mainly primary screening of all incoming and outgoing passengers. Officers are regularly briefed about the fact that face to face screening should not be based on physical or ethnic characteristics but rather by conducting risk assessments based on behaviour and responses to questioning.
4. Since the Promulgation of the “Combating of Trafficking in Persons Act” in year 2009, staff of the Passport and Immigration has been given adequate training to address the issue of Human Rights and particularly at Border Control.
5. As mentioned in paragraph 5 (e), travelers in transit through the Republic of Mauritius should comply with transit visa requirement which states that transit visa is granted for stopover or very short stay to enable travel to an onward destination, inter-alia, granted to passengers travelling to a third country within a period of 24 hours.
6. As such, the Passport and Immigration Office carries out verification at Transit Counters at Border Control aligning with international human rights law.
7. Regarding “Migrant workers”, the “Know Your Rights Pamphlets” have been produced as part of Human Rights Awareness Campaign. The production of the Know Your Rights Pamphlet in 6 languages has had a positive impact on the situation of migrant workers
8. It has enabled them to be fully aware of the parameters under which they should work, the role and responsibility of their recruitment agent as well as their employer. Moreover, it has also provided them with a list of contact numbers they can have recourse to in case of various problems they may encounter.
9. On 13 May 1970, Mauritius ratified the **Vienna Convention on Consular Relations, 1963**.
10. On 13 September 2012, Mauritius ratified the **International Labour Organization (ILO), Domestic Workers Convention, 2011** (No. 189), on decent work for domestic workers.
11. Mauritius is already compliant to SDGs Target 10.c as the annual remittances cost averaged at 1.0% for year 2019. It is also highlighted that SDG Target 10.c calls for the reduction to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent by 2030.

## Legislative frameworks governing Residence Permits

The legislative frameworks governing Residence Permits are:

## Economic Development Board Act 2017

* The Business Facilitation Act 2019
* Immigration Act, Section 9 (A), (B) and (C)
1. ***Occupation Permit***
2. The Occupation Permit (OP) is a combined work and residence permit which allows foreign nationals to work and reside in Mauritius under the following 3 specific categories:
	1. Investor;
	2. Professional; and
	3. Self-Employed
3. Non-citizens are allowed to stay and work in Mauritius for a period of 3 years, renewal for further periods.
4. Migration Workers coming to work under the Occupation Permit under the current legislation are allowed to bring their dependent spouse and children to Mauritius.
5. ***Retired non-citizen***
6. A Non-Citizen aged 50 years or above is eligible to apply for a residence permit valid for a period of 3 years allowing him to stay in the country for a period of 3 years subject to satisfying all the terms and conditions. The person may subsequently apply for the renewal thereof.
7. ***Dependents of an OP or RP holder***
8. Spouse (including Common Law Partner of the opposite sex) and children, including step children or lawfully adopted children, under 24 years may also apply for residence permits for a duration not exceeding that of the OP or RP holder.
9. ***Young Professional Occupation Permit***
10. Foreign students having completed at least an undergraduate degree in a tertiary education institution in Mauritius are eligible to apply for a Young Professional Occupation Permit (YPOP) as provided in Section 13 of the Economic Development Board Act 2017 and Section 9A of the Immigration Act 1970.
11. ***Permanent Residence Permit***
12. The Permanent Residence Permit allows a non-citizen to work and live in Mauritius for a period of ten years.
13. ***Living in Mauritius***
14. Non-citizens and expats are allowed to acquire residential property in Mauritius under schemes approved and managed by the Economic Development Board such as:
* The Integrated Resort Scheme (IRS)
* The Real Estate Scheme (RES)
* The Property Development Scheme (PDS)
* The Smart City Scheme
* Ground +2 apartments
1. The Passport and Immigration Office complies with the national and international Laws when proceeding with the repatriation of foreigners.
2. Once a person facing a possibility of repatriation is informed of his/her constitutional rights prevailing in Mauritius and is presented before a Magistrate pending his/her repatriation.
3. As regards children the same principle as stipulated in the Child Protection Act is applied and necessary arrangement is made by the Passport and Immigration Office to ensure families’ members remain together even during the repatriation process.
4. Protection Act is applied and necessary arrangement is made by the Passport and Immigration Office to ensure families’ members remain together even during the repatriation process.
5. On 24 September 2003, Mauritius has ratified both the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC) and Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)

## Human Rights of Migrants

1. The Workers’ Rights Act, provides safeguards regarding terms and conditions of employment and, inter alia, deals with violence at work for which criminal proceedings may be envisaged. On conviction, any person who has committed an offence is liable to a fine not exceeding 100,000 rupees and to imprisonment not exceeding 5 year.
2. The Inspection and Enforcement Section (IES) of the Ministry of Labour, Human Resource Development and Training is responsible, among others, to carry out full-scale inspections and enquiries at workplaces to enforce and ensure compliance with provisions of the labour legislation, to detect and to sanction any case of infringement or breach of the said provisions. The IES also provides a proximity service through its 17 regional labour offices, scattered over the island, and is further reinforced through other inspections carried out by Special Migrant Workers Unit (SMWU), based at Headquarters.
3. Inspections statistics for period 2010 to 2018 show that the number of inspections carried out, both with regard to local and migrant have increased considerably due to a reinforcement of its technical cadre.  The IES carried out a total of 9215 inspection in 2018 as compared to only 860 inspections in 2014 for local workers, a tenfold increase in only 4 years’ time.  Similarly, the SMWU carried out a total of 2317 inspection in 2018 as compared to 403 inspections in 2014 for Migrant workers that is a fivefold increase.
4. Moreover, for period February to end of December 2018, some 6,703 inspections were carried out to ensure compliance with the National Minimum Wage Regulations 2017 and the national minimum wage which brought wages of male and female workers in low-paid jobs to Rs 8,140 a month as from January 2018.  Inspection reports showed that 6,395 undertakings (95%) were complying with the above Regulations.
5. Else the IES also provide a well-established complaint handling mechanism.  Any worker, local or migrant, can report his grievances/complaints arising out of his employment to the respective sections of the MLIRET for action as may be appropriate.  For period ending December 2018 it is noted that out of 17498 complaints registered at the labour offices, no case was reported with regards to breaches of the principle of equal remuneration for work of equal value.
6. A “Special Migrant Workers Unit” (SMWU), set up by the Ministry of Labour, Human Resource Development and Training was responsible for the subject of labour and employment, as far back as November 1999, to look into the terms and conditions of employment of migrant workers in Mauritius and to ensure that their fundamental rights are being respected.
7. The SMWU, comprised previously of 3 Officers, has been successively reinforced in 2018 and 2019 and is presently manned by some 16 Officers. This has allowed the Unit to increase three-fold the number of inspections at workplaces employing migrant workers and to better monitor their employment.
8. The SMWU ensures that migrant workers are employed on terms and conditions of employment similar to those drawn by their local counterpart. This is done mainly through:
* verifying and vetting of their contracts of employment, **prior** to their arrival in Mauritius;
* carrying out of routine inspections and follow up visits at the workplace at regular intervals to see to it that the terms and conditions of employment are being strictly complied with;
* verifying that they are fully conversant with terms and conditions of their vetted contract of employment;
* verifying that there exists an efficient means of communication at the level of the enterprise where their grievances may be discussed and settled as appropriate;
* education sessions in the course of inspections to inform them of their rights and responsibilities including their rights to join a trade union of their choice;
* registering of complaints regarding breach of provisions of the legislations or any term and conditions of employment of their vetted contract of employment or any other issues regarding their conditions of work in Mauritius;
1. The Table below indicates the number of routine inspections and enquiries carried out by Officers of the SMWU together with the number of complaints registered and the corresponding amount of money recovered on behalf of migrant workers for period 2015 to October 2019.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2015 | 2016 | 2017 | 2018 | Jan – Oct 2019 |
| Routine Inspections | 72 | 402 | 1,119 | 2,317 | 1,327 |
| Enquiries | 316 | 399 | 66 | 200 | 477 |
| Sums recovered during Inspections / enquiries (Rs) |   2,800,740 |   2,147,252 |   3,511,658 |   1,637,470 |   18,029 |
| Complaints registered | 261 | 339 | 603 | 579 | 560 |
| Sums recovered following complaints (Rs) |   4,271,589 |   7,510,850 |   12,094,225 |   3,854,687 |   5,973,663 |

1. The above Table gives an overview of the relentless effort and action of the SMWU to increase its presence on the field, as reflected by the number of inspection visits which have more than trebled, over the last four years. This further implies that our sensitization campaign held so far have been successful whereby migrant workers are becoming more and more conscious of their rights and the actions that they can take for redress.
2. Respective sections of the above Regulations are enforced by –
* the Occupational Safety and Health (OSH) Division of the Ministry
* the Ministry of Health and Quality of Life (MHQL); and
* the Fire Services.
1. The number of funded posts of “Occupational Safety and Health Officer/ Senior Occupational Safety and Health Officer” has been increased from 44 in financial year 2018/2019 to 47 in the Ministry of Labour, Human Resource Development and Training 2019/2020 budget to access inter alia, the working and living conditions of migrant workers in relevant workplaces and residences and make appropriate recommendations wherever necessary, to ensure that they enjoy decent working and living conditions.
2. An amount of Rs 12 million has been earmarked for the “Computerisation of the Occupational Safety and Health Division” project in the MLHRDT’s 2019/20 and 2020/21 budgets.
3. The Work Permit Unit of the MLHRDT is responsible for issuing work permits to agencies recruiting migrant workers and the number of funded posts of “Management Support Officer” has been increased from 64 in financial year 2018/19 to 70 in 2019/20 and the number of funded posts of “Office Management Assistant” has been increased from 20 in 2018-19 to 24 in 2019/20 to cater inter alia, for the increased workload in respect of migrant workers.
4. An amount of Rs 1.5 million has been earmarked for “Passage costs (Repatriation of Expatriates)” in the MLHRDT’s 2019/20 budget to cater for the repatriation of workers in cases of closing down of factories employing them.
5. It is noted that migrant workers usually seek assistance from the respective Embassies in legal cases. However, they may apply for legal assistance in cases of need subject to eligibility conditions. The amount earmarked for item – Legal Assistance in “in forma pauperis” has been increased from Rs 2.0 million in financial year 2018/19 to Rs 4.0 million in The Judiciary’s 2019/20 budget.
6. Much emphasis is also being laid during inspections to detect trafficking in persons. Joints inspections involving officers of the Flying Squad of the MLHRDT, the Occupational Safety and Health Inspectorate and the Employment Division are carried out to detect Trafficking in Person. The officers of the Squad also ascertain that the passports are not withheld by the employers or else be referred to the Police for appropriate action.
7. In 2019, the Flying Squad of the MLHRDT carried out 1,520 inspections visits covering some 50,414 expatriate workers and dealt with some 666 complaints. An amount of Rs 7,758,208 was recovered on behalf of the migrant workers.
8. On the other hand, the OSHA provides provisions regarding health and safety issues in the work environment, including injury at work.
9. To ensure adequate safeguards to protect the dignity, safety and human rights of all migrants, the Passport and Immigration Office is in coherence with the United Nation Commission on Human Rights, as such all rights of migrants are respected and they are treated with due respect.
10. Staff operating at Border Control has to strictly adhere to the Immigration Criteria as stipulated in the Passport Regulation for assessing a passenger. The Officers at Border Control have to refer any suspicious passengers to the Supervising Officer for in depth questioning and profiling prior to any decision being taken.
11. Women migrant workers are also protected from domestic violence and from being victims of trafficking in persons, through the Protection from Domestic Violence Act and the Combating of Trafficking in Persons Act respectively.

# Conclusion

1. Mauritius is not a signatory to the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The main reason is that Mauritius is geographically small and we are among the most densely-populated island state. In addition, the country has limited resources and we will be unable to provide the core basic services that would be required. Nevertheless, Mauritius applies the essence of the Convention in cases of disputes between migrant workers and their employer.
2. Additionally, the State of Mauritius is not a party to the 1951 Convention relating to the Status of Refugees. It does not intend to do so in view of being a densely populated island. However, we fully adhere to the principle of non-refoulement and treat requests for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their re-settlement in a friendly country willing to grant them refugee status in collaboration with the Office of the High Commissioner for Refugees in Pretoria.
3. In this regard, Mauritius has always been collaborating with the United Nations High Commissioner for Refugees (UNHCR) by allowing non-citizens who have been granted the status of refugee/asylum seeker to stay temporarily in Mauritius for an agreed period of time, pending their resettlement.

 **11 August 2020.**