



PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS

MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES

Note No: 58/19

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and further to the correspondence Ref. UNW/2019/003 dated 15 April 2019, has the honour to transmit herewith attached the inputs of the Government of Mauritius pertaining to General Assembly resolution A/RES/72/149 on "Violence against women migrant workers", which was adopted by the seventy-second session of the General Assembly.

The Permanent Mission of the Republic of Mauritius to the United Nations avails itself of this opportunity to renew to the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the assurances of its highest consideration.

**United Nations Entity for Gender Equality and the
Empowerment of Women (UN Women)
New York**



UNW/2019/003 on GA resolution A/RES/72/149 -
“Violence against Women Migrant Workers”

1.0 In June 2018, the Government of Mauritius approved a Migration and Development Policy, which purports at setting out the strategic vision of Government in dealing with challenges and opportunities related to migration in a holistic and proactive manner. The overall goal is to maximize the positive outcomes and impact of migration for the socio-economic development of the Republic of Mauritius. The Migration and Development Policy responds to the target 10.7: *“facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”*.

1.1 The Migration and Development Policy document also provides for measures to be taken by the Ministry of Labour, Industrial Relations, Employment and Training with regard to migrant workers.

2.0 Mauritius’ adherence to international standards and fulfilment of migrants’ rights

2.1 *International Convention on the Protection of the Rights of all Migrant Workers and members of their Families (ICRMW), 1990 not ratified.*

2.2 Mauritius is not in a position to ratify 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. Migrant workers coming to Mauritius are allowed to come with their families, except for low skilled workers. Mauritius, as far as possible, applies the essence of the Convention in cases of disputes between migrant workers and their employer.

2.3 As regard to the international standard, please find hereunder the status of Mauritius:

- ICC Migration for Employment Convention (revised), 1949 (NO. 97) (ratified in 1969);
- Convention relating to the Status of Refugees, 1951 (not ratified);
- Convention relating to the Status of Stateless Persons, 1954 (not ratified);

3.0 Migrant workers enjoy the same terms and conditions of employment as those laid down for local workers in our legislation. The contract of employment of a migrant worker, prior to his arrival in Mauritius, is examined and vetted by the Special Migrant Workers' Unit of the Ministry of Labour, Industrial Relations and Employment to ensure that it contains no abusive clauses and that it is in full conformity with the prevailing labour law. Regular inspection visits are carried out by officers of the Special Migrant Workers' Unit at workplaces where migrant workers are employed to, inter alia, ascertain that the employer is complying with the terms and conditions of employment as provided for in the vetted contract of employment and in the prevailing labour legislation. Measures that have been taken as from 2016 to reinforce the technical cadre of the Ministry of Labour, Industrial Relations and Employment. It has had a huge impact both in terms of quality and effectiveness of the service provided to the public at large, on the number of cases dealt with disposed of as well as with the number of inspections/enquiries carried out to ensure compliance of the various labour legislations.

4.0 The National Employment Act, enacted in 2017, provides for the setting up a national Employment Department within the Ministry of Labour, Employment Relations, Employment and Training, the objects of which are to (a) promote employment; (b) facilitate the employment of job seekers and ensure that job seekers are able to find employment that meet their aspirations; (c) provide assistance and guidance with regard to employment prospects, including future employment prospects; (d) provide labour market information on the demand and supply of skills to local employers, job seekers and training institutions; (e) promote placement and training of job seekers through approved programmes; (f) promote labour migration; (g) encourage and promote home-based work.

5.0 Our labour legislation applies indiscriminately to migrant workers and migrant workers are not excluded in any manner whatsoever from the application of the Employment Rights Act and similarly of the different Remuneration Regulations. 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. "Discrimination", under the Act, includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity

non-nationals. Migrant workers and, in some cases, international students must provide evidence of their negative HIV status to qualify for work and residence permits (Section 8 of the Immigration Act (Act No. 13)).

6.0 The National Pension Act was amended by the National Pensions (Non-Citizen and Absent Persons) Regulations 2015, gazetted on 03 June 2015 and effective as from 01 January 2014, to provide for all foreign workers, except those employed in export manufacturing enterprises, to be insured under the NPA as from their first day of employment. Migrant workers employed in Export Manufacturing Enterprises are as date still being required to contribute to the NPS only upon completion of their two years of employment.

6.1 Migrant workers are also eligible to participate in the National Social Insurance scheme, which entitles them to a disability, retirement or survivor pension. Under the National Pensions Act, both local and foreign workers are eligible to contribute to the national pensions scheme from the first day of employment, with the exception of non-citizens employed in export-oriented companies, who are eligible only after two years of residence in the country.

7.0 Mauritius is a party to ILO Convention No 100 on "equal remuneration for work of equal value". The philosophy and principles of the aforesaid convention has been domesticated in section 20 of the Employment Rights Act which provides that both men and women, including migrant workers, should be treated equally at the workplace with regards to the payment of remuneration.

7.1 The minimum wage is effective since January 2018. It is currently eight thousand one hundred and forty Mauritian Rupees per month (Rs. 8,140) for export oriented enterprises and eighteen thousand and five hundred Mauritian Rupees per month (Rs 8,500) for non-export oriented enterprises. Migrant workers are also entitled the national minimum wage, similar to the citizens of Mauritius.

8.0 The number of inspections carried out, by the Ministry of Labour, Industrial Relations, Employment and Training, from 2016 to 2018 has almost increased by fivefold (local workers) and the amount of money recovered on behalf of workers, for breach of or non-compliance with legislation or other regulations during the said inspections has increased one and a half time, that is, from Rs 2,147,252 in 2016 to Rs 3,511,658 in 2017.

to the labour market is unrestricted for permanent residents and their spouses provided that they hold an occupation or work permit. Migrant Workers in the Republic of Mauritius may access most health-care services for free, including treatment for chronic conditions.

10.0 Women migrant workers are 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.

11.0 Launching of the Know Your Rights Pamphlets

11.1 The Ministry of Justice, Human Rights and Institutional Reforms launched a pamphlet entitled "Know Your Rights" on 23 March 2019. This pamphlet aims to inform prospective and current migrant workers of their rights and the possible remedial actions in case of violations. It also serves to make migrant workers aware of the dangers of human trafficking. The project is a joint initiative of Ministry of Justice, Human Rights and Institutional Reforms and the British High Commission.

11.2 The pamphlet has been produced in 6 different languages, namely in English, French, Hindi, Tamil, Bangladesh and Chinese. A short video clip encompassing the main information in the pamphlet was also launched on that day. This clip is being broadcasted on different channels of the national television (Mauritius Broadcasting Corporation) as from the month of May 2019.

12.0 The Memorandum of Understanding with Bangladesh for the recruitment of migrant workers has not yet been finalized.