

**AFFIRMATIVE ACTION
FOLLOW-UP ALTERNATIVE REPORT
JULY 2020**

INTRODUCTION

This Follow-up Alternative Report is submitted under paragraph 42 of the Concluding Observations dated 19 September 2018¹.

Under paragraph 42, the Committee requested from the State of Mauritius information regarding the measures taken to implement the recommendations contained in paragraphs 31 and 33 of the said Concluding Observations, namely the situation of (a) the Chagossians and (b) migrant workers in Mauritius.

However, we note that the State of Mauritius has instead submitted information on paragraphs 29 and 31².

We also note with concern that by setting up another Inter-Ministerial Committee to "look into" the Concluding Observations under consideration, another opportunity to involve Non-Governmental stakeholders, including Civil Society Organisations (CSOs), etc., is being missed out, thereby highlighting the perception of the consistency of the State of Mauritius in its reluctance to enlarge citizens participation and involve the NGOs in the process of implementation of the Convention, which would, as admitted by the State of Mauritius, have "*far reaching implications on the social fabric of the Mauritian society*".

UNDER PARAGRAPH 31: the situation of the Chagossians

"The Committee recommends that the State party continue its efforts to facilitate the return of the Chagossians to their original homes, guaranteeing the active participation of the Chagossian community in the actions taken by the State in that regard. At the same time, the State party should intensify its efforts to improve the living conditions of those Chagossians residing on the mainland of Mauritius and report on such measures and their results in its next periodic report."

We agree that the State of Mauritius, with the active support of the Group of African States of the United Nations and the participation of the Chagossian community, has achieved positive results regarding the return of the Chagossians to their original homes.

¹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMUS%2fCO%2f20-23&Lang=en

²

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMUS%2fCO%2f20-23%2fAdd.1&Lang=en

However, as regards the “*intensification of efforts*” to improve the living conditions of those Chagossians residing in Mauritius, there is no mention of the Chagossians in the last National Budget speech 2020-2021³ and there is a lack of public visibility pertaining to actions carried out in the context of the International Decade for People of African Descent, thereby emphasizing the risk that this International Decade is being publicly perceived as not being a priority for the State.

UNDER PARAGRAPH 33: migrant workers

“The Committee recommends that the State party take effective measures to improve the working and living conditions of migrant workers, including through developing a mechanism to monitor the processes related to their recruitment, intensifying awareness-raising campaigns among migrant workers about their rights and increasing labour inspection activities at workplaces that are likely to engage such workers. To that end, the State party should ensure that the inspection and enforcement section within the Ministry of Labour is equipped with the resources necessary to discharge its functions effectively. The State party should also step up its efforts to investigate allegations of abuse and exploitation of migrant workers, including by facilitating victims’ access to justice, such as the industrial court, among other adjudication avenues, with a view to bringing alleged perpetrators to justice and providing victims with effective remedies. The Committee requests the State party to include relevant statistical data in its next periodic report.”

With hindsight, the Committee was absolutely right to include the situation of migrant workers in Mauritius in the present follow-up procedure, in as much as, the migrant workers in Mauritius are particularly at risk following the sanitary, economic and social consequences of the COVID-19 pandemic.

The State of Mauritius has **not** been very proactive in the implementation of effective measures to improve the working and living conditions of migrant workers in Mauritius, later exacerbated and uncovered by the COVID-19 crisis⁴.

At present, there are around 55,000 migrant workers in Mauritius. Out of these, a lot who are still at work could feel trapped in their substandard working and living conditions because (a) they would be more concerned with keeping their jobs, (b) in any event, complaining to the authorities does not bring substantial solutions, and (c) deportation is not an option given the closure of the borders. Subsequently, this means that they would be left at the total mercy of their “*exploitative employers*” and their unscrupulous recruiting agents, who had brought them into Mauritius under a debt bondage.

Such a lack of effective control and supervision is contributing to the reproduction of practices of our colonial era⁵.

³ http://budget.mof.govmu.org/budget2020-21/2020_21budgetspeechEng.pdf

⁴ <https://www.youtube.com/watch?v=s084w8DyeS0&feature=youtu.be>

⁵ <http://www.industrialunion.org/ending-migrant-workers-rights-violations-in-mauritius>

Mouvement d'action civique luttant contre les discriminations

There are also factories which are closing down as a result of the economic impact of the pandemic and in those cases, the workers are simply thrown out and left stranded without food and accommodation⁶.

To survive and to be able to honour their debt bondage, these migrant workers are forced to take any low-paid job that they can get, thus aggravating the existing social tension on the island where more Citizens of Mauritius are losing their jobs as a result of the pandemic.

In such a dramatic and degrading situation, we fear a rising level of violence against women who constitute more than half of the 55,000 migrant workers in Mauritius, which may lead to further exploitation and some sort of what is termed as "*modern slavery*".

CONCLUSION

It is in that worrying context, that Affirmative Action is requesting assistance from the Committee under the Early-Warning Measures and Urgent Procedures to carry out a field visit to Mauritius to consider the status of the implementation of the Concluding Observations and recommendations so as to effectively combat racism and racial discrimination.

14 July 2020.

⁶ <https://www.business-humanrights.org/en/mauritius-closure-of-garment-factory-supplying-to-asos-john-lewis-leaves-migrant-bangladeshi-workers-unpaid-stranded-asos-outlines-remediation-efforts>