

THE COCA-COLA COMPANY
MAURITIUS COUNTRY SUGAR STUDY: AN ASSESSMENT OF
CHILD LABOUR, FORCED LABOUR AND LAND RIGHTS

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EXECUTIVE SUMMARY

Child labour, forced labour and land rights form a critical part of The Coca-Cola Company responsibility to respect human rights. This report presents the findings of a 2017 sugar study focusing on the Coca-Cola Company sugar supply chain in Mauritius. The study examined the presence and risks of child labour, forced labour and land rights violations in the country's sugar supply chain.

There is a general instability of the labour force in sugar cane production. The Mauritius Sugarcane Industry Research Institute (MSIRI) under the Ministry of Agro Industry and Food Security in its Research and Development Plan 2016-2020 notes that the sugar workforce has been in steady decline since the mid-80s due to increasing mechanised harvesting. The plan further indicates that the sugar sector faces the problem of skilled labour and the national government is consequently considering the import of temporary labour during the harvest season. At the time of the study, the government was conducting a pilot scheme on this migrant labour force plan.

Child Labour

There exists a robust national legal regulatory and institutional framework. Some of the major relevant international and national laws and regulations include and not limited to: the Minimum Age Convention, 1973 (ILO C. 138), Worst Forms of Child Labour, 1999 (ILO C.182), and the Employment Rights Act (Sections 6 &12) and Minimum Age for Work (16 years. The institutions include the Inspection and Enforcement Division of the Ministry of Labour, Industrial Relations, Employment, and Training (MOLIRE) and the Police Brigade for the Protection of Minors (Minors' Brigade).

Mauritius has a national identification system. Determination of age at the point of employment is a pre-requisite for new employees. TCCC supplier millers have a written Child Labour Policy dated 2012 prohibiting the employment of children below the age of 16 years. There are sign boards at the entrance and weighing bridges of the sampled millers with messages indicating restricted access to children. Periodic physical inspection is carried out by TCCC suppliers' Health & Safety Officers to determine any presence of a child on site.

Despite the millers having written policies on child labour, only about 20 percent of the interviewed contracted labour service providers reported having a written child labour policy. During the farm visits, no young person was found onsite at the farms. There was no incidence of child labour found during the study.

Forced Labour

Mauritius has ratified, amongst other ILO Conventions, the Forced Labour Convention, 1930 (No.29), the Abolition of Forced Labour Convention, 1957 (No.105), and the Weekly Rest (Industry) Convention, 1921 (No.14). The Constitution of the Republic of Mauritius Sections 6 (1 &2), 7 (1 &2) and Combating of Trafficking in Persons Act, 2009 are the main domestic legal instruments that regulate forced labour. There are management systems in place to deter forced labour incidences.

The researchers did not find any incidences of forced or bonded labour at the mills. The workers were fully aware of their rights with regard to overtime work, notice period to terminate the employment relationship and exhibited a clear understanding of the terms and conditions of employment. Workers original documents are not retained.

The weakest link relating to issues of forced labour are the contracted labour service providers. There were several isolated cases in this regard. The researchers found a case of lack of signed employment contracts/appointment letters by workers of contracted labour service providers. An outsourced cane

cutting service provider was found to have employed migrant workers from Bangladesh for about a month in August of 2017. There was non-provision of full Personal Protective Equipment to the workers by some contracted service providers. In a different case, the study found non-payment of wages in the month of March 2017 by a sub-contracted cane cutter. The workers in this instance were unable to have the issue remedied and thus opted to stop working for the contracted cane cutter.

Land Rights

There are two categories of land and types of land tenures in Mauritius: public and private; state land and freehold. Access to land in Mauritius is primarily through inheritance from parents, acquisition through marriage as well as by transfers through land purchase, leases and government, or sugar factory mills early retirement programs. Tenure security is largely the same for women and men in the regions where the sugar supplier mills to The Coca-Cola Company are located in particular and in the rest of the country. Women have control over land, and can make decisions on the use of money from the cane sales.

The study found few cases of land disputes involving the sampled mills. These land disputes are still active in the Supreme Court. All mills have valid title deeds to land they own. The supplier mills do not have documented policies and procedures on protection of land rights and access. One mill however does have a grievance-handling mechanism on land disputes.

All sugar companies in Mauritius including TCCC suppliers donate part of their estate land to surrounding local communities for open public spaces and community offices. There was also an arrangement where ex-sugar companies' workers who opted for the Voluntary Retirement Scheme in 2007-2008, were provided with their title deeds in 2010. The Voluntary Retirement Scheme was one of the main components the Sugar Sector Strategic Plan 2001-2005 which aimed at reducing the labour element of the cost of production of sugar.

INTRODUCTION

The Coca-Cola Company (herein after referred to as TCCC) is committed to protecting the land rights of farmers and communities in its supply chain and addressing child and forced labour issues in the sugarcane production. The Coca-Cola Company has endorsed the United Nations Guiding Principles on Business and Human Rights and has signed onto the United Nations Global Compact.

TCCC industry commitments, together with enforcement by the suppliers' host country, play a critical role in preventing human rights abuses as cited in the U.S. Department of Labour's List of Goods Produced with Child Labour or Forced Labour. The company's Supplier Guiding Principles, Sustainable Agriculture Guiding Principles and Human Rights Policy have contributed to upholding human and workplace rights within the company's supply chain and serve as backbone to the company's commitment to upholding human rights in the global supply chain.

Ethical Trade Services Africa Limited was commissioned by TCCC to carry out this third-party research into the presence of forced labour and child labour in the sugar sector in Mauritius, as well as to provide an understanding of the issues of land ownership in the same industry and country. The study scope included supplier sugar mills to the TCCC system in Mauritius, supporting farms, plantations and co-operatives.

The country study is an exercise to enable TCCC better understand its sugar sourcing supply chain in line with the Sustainable Agriculture Guiding Principles, to give visibility to how its sugar supply companies and bottler partners are addressing such risks and at the conclusion of the research, jointly determine in consultation with relevant stakeholders any country supply chain mitigation strategies that may be required should any incidents of those risks be found.

This study is part of a series of due diligence studies in a number of countries producing and supplying sugar to TCCC. The results summarised in this report, identify potential issues, possible needs for remediation, and underlying labour and human rights gaps that might require mitigation and capacity building by stakeholders. The research activities comprised desk research/review of public information, stakeholder interviews to get a broad range of perspectives and on-site field research of the supplier mills and a representative sampling of the farms supplying the TCCC system.

The research activities were carried over a period of four months between April and October 2017. The scope of the three study themes of child labour, forced labour and Land Rights were drawn from the International Labour Organisation, The Coca-Cola Company Human Rights Policy, The Coca-Cola Company Supplier Guiding Principles, The Coca-Cola Company Global Workplace Rights – Human and Workplace Rights Issue Guidance, Prior, and Informed Consent (FPIC) IFC Standard principles 5&7 and the United Nations Guiding Principles on Business and Human Rights.

RESEARCH METHODOLOGY

The research methodology comprised a review of all relevant literature, stakeholder interviews, and on-site interviews by a team of five researchers from Ethical Trade Services Africa Limited and on-site documentation review with a focus on child labour, forced labour and land rights.

<p>Review of Relevant Literature</p>	<p>A systematic and comprehensive review of relevant literature was undertaken. Literature consulted included, but was not limited to, official reports, media reporting, Coca Cola Supplier Guiding Principles Audit Reports, NGO and human rights organisation reports, country specific legislation, and country specific development reports.</p> <p>Please see Appendix 1 for a detailed list of country specific development reports.</p>
<p>Stakeholder Interviews</p>	<p>A full stakeholder analysis was undertaken to identify key stakeholders and the role players in and out of The Coca-Cola Company sugar supply chain. A team of five researchers conducted interviews in person, over telephone and through internet calls with all identified stakeholders. Stakeholders involved included:</p> <ol style="list-style-type: none"> 1. Sugarcane growers and processors 2. Local and international research organisations 3. Local and international NGOs 4. Trade Unions 5. Local and National Government officials <p>Specific interview schedules were used for interviews with mill and farm workers, mill and farm management, adjacent farm owners, government officials and stakeholders.</p>
<p>On-site Interviews and Observations</p>	<p>A mix of in-depth, group and individual interviews were conducted. On-site interviews were conducted at a range of locations including the mill, interviewees' homes, and at trade unions and government offices. Researchers ensured certain standards for interviews such as ensuring all worker interviews were carried out in a private location away from the mill/farm manager or supervisors and in venues not associated with disciplinary hearings or management boardrooms.</p> <p>On-site interviews were undertaken with:</p> <ol style="list-style-type: none"> 1. Sugar mill management 2. Sugar farm management 3. Small to medium sugar farm owners or management 4. Large sugar farms owners or management 5. Sugar farm and mill workers 6. Adjacent property owners 7. Government officials 8. Community members
<p>On-site Documentation Review</p>	<p>Documentation was reviewed on site to determine evidence of compliance and triangulate between observations and worker interviews to determine</p>

compliance with legal requirements as well as to verify claims and observations made during the interviews and the facility/farm walkthrough.

Documents reviewed included:

- Mill and farm land ownership or lease documents (title deeds, certificates, lease contracts, permits, and other).
- Domain books related to the process of acquiring land parcels, including evidence by the two TCCC suppliers
- Farmland ownership or lease documents (titles, certificates, lease contracts, and other for Small, Medium and Large Farm Owners.
- Company policies and procedures on the three themes (child labour, forced labour and land rights)
- Sample personnel files to determine the presence of copies of age verification documentation of employees, labour contracts and contents therein, disciplinary issues and others
- Recruitment policies and procedures reflecting any past or current employment practices that could impact rights to decent employment
- Grievance policies and procedures reflecting any past or current disputes or grievances related to the land on which the mills and farms are located, including whether and how disputes or grievances were resolved.

Interview Schedule

The following on-site one on one and or group interviews were conducted:

- Sugar mill management
 - 8 managers from Mill 1
 - 6 managers from Mill 2
- Sampling plan for surrounding farms:
 - 6 No. Large (Providing more than 25% of the volume of sugar cane to mill 1 & 2)
 - 6 No. Medium (Providing more than 10% but less than 25% of sugar cane mill 1 & 2)
 - 18 No. Small scale farmers (Providing between 0.5% and 5% of sugar cane to mill 1 & 2)
- Direct farm and mill employed workers
 - 25 farm workers
 - 25 mill workers
- Subcontracted cane cutting/ transportation service providers
 - 5 engaged by Mill 1
 - 5 engaged by Mill 2
- Subcontracted cane cutting/ transportation service provider workers
 - 20 engaged by service providers at Mill 1
 - 15 engaged by service providers at Mill 2
- Union Representatives
 - 4 representatives from Mill 1
 - 5 representatives from Mill 2
 - 2 National trade unions
- Community members:
 - 3 Primary school head teachers
 - 2 Local government representatives

- Government Institutions
 - 4 Primary school head teachers
 - 2 Local government representatives
 - 1 Mauritius Sugar Syndicate
 - Ministries of Labor (2 No.), Agriculture (2 No.) and Education (2 No.)

These on-site interviews were complemented with stakeholder interviews as well as previous Supplier Guiding Principles audit assessment reports conducted by TCCC audit service providers prior to this study.

COUNTRY OVERVIEW

Mauritius is an island country with a population of 1.3 million people; majority living in rural areas.¹ The Republic of Mauritius consists of the islands of Mauritius, Rodrigues, and Agalega. The Chagos Archipelago is contested between Britain and Mauritius.² Britain detached the Chagos Archipelago in 1965 from Mauritius to form the British Indian Ocean Territory (BIOT). Mauritius maintains that Chagos is an integral part of its territory- a position backed by the African Union in 2010.³ Mauritius is a democratic republic with a parliamentary system and a non-executive president.⁴

Mauritius has a Gross National Income per capita, purchasing power parity (international dollars) of 19,940⁵ and ranks first in Africa south of the Sahara and 49 out of 190 countries in the 2017 Ease of Doing Business.⁶ According to the latest UN Human Development Report, 2015, under the theme of “Work for Human Development”, Mauritius has a Human Development Index of 0.777. This places it in the High human development category.⁷

The island country is however categorised as a Net-Food Importing Developing Country (NFIDC).⁸ Food prices are greatly influenced by the exchange rate and international prices.⁹ According to the World Bank, Mauritius food imports as a percentage of merchandise imports, as of 2015, stood at 22 percent.¹⁰

Mauritius scores highly on governance. It remains the top-ranking country in overall governance in Africa for the tenth consecutive year according to the 2016 Ibrahim Index of African Governance (IIAG) - an annual statistical assessment of the quality of governance in every African country.¹¹ As a Small Island Developing State (SIDS), Mauritius is highly vulnerable to the effects of climate change and its impacts on socio-economic development.¹² Mauritius faces several other development challenges as

¹Food and Agriculture Organization of the United Nations. FAOSTAT, Country Indicators. Mauritius <http://www.fao.org/faostat/en/#country/137> [accessed 2 March 2017]

² See recent media reporting: The Guardian <https://www.theguardian.com/world/chagos-islands> , Al Jazeera <http://www.aljazeera.com/Search/?q=Chagos%20Islands> , BBC <http://www.bbc.com/news/uk-36659976>

³ Harris Peter, Not Just a Military Base: Reframing Diego Garcia and the Chagos Islands, African Affairs, New York: Oxford University Press, 2011

⁴ Nexus Commonwealth Network, Mauritius <http://www.commonwealthofnations.org/sectors-mauritius/government/> [accessed 2 March 2017]

⁵ World Development Indicators (WDI) Database, The World Bank, 1 February 2017 <http://databank.worldbank.org/data/download/GNIPC.pdf> [accessed 3 March 2017]

⁶ World Bank. 2017. Doing Business 2017: Equal Opportunity for All. Washington, DC: World Bank.

⁷ United Nations Development Programme (UNDP), Human Development Report 2015: Work for Human Development. New York: United Nations Development Programme

⁸ Food and Agriculture Organization of the United Nations (FAO), 2014. Country Programming Framework for Mauritius 2014-2017.

⁹FAO Country Briefs- Mauritius <http://www.fao.org/giews/countrybrief/country.jsp?code=MUS&lang=en> [accessed 2 March 2017]

¹⁰The World Bank, Mauritius food imports (% of merchandise imports), <http://data.worldbank.org/indicator/TM.VAL.FOOD.ZS.UN> [accessed 2 March 2017]

¹¹ Mo Ibrahim Foundation, A decade of African Governance 2006-2015: Ibrahim Index of African Governance (IIAG) 2016 available at: <http://mo.ibrahim.foundation/iiag/> [accessed 3 March 2017]

¹² Intended Nationally Determined Contribution (INDC) of the Republic of Mauritius following the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) decisions adopted at the 19th and 20th sessions, available at:

well; the dropping net demand for labour in traditionally lower-skilled labour-absorbing sectors and in particular sugar and textiles. What is more, despite low rates of unemployment, the island nation has a high gender wage gap and low female labour participation rates.¹³

Mauritius has moved from its heavy dependence on sugar exports and diversified to establish an outsourcing and financial services sector as well as a tourism industry.¹⁴ Nonetheless, sugar still remains the most significant export. The country has undertaken measures to ensure the sustainability of the sugar sector. These include: shifting from raw sugar production to value-added refined sugar and production of energy products, various schemes to assist sugarcane growers to reduce their cost of production, thus increase their competitiveness; service providers, who depended on taxes levied sugar, have merged into a single organization, the Mauritius Cane Industry Authority.¹⁵

The sugar cane plant is not indigenous to Mauritius. It was introduced by the Dutch settlers in 1639. Sugar is reported to have been manufactured for the first time in 1696.¹⁶ Of the 40 percent or so of Mauritius' land used for cultivation, about 90 percent is sugarcane. The production of sugarcane declined slightly in 2017. This is attributed to a reduction in the area harvested.¹⁷ In 2017 51,477 hectares of land was harvested with the crop outturn attaining 386,277 metric tons of sugar produced from 3,795,619 tons of cane.¹⁸

<http://www4.unfccc.int/ndcregistry/PublishedDocuments/Mauritius%20First/Final%20INDC%20for%20Mauritius%2028%20Sept%202015.pdf> [accessed 3 March 2017]

¹³ The World Bank, Country Overview. Mauritius <http://www.worldbank.org/en/country/mauritius/overview> [accessed 3 March 2017]

¹⁴ BBC World, Africa; Malawi Country Profile <http://www.bbc.com/news/world-africa-13882233> [accessed 28 March 2017]

¹⁵ Food and Agriculture Organization of the United Nations (FAO), 2014. Country Programming Framework for Mauritius 2014-2017.

¹⁶ Mauritius Sugarcane Industry Research Institute (MSIRI) Historical Background. Available at: <http://www.msiri.mu/index.php?langue=eng&rub=221>

¹⁷ Food and Agriculture Organization of the United Nations. Global Information and Early Warning System: <http://www.fao.org/giews/countrybrief/country.jsp?code=MUS>

¹⁸ Mauritius Sugar Syndicate Annual Report 2016-2017. <http://mauritiussugar.mu/index.php/en/annual-report.html>

OVERVIEW OF THE MAURITIUS SUGAR INDUSTRY

Industry Overview

The proportion of labour force in the sugar industry has notably reduced over time. The sugar industry today employs less than 2% of the labour force and small and medium planters have decreased by about 40% over the past decade.¹⁹ The past decade has witnessed a major transformation of the Mauritian sugar industry into a cane cluster following the European Union (EU) Sugar Regime reform that did away with the guaranteed preferential access to the EU, as well as the guaranteed minimum price. This consequently led to the drop of 36% in sugar prices.²⁰

The 36% plunge in prices meant the local industry would export raw sugar for less than the cost of production. This triggered the industry's unprecedented reforms. The sugar industry reforms of, 2010-2011 were regarded as the turning point in this sub-sector. 2011 was the first time Mauritius exported only refined and special sugars having addressed delays in the commencement of refining and the lumping of sugar while in transit to Europe.²¹ Irrespective of the profound reforms²² implemented, new challenges have arisen, the most prominent ones being the fluctuating sugar price on the European market and the abolition of internal quotas of sugar on the EU market scheduled for 2017.²³

Key sub-sector players include; planters; millers; and the refinery/specialty sugar makers. They are remunerated as per their roles in the industry. The planter is paid 78% of the total sugar produced from their sugarcane (cane). The miller does not receive any cash for extracting juice from cane and converting it into sugar. Instead, the miller is paid in sugar. i.e., 22% of all the sugar produced at the factory. The refiner/specialty sugar maker bills the Mauritius Sugar Syndicate per ton of raw sugar converted into a higher value-added product. The refiner is paid in monetary terms for services rendered.

The sugar workforce has been in steady decline since the mid-80s due to increasing mechanised harvesting. The sugar sector is facing the same problem of shortage of skilled labour as most other sectors. The Government is consequently considering the import of temporary labour during the harvest season.²⁴

There are two Coca-Cola Company suppliers of sugar in Mauritius. Both companies undertake milling and refinery operations. The two TCCC suppliers have a combined annual production capacity of 370,000 tonnes of white refined sugar Mill 2 has the following certifications: ISO 9001: 2008, ISO 14001: 2004, ISO 22000: 2005. Mill 1 is in the process of getting BONSUCRO and VIVE accreditations as a measure to address the continued production of sustainable sugars. Both suppliers undergo periodic TCCC SGP, Nestle Responsible Sourcing Audit (RSA) and Fair-Trade assessments. All sugar producers belong to the Mauritius Sugar Syndicate which is the sole organisation responsible for the marketing, sale and export of all the sugar produced locally.

¹⁹ Ibid

²⁰ Mauritius Sugarcane Industry Research Institute (MSIRI). Mauritius Research and Development Plan 2016-2020. http://www.msiri.mu/UserFiles/File/R_D/MSIRI_R_&_D_Plan_2016-2020.pdf [accessed 16 December 2017]

²¹ AXYS Stockbroking Ltd. Op Cit.

²² Republic of Mauritius. Ministry of Agro Industry and Food Security. Multi Annual Adaptation Strategy. Action Plan 2006-2015: Safeguarding the future through consensus

²³ Mauritius Sugarcane Industry Research Institute, Op Cit.

²⁴ Ibid.

LITERATURE REVIEW

Child Labour

With a population of 1.3 million people in Mauritius, 303,000 are children under the age of 18 and 70,000 are under 5 years. 98 per cent of eligible children are in primary school.²⁵

According to the International Labour Organisation, child labour is defined as work that deprives children of their childhood, their potential and their dignity and that is harmful to their physical and mental development.²⁶

The United States Department of Labour's 2015 report on Findings of Worst Forms of Child Labour defines Working children (children in employment) as those engaged in any economic activity for at least one hour during the reference period. Economic activity includes market production and certain types of non-market production (principally the production of goods and services for own use). The work children perform may be in the formal or informal economy, inside or outside family settings, for pay or profit. This includes children working in domestic service outside the child's own household for an employer (paid or unpaid).²⁷

Child labour is a subset of working children. The concept of working children encompasses all work performed by children. It could be age-appropriate or child labour. Age-appropriate tasks do not interfere with children's education or their health. Such tasks allow enough time for recreation and are physically appropriate. Age-appropriate tasks could include light work.²⁸ Light work is age-specific. It refers to work done by children from the age of 13 so long as it does not interfere with their education. In countries where the minimum working age is 14 years, the minimum age for light work can be set at 12 years.²⁹ The State through national legislation has to determine activities to be considered light work, prescribe the number of hours and conditions under which these light work tasks may be undertaken.³⁰ Child labour here thus includes employment below the minimum age as established in national legislation (excluding permissible light work) and the worst forms of child labour, including hazardous unpaid household services. Critically, child labour is a narrower concept compared to children in employment. Child labour excludes children who work only a few hours a week in permitted light work and those who are above the minimum age who engage in work not classified as a worst form of child labour.

Worst Forms of Child Labour refers to activities described in ILO Convention 182: Worst Forms of Child Labour, 1999. Under Article 3 of the Convention, the worst forms of child labour comprise— (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment

²⁵ United Nations Development Programme. Human Development Report 2015, Work for Human Development. http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

²⁶ International Labour Organization. What is Child Labour? <http://www.ilo.org/ipec/facts/lang--en/index.htm>

[Accessed 15/12/17].

²⁷ Bureau of International Labour Affairs. United States Department of Labour. 2015 Findings on the Worst Forms of Child Labour <https://www.dol.gov/sites/default/files/documents/ilab/reports/child-labour/findings/2015TDA.pdf> [Accessed 15/12/17]

²⁸ United Nations Food and Agriculture Organization. Handbook for monitoring and evaluation of child labour in agriculture and food security programmes on child labour in family-based agriculture. UNFAO: Rome, 2015

²⁹ International Labour Organization. Article 7, Minimum Age Convention No.138, 1978.

³⁰ United Nations Food and Agriculture Organization. Op Cit., 2015

of children for use in armed conflict; (b) The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes; (c) The use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. ILO Convention No. 138 Minimum Age for Employment, Article 7 defines Light Work as work that is not likely to be harmful to children's health or development and does not affect their education (school attendance, participation in vocational orientation or training programmes, or capacity to benefit from the instruction received).

The 2015 Findings on the Worst Forms of Child Labour by the United States Department of Labour notes that Mauritius has never conducted a national child labour survey. The Ministry of Labour, Industrial Relations, Employment, and Training (MOLIRE) maintains that there is no child labour in the formal sector. The US Department of Labour report cites child labour in other agricultural sectors but not in sugar cane farming.³¹

ILO Conventions

18 years is the distinguishing age between childhood and adulthood according to the ILO Child Labour Conventions, Nos. 138 and 182, and the United Nations Convention on the Rights of the Child (CRC). Although many cultural traditions and personal characteristics could arguably call for a higher or lower age, in first crafting and then in ratifying these Conventions, the international community has determined that persons under 18 years are children and have the right to special protection.

Regarding child labour within this protected realm of childhood, ILO Convention No. 138 marks out a minimum age for different types of employment: age 15 for ordinary work; age 18 for hazardous work; and age 13 for light work. Child labour, therefore, is simply work done by children who are younger than the designated minimum age in one or another of these categories. This is the general rule. However, Convention No. 138 is fairly flexible, in that it allows for some exceptions (artistic performances, supervised apprenticeships, etc.).

ILO Convention No. 182, which defines the Worst Forms of Child Labour (WFCL), goes a step further by including hazardous work as one of the four worst forms. This convention, which requires immediate action, (paragraph d above) does not allow exceptions and prohibits children from being engaged in these types of work. The ILO's Worst Forms of Child Labour Recommendation, 1999 (No. 190), and the non-binding guidelines that accompany Convention No. 182, give indication as to what work should be prohibited and urges member States to give consideration to the same.

When countries ratify Convention No. 182 and Convention No. 138, they commit themselves to determining work to be prohibited for persons under 18 years of age. Mauritius has ratified the Minimum Age Convention, 1973 (ILO C. 138), Worst Forms of Child Labour, 1999 (ILO C.182), UN Convention on the Rights of the Child, UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Palermo Protocol on Trafficking in Persons.

³¹ USDOL, 2015 Findings on the Worst Forms of Child Labour; Mauritius. <https://www.dol.gov/agencies/ilab/resources/reports/child-labour/mauritius>

National Laws and Regulations Related to Child Labour

Relevant National Laws and Regulations include; Employment Rights Act (Sections 6 &12), Minimum Age for Work (16 years); Section 6 of the Employment Rights Act (17); Occupational Safety and Health Act (Section 8); Minimum Age for Hazardous Work (18 years); Section 12 of the Employment Rights Act (17), The Constitution (Article 6), Prohibition of Hazardous Occupations or Activities for Children; Section 8 of the Occupational Safety and Health Act (18); Prohibition of Forced Labour, Article 6 of the Constitution; Article 2 of the Combating Trafficking in Persons Act (19, 20); Prohibition of Child Trafficking, Article 11 of the Combating Trafficking in Persons Act; Article 13A of the Child Protection Act (20, 21); Article 14 of the Child Protection Act; Article 253 of the Criminal Code (21, 22); Articles 30.1b–e, 38a, 41.1f; Combating Trafficking in Persons Act (Articles 2 & 11), Child Protection Act (Articles 13 (a) & 14).

Forced Labour

Forced labour according to the International Labour Organisation, The Institute for Human Rights and Business, The Coca-Cola Company Human Rights Policy, The Coca-Cola Company Supplier Guiding Principles, The Coca-Cola Company Global Workplace Rights – Human and Workplace Rights Issue Guidance, and the United Nations Guiding Principles, is a situation in which people are coerced into work through the use of violence or intimidation, or by subtler means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Forced labour as defined in the ILO Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No 105) as well as in Principle 4 of the United Nations Global Compact, includes work or services exacted from a person under threat or penalty, or where the person has not offered him or herself voluntarily, slavery and abductions, misuse of public and prison work, forced recruitment, debt bondage, workers under forced labour situations, internal or international human trafficking, slavery, or practices defined as slavery and human trafficking in section 54 of the UK Modern Day Slavery Act of 2015.

ILO Conventions

Mauritius has ratified the Forced Labour Convention, 1930 (No.29), the Abolition of Forced Labour Convention, 1957 (No.105), Weekly Rest (Industry) Convention, 1921 (No.14), Domestic Workers Convention, 2011 (No. 189), Contracts of Employment (Indigenous Workers) Convention, 1947 (No.86), Protection of Wages Convention, 1949 (No.95), Migration for Employment Convention (Revised), 1949 (No. 97).³²

Article (1) of C029; of the ILO convention on Forced Labour requires each Member of the International Labour Organisation which ratifies this Convention to undertake to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Article 1 on Abolition of Forced Labour Convention, 1957 (No. 105) requires each Member of the International Labour Organisation which ratifies the Convention to suppress and not to make use of any form of forced or compulsory labour--(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination. Article 2 provides that; Each Member of the International

³² ILO, NORMLEX. Information System on International Labour Standards; Ratifications for Mauritius, availableat:http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103106 [accessed 7 March 2017]

Labour Organisation which ratifies the Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1.

National Legal Framework on Forced Labour

In Mauritius, the Country Constitution GN 54 of 1968, 12th March 1968, and Combating of Trafficking in Persons Act, 2009 are the main domestic legal instruments that regulate Forced Labour. Section 6 (1 & 2) of the Constitution prohibits slavery and forced labour. Sub section 1 provides that; No person shall be held in slavery or servitude. Sub section 2 provides that; No person shall be required to perform forced labour.

Section 7 provides protection from inhuman treatment. Section 7 (1) provides that; No person shall be subjected to torture or to inhuman or to degrading punishment or other such punishment. Sub section 2 of the same section provides that; Nothing contained in or done under the authority of any law shall be held to be consistent with or contravention of this section to the extent that the law in question authorise the infliction of any description of punishment that was lawful in Mauritius on 1st March 1964

Section 11 (1 & 2) of Combating of Trafficking in Persons Act 2009, provides that; 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. Sub section (2) of the same section provides that; 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.

Article 3 on Restriction on employment of non-citizens, Act 15 of 1970-17 May 1973 provides that; (1) Subject to this Act, a non-citizen shall not –(a) engage in any occupation in Mauritius for reward or profit; or (b) be employed in Mauritius, unless there is in force, in relation to him, a valid permit and he engages in the occupation, or is employed, in accordance with any condition which may be specified in the permit. Part (3) of the same Article provides that; Subject to this Act, no person shall have a non-citizen in his employment in Mauritius without there being in force a valid permit in relation to that employment. Part (4) provides that; Subject to this Act – (a) any non-citizen who engages in any occupation in Mauritius or is employed in Mauritius in contravention of subsection (1); and (b) any person who has in his employment in Mauritius a non-citizen in contravention of subsection (3), shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees but not more than 50,000 rupees and to imprisonment for a term not exceeding 2 years.

Land Rights

For the purpose of this study, land rights include indigenous land rights; women's rights; access to housing, food, and water; environmental rights; and land sovereignty.³³ During this study, the assessment of land rights was against the domestic laws of Mauritius and a combination of the international standards around FPIC as listed below.

International Standards

The United Nations Declaration on the Rights of Indigenous People³⁴, Articles, 3, 8 and 10, which emphasize respecting free, prior, and informed consent in land acquisition, outline the necessary conditions that large-scale commercial agriculture enterprises should adhere to. IFC Performance Standard 1 of January 2013 on Land Acquisition and Involuntary Resettlement underscores the importance of (i) integrated assessment to identify the environmental and social impacts, risks, and opportunities of projects; (ii) effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them; and (iii) the client's management of environmental and social performance throughout the life of the project.

Performance Standard 5 notes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. According to this performance standard, involuntary resettlement applies both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use. In the context of IFC guidelines, resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

The performance standards further hold that; unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for the affected communities and persons, as well as environmental damage and adverse socio-economic impacts in areas to which they have been displaced. For these reasons, it is recommended that involuntary resettlement should be avoided. However, where involuntary resettlement is unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented. The government often plays a central role in the land acquisition and resettlement process, including the determination of compensation, and is therefore an important third party in many situations. However, the direct involvement of the client in resettlement activities can result in more cost-effective, efficient, and timely implementation of those activities, as well as in the introduction of innovative approaches to improve the livelihoods of those affected by resettlement.

Performance Standard 7 recognizes that indigenous peoples, as social groups with identities that are distinct from mainstream groups in national societies, are often among the most marginalized and vulnerable segments of the population. In many cases, their economic, social, and legal status limits

³³ The Coca-Cola Company Human Rights Policy, The Coca-Cola Company Supplier Guiding Principles, The Coca-Cola Company Global Workplace Rights – Human and Workplace Rights Issue Guidance, and the United Nations Guiding Principles.

³⁴The United Nations Declaration on the Rights of Indigenous People <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html> [accessed 9 December 2017].

their capacity to defend their rights to, and interests in, lands and natural and cultural resources, and may restrict their ability to participate in and benefit from development. The Standard further notes that Indigenous People are particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded.³⁵

The Food and Agriculture Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the context of National Food Security, Rome 2012, emphasize the importance of identification of land rights holders and users, proper consultation, just compensation, as well as accessible and functioning grievance mechanisms. According to FAO, tenure systems should define and regulate how people, communities, and others gain access to natural resources, whether through formal law or informal arrangements. The rules of tenure determine who can use which resources, for how long, and under what conditions. They may be based on written policies and laws.³⁶

National Legal Framework on Land Rights

The legal frameworks governing land in Mauritius include: various relevant provisions of the Constitution, Mauritius's international commitments, The State Land Act, 2003; Land Acquisitions Act, 2003; Land and Tenant Act, 1999; Land Surveyors Act, 1979; Transcription and Mortgages Acts Section 3, 8 and 16 of the Constitution, Civil Code, Morcellement Act, Land (Duties and Taxes) Act 1984, and Sugar Industry Efficiency (Amendment) Act 2013.

Sections 3 and 8 of the Constitution, Land Acquisitions Act, Transcription and Mortgages Acts, State Land Act, Land and Tenant Act, guarantee legal security of tenure. The Minister for Housing and Lands may compulsorily acquire any land owned by a corporate entity after giving notice of the intention to do so in the Gazette. Additionally, where a person requires any land and has not been able to acquire it by private agreement, she/he may make a written request to the Minister for the compulsory acquisition of the land. However, an interested person who wishes to challenge the legality of the compulsory acquisition of any land may appeal to the Supreme Court within such time and in such manner as may be provided by rules made by the Supreme Court for that very purpose.³⁷

Moreover, Section 8 of the Constitution, guarantees protection from deprivation of property. It provides that; No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where; the taking of possession or acquisition is necessary or expedient in the interest of defence, public safety, public order, public morality, public health, town and county planning, the development or utilisation of any property in such a manner as to promote the public benefit or the social and economic wellbeing of the people of Mauritius and; there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and provision is made by law applicable for that taking of possession or acquisition for the payment of adequate compensation and securing for any person having an interest in or right over the property a right to access the Supreme Court for the determination of his/her interest or right, the legality the taking

³⁵ Free Prior and Informed Consent <http://www.fao.org/indigenous-peoples/our-pillars/fpic/en/> [accessed 9 December 2017].

³⁶ The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) <http://www.fao.org/cfs/home/activities/vggt/en/> [accessed 9 December 2017].

³⁷Mauritius Land Acquisition Act 1982. Republic of Mauritius Portal. Ministry of Housing and Lands, Acts. Available at <http://housing.govmu.org/English/Rules-Regulations-Policies/Pages/default.aspx> [accessed 8 November 2017].

possession or acquisition of the property, interest or right, and the amount of any compensation to which she/he is entitled, and for the purpose of obtaining payment for the compensation.

Mauritius is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women³⁸ and it has also signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,³⁹ instruments which call for equality in access to land rights. Section 16 of the Mauritius Constitution, 1968 prohibits discrimination on the basis of sex. The research found that women have equal rights to buy, own and sell land. They may also inherit land from their parents or other relatives, just like men, and so do daughters and sons (Civil Code Article 731).

It should be noted that while the Constitution prohibits discrimination on the basis of sex, an exemption is maintained in (section 16 (4) (c) with regard to personal status law, which include adoption, marriage and divorce, burial and the devolution of property on death, which can affect women's rights to own land. This notwithstanding, widows and widowers can inherit the property of the deceased spouse, whatever the circumstances and the matrimonial regime, even if the deceased did not leave a written will. For Muslims, inheritance is also subjected to unofficial religious Islamic law, by which a woman is entitled to half the share of her male counterpart.

Locally incorporated wholly foreign-owned companies are allowed to lease land of unlimited size for industrial use from the government. The statutory maximum duration of a lease by a locally incorporated wholly foreign-owned company is 60 years. Locally incorporated fully foreign-owned companies can: renew and transfer their leases, including to another domestically incorporated foreign-owned company; sublease land from an existing lease holder; sub-divide its lease; sublease its acquired land; use the leased land as collateral for the purchase of production equipment; mortgage the leased land; buy land without entering into a partnership with a national; sell the land but with permission from the government; subdivide and sell part of the land. Locally incorporated fully foreign-owned companies are not required to do either an environmental or social impact assessment as part of the process of leasing public land.⁴⁰

³⁸ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/> [accessed 9 December 2017]

³⁹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <http://www.achpr.org/instruments/women-protocol/> [accessed 9 December 2017].

⁴⁰The World Bank. Investing Across Borders; Indicators of Foreign Direct Investment Regulation. Mauritius <http://iab.worldbank.org/Data/ExploreEconomies/mauritius/accessing-industrial-land> [accessed 8 March 2017]

Land Use in Mauritius

There are two categories of land and types of land tenures in Mauritius: public and private; state land and freehold. Mauritius does not have community/customary land and therefore no customary tenure. State land defined as defence lands, Pas Géométriques, and all lands belonging to or in possession of the State can be sold, granted, or leased for charitable purposes. State land may be leased for industrial or commercial purposes for a period not exceeding 60 years.

As most Small Island Developing States (SIDS), Mauritius has limited natural resources, which are under constant pressure by the increasing socio-economic development needs. As a result, there is severe competition among economic actors on land use. These include commercial agriculture, infrastructure development and commercial property development.

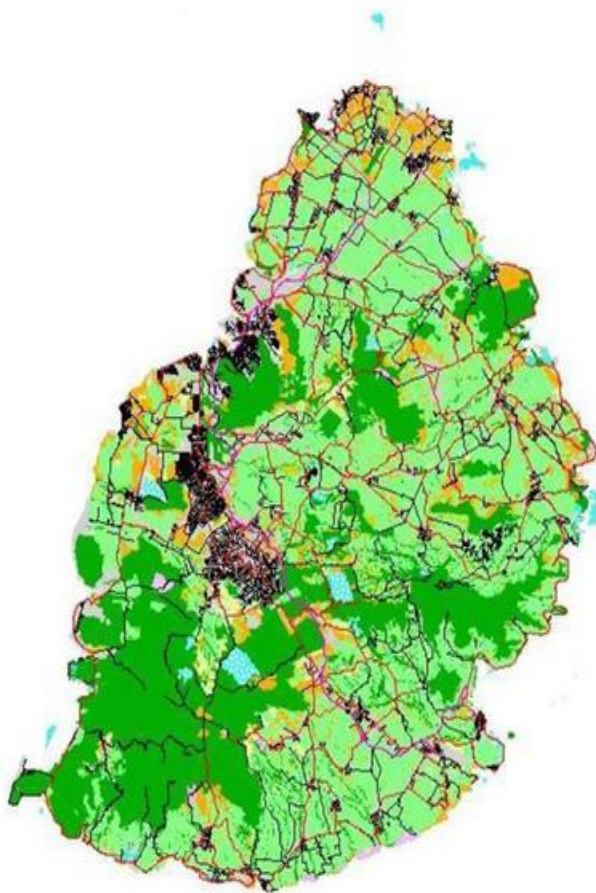
In the coastal zones, land is mainly used by the tourism industry. Reduction in sugarcane cultivation has led to agricultural land being converted to other forms of small agricultural practices, such as bio-farming and to non-agricultural uses such as property development. Mauritius has computerized its land administration systems in order to improve efficiency in land transactions including land transfers and mortgages. Consequently, in 2015 it took 14 days to transfer land in Mauritius compared to 22 days for OECD high income countries.⁴¹

The Republic of Mauritius extends over two million square kilometres including its sea-zone. Its surface land area is however barely around 0.1% of this total area. Mainland Mauritius has a surface area of 1859 square kilometres. Sugar cane is now found in every climatic region and occupies nearly half of the land surface. Notably, the land used for sugarcane cultivation has greatly diminished over time due to conversion of cultivated land for urban development.⁴² Agriculture and sugar cane production specifically, remains dominant in terms of land use activities.

⁴¹ Background Paper for African Transformation Report 2016: Transforming Africa's Agriculture. Securing Land Tenure and Easing Access to Land. Frank Byamugisha, February 2016. Joint research between African Centre for Economic Transformation (ACET) and Japan International Cooperation Agency Research institute (JICA-RI)

⁴² Rody Nigel, Soonil D.D.V. Rughooputh & Ravi Boojhawon. Land cover of Mauritius Island. Journal of Maps, 2015 Vol. 11, No.2, 217-224

Mauritius Land Use Map



LEGEND	MAJOR LAND USE	AREA (ha) & %
<ul style="list-style-type: none"> Sugar cane Other crops Livestock production 	Agriculture	77,418 (41.5%)
<ul style="list-style-type: none"> Abandoned sugar cane land 		
<ul style="list-style-type: none"> Reserves (Mountain & River) Waste land Rock heap Leisure (beach, public garden, etc.) 	Forest, Shrub, Range & Grazing Land	68,946 (37.0%)
<ul style="list-style-type: none"> Water body & marsh/ inland water resources 		
<ul style="list-style-type: none"> Built-up area 		28,070 (15.1%)
<ul style="list-style-type: none"> Highway Main road Secondary road/parking 	Infrastructure	78,79 (4.2%)
Total area (ha)		186,500 (100.0%)

(Source: Chung Tze Cheong et al., 2011)

STUDY FINDINGS

Findings on Child Labour

Verification of child labour incidences in the country sugar supply chain involved collection of data through documentation review, interviews with sampled milling company workers, milling company management, community leaders, local trade unions, National and Local Government of Mauritius officials, as well as through visual observation during visits to farms, mills and outsourced cane cutters office areas. The collected data was analysed to assess indicators and actual occurrences of isolated and systemic cases of child labour.

Mauritius has a national identification system. Determination of age at the point of employment is a pre-requisite for new employees. The employers rely on prospective employees' age verification documents such as National ID card, Birth Certificates or Passports where such is available. The age for eligibility to acquire a National ID card in Mauritius is 18 years. From records reviews and interviews with all sampled smallholder cooperatives management, labour contractors and outsourced cane cutting workers, the most preferred, and reliable document predominantly used when hiring an employee was the National ID card.

Interviews with sampled small holder farmers, farmer cooperatives and community leaders indicate that children carry out Light Work in household agricultural activities such as production, harvesting vegetables, and feeding livestock. At the outsourced labour providers and contracted cane cutters level, the researchers found that the intensity and laborious nature of the tasks involved in sugar cane production, contributed to young individuals' lack of interest in this sub-sector.

There are centralised Human Resource departments at the sampled millers' premises which are responsible for employee recruitment, employment policy implementation and monitoring. The millers have a written child labour policy dated 2012 prohibiting the employment of children below the age of 16 years. The policies refer to the Employment Rights Act 2008, the Child Protection Act, the Education Act and ILO minimum Age Convention No 138. Potential workers are requested to provide their National Identity cards at the point of recruitment. Photocopies of the National Identity cards are kept in personal files.

Whereas there was no incidence of child labour during the study, records reviewed from 2013 indicated an isolated case of a child accompanying the parents in a lorry to the harvesting field of one miller. Corrective actions have since been taken. There are sign boards at the entrance and weighing bridges of the sampled millers with messages indicating restricted access to children. Periodic physical inspection is carried out by the Health & Safety Officers to determine any presence of a child on site.

Despite the millers having written policies on child labour, only three out of fifteen contractors interviewed reported having a written child labour policy. Furthermore, only two of the sampled fifteen contractors require workers to produce their National Identity cards to prove that they are at least 18 years old. One miller does not sign any agreement immediately with its contractors during the probation period (1-12 months). It however monitors the contractor during this period to ensure that there is no violation of local law and its policy by the contractors.

The suppliers have since developed corrective action plans to remediate these issues and the evaluation of implementation and effectiveness will be done during the 2019/2020 harvest. The corrective action plans include a proposal to set up an internal audit committee whose main responsibility is to effect verification of all records and administrative duties including relevant labor policies and procedures. This is aimed at ensuring compliance with Section 58 of the Employment

Rights Act, 2008 which requires every employer with 10 or more workers to register as an employer with the Labor Permanent Secretary and 59 of the Employment Rights Act, 2008 which requires every employer referred to in section 58 to keep a register of workers, a record of remuneration paid, an inspection report book, and such other records as may be prescribed. These records are to be retained for a period of 3 years. The purpose of this committee is to engage and support the Job Contractors to improve their procedural methods of hiring, documentation and deployment of workers in order to meet legal requirements. The internal audit committee has been set up, a checklist for the internal audit developed and validated by the millers and a team of internal auditors established and trained. Two internal audits are set to be conducted during the intercrop 2018/2019 and the crop season 2019/2020.

During the farm visits, no young person was found in the farms. Most of the workers were above 50 years old and retired. The average age of twenty-six field workers (cane cutters) sampled was 55 years. The youngest persons found on the respective millers' sites were 19 and 28 years old. One mill had hired a new security company and its internal procedure- 'No Child On site' had not been communicated to the security guards during the conduct of field interviews for this study.

Security guards have since been made aware of the provisions of the policy on child labour. It requires that the security guards report any case of a child found onsite to the Human Resources Office which would then take the following steps: enquire about the reasons of the presence of the child on site; interview the child; liaise with the parents; liaise with the school (if school going); inform Social Security; inform the Ministry of Labour and follow up the case.

Initiatives Combating Child Labour

The Government of Mauritius has established institutional mechanisms for the enforcement of laws and regulations on child labour, including on its worst forms. These are: Inspection and Enforcement Division of the Ministry of Labour, Industrial Relations, Employment, and Training (MOLIRE), Office of the Ombudsperson for Children, Police Brigade for the Protection of Minors (Minors' Brigade), Ministry of Gender Equality, Child Development and Family Welfare (MOGE) and the Child Development Unit (CDU).

In 2016, Mauritius made a moderate advancement in efforts to eliminate the worst forms of child labour. The Government hired additional labour inspectors, now meeting the International Labour Organization's recommendation for workforce coverage. The Government also established a mechanism to coordinate human anti-trafficking efforts and drafted a National Plan to Combat Human Trafficking.

In 2015, the Child Development Unit of the Ministry of Gender Equality, Child Development and Family Welfare (MOGE) carried out three awareness campaigns on children's rights and how to protect them. The Office of the Ombudsperson for Children appointed a new ombudsperson experienced in working with vulnerable children and advocating for children's rights.

The table below summarises Mechanisms to Coordinate Government Efforts on Child Labour

Coordinating Body	Role and Description
National Child Protection Committee (NCPC)	Coordinate, monitor, and evaluate activities on children’s rights and welfare, including efforts to combat the worst forms of child labour. Chaired by MOGE and comprising representatives from more than 10 government Ministries.
National Children’s Council (NCC)	Serves as the executive of child protection programs and focuses on child protection issues in the country as an independent, Para governmental entity under the auspices of MOGE.

Source: US DOL 2015.

Despite the government efforts to combat child labour above significant overlap continues to exist among the committees involved in child protection issues. For instance, the roles of the National Child Protection Committee (NCPC) and the National Children’s Council (NCC) are unclear in coordinating efforts to combat the worst forms of child labour.⁴³

Several social programs to address child labour funded by the Government of Mauritius have been put in place.⁴⁴

The table below summarises Agencies Responsible for Child Labour Law Enforcement

Organisation/Agency	Roles
Inspection and Enforcement Division of the Ministry of Labour, Industrial Relations, Employment, and Training (MOLIRE)	Enforce all labour laws, including those related to child labour.
Office of the Ombudsperson for Children	Investigate any suspected or reported case of child labour or violation of a child’s rights. Promote compliance with the CRC.
Police Brigade for the Protection of Minors (Minors’ Brigade)	Investigate reports of child or forced labour, sometimes in conjunction with routine police patrols.
Ministry of Gender Equality, Child Development and Family Welfare (MOGE) and Child Development Unit (CDU)	Enforce legislation related to children and implement policies and programs related to child development. Develop a central database and standard operating procedures for sharing information and taking action to address child labour.

Source: US DOL 2015

The Government lacks a national policy to address all relevant worst forms of child labour. However, both TCCC suppliers have policies and procedures that prohibit employment of persons under the age of 18 years. They have made it mandatory for all prospective employees to present original copies of their age verification documents (National IDs) and retain photocopies of the same in personal files. Both companies have a sign board at the entrance and weighing bridge indicating that access by children is not allowed. Physical inspection is carried out by the Health & Safety Officers to ensure no child is on site.

⁴³ Ibid, ÚSDOL 2015

⁴⁴ Ibid

Findings on Forced Labour

During review of personnel files, and employee interviews, the researchers noted that the two companies do not retain original documents of workers; only copies of original employees' documents are taken and maintained on their files. The researchers did not find any incidences of forced or bonded labour at the two TCCC suppliers in Mauritius. Interviewed workers at TCCC supplier mills were found to be in employment out of their own free will and were not aware of any cases of forced labour. Overtime work is requested and consented to by employees and documentation on the same clearly and accurately maintained. Of the 50 workers interviewed, all had in their custody their original documents, had signed employment contracts/appointment letters which contained very clear terms and conditions of employment and they exhibited a clear understanding of the terms and conditions of employment. The workers were fully aware of their rights with regard to overtime work and notice period to terminate the employment relationship.

However, 35 outsourced contracted workers at both companies were in employment longer than 1 year without having signed employment contracts/appointment letters. The suppliers note that it is incumbent upon the contracted labour provider to ensure all legal requirements on forced labour are met. The mill's management pointed out that it has a collective agreement binding for all of its workers. The issue surrounding lack of signed employment contracts/appointment letters by outsourced contracted workers raises concerns relating to compliance with Section 8 of the Employment Rights Acts, 2008 which requires that every employer, who employs more than 10 workers, to provide every worker engaged for more than one month in employment, a written statement of particulars in the form specified in the Second Schedule, within two weeks of entering into an agreement.

As part of its intervention regarding the outsourced contracted workers, one of the mills has formulated a labour contract template containing very clear and concise terms and conditions of employment which it proposes for adoption by the labour contractors' and seasonal workers during the 2018/2019 intercrop season that starts in May. This will not only ensure compliance with the legal requirement on establishment of the formal employment relationship between the employee and the employer but the workers will be made fully aware of their terms and conditions of employment. According to the mill's management, the Human Resource Office will take responsibility for implementation of this action.

Whereas both mills have a procedure for enlisting outsourced services, gaps in its effective implementation and monitoring was evident as exhibited in the labor and human rights gaps among some contracted service providers. An internal audit committee whose main responsibility is to effect a verification of all records and administrative duties that will ensure contracted service providers comply with Section 8, 58 and 59 of the Employment Rights Act, 2008 has since been put in place. A checklist for the internal audit has been developed and validated by the millers and a team of internal auditors established and trained. Two internal audits to check compliance will be conducted during the intercrop 2018/2019 and the crop season 2019/2020.

During one mill's contracted cane cutter workers and management interviews, the researchers were informed about existence of 10 migrant workers from Bangladesh from mid-July to August 2017 for 3 to 4 weeks, cutting cane between 8:00pm to 0100 a.m. According to this source, these were previous employees of a textile factory which had shut down so the workers had to look for alternative work.

There was no documentation at this cane cutter contractor level to demonstrate that these migrant workers were in the country legally and neither was there evidence of the requisite documentation

for an expatriate to gain employment in Mauritius. The cane cutter contractor cited lack of cane cutter workers, high costs attributed to cutting, loading and transportation of cane and thus minimal profits accruing from the business as reasons why he opted to engage these migrant workers.

The labour provider did not ask for any information from the migrant workers- no ID, no name, and neither did they enter into any contractual agreement with them. Instead, the contractor agreed with the textile factory management hosting the migrant workers for a wage and payment of 250 MUR/Tons paid directly to the textile factory and not the workers who were engaged by the cane cutting contractor. There was no evidence to show these workers ultimately received payment for the cane cutting work they performed.

Outsourced cane cutting service provider employment of migrant workers without legal documents raises concerns relating to compliance with Article 3 on Restriction on employment of non-citizens, Act 15 of 1970-17 of May 1973 which provides that; (1) Subject to this Act, a non-citizen shall not –(a) engage in any occupation in Mauritius for reward or profit; or (b) be employed in Mauritius, unless there is in force, in relation to him, a valid permit and he engages in the occupation, or is employed, in accordance with any condition which may be specified in the permit. Part (3) of the same Article provides that; Subject to this Act, no person shall have a non-citizen in his employment in Mauritius without there being in force a valid permit in relation to that employment. Part (4) provides that; Subject to this Act – (a) any non-citizen who engages in any occupation in Mauritius or is employed in Mauritius in contravention of subsection (1); and (b) any person who has in his employment in Mauritius a non-citizen in contravention of subsection (3), shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees but not more than 50,000 rupees and to imprisonment for a term not exceeding 2 years.

The arrangement further raises concerns relating to compliance with Section 11 (1 & 2) of Combating Trafficking in Persons Act 2009 law which provides that; 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. Sub section (2) of the same section provides that; 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, shall commit an offence. The mill's management was advised to ensure its contracted cane cutting labour providers only engage persons who have the legal rights and documents to work in Mauritius. They were further advised to ensure payment of wages is made directly to persons who deliver the service they are engaged provide.

The mill's management confirmed hearing about this case but reported that they were made to understand the payment was made to the workers not as wages but to cover their accommodation/room fees incurred by the textile employer. The mill's management acknowledged that this was a new situation for them. Since the study was done, the mill has developed a corrective action plan to remediate this issue and its effectiveness will be evaluated during the 2019/2020 harvest. The plan entails setting up an internal audit committee to validate all records and administrative duties including relevant labor policies and procedures that will ensure its compliance with Article 3 on restriction on employment of non-citizens, Act 15 of 1970-17 of May 1973 and Section 11 (1 & 2) of Combating Trafficking in Persons Act 2009. The committee is also mandated to support the Job Contractors to improve their procedural methods of hiring, documentation and deployment of workers in order to meet legal requirements. A checklist for the internal audit is in place and internal auditors have been trained. Two internal audits will be conducted during the May-July intercrop season and the 2019/2020 main crop season in between August and April to check compliance. There is a remediation plan in place to verify measures taken. The remediation visits are scheduled to take place between June and July 2019.

The mill's management further noted that the presence of migrant workers will increase in the sugar farms if the recent government launch of a pilot migrant labour scheme to cover for the declining labour force in the sugar sub-sector is fully rolled out. The mill's management has subsequently established an internal audit team and will implement an internal audit system that will ensure prevention or recurrence of such cases at all levels (field workers and labour providers). The audit will be carried out during the May-July 2018/2019 intercrop season and the main crop season in August-April 2019/2020.

Review of tasks allocated to workers at the mills revealed that hazardous work such as application of agro-chemicals, operating machines and working in noisy areas were either done mechanically or by persons above 50 years old in full personal protective equipment to mitigate any process risk. However, some contracted cane cutters required their employees to procure their own machetes and rain coats. Alternatively, the employer provides and deducts monies from the concerned workers' wages. Legally, machete and rain coats are working tools and PPE respectively which by law should be provided by the employer free of charge.

Non-provision of full PPE to the workers by certain contracted service providers and requiring them to pay for the same raises concerns relating to compliance with Section 82 of the Occupational Safety and Health Act, 2005 which requires that every person shall be provided with such suitable and appropriate personal protective equipment and clothing as will protect them from risk of injury. There is need therefore to ensure that cane cutting contractors comply with the respective Company policies and local law by desisting from deducting wages to meet working tools and PPE costs as this by law is the obligation of the employer.

Further interviews with one cane cutter contract labourers revealed that 11 workers had worked for a contractor for the month of March 2017 without receiving any payment. The workers continued working in the month of April 2017 with the hope that payment would be made end of April 2017 in vain. The workers went to the labour office within their locality to lodge a complaint, then followed it up by a meeting with an officer at the Ministry of Labour in Port Louis but due to lack of time and money to travel to the government labour office, they gave up on the issue and sought employment from another contractor.

The inability by these contracted cane cutters to use the internal contracting Company grievance resolution mechanism to resolve the issue on non-payment of their wages and the failure to ensure all sub-contracted labour providers pay their employees as required by law raises non-compliance issues with Section Employment Rights Act 2008 which requires that every employer to enter, in the record the remuneration paid, the days or periods during which a worker has worked and the remuneration and other benefits paid to the worker. Consequently, in as much as it is the contractual obligation of the labour provider, the contracting company management should pursue the issue of non-payment of wages to the cane cutters by the contracted labour provider to ensure their right to payment for work done is respected.

A remediation plan is in place to verify what actions have been taken to ensure all sub-contracted labour providers pay their employees as required by law. The remediation plan will as well seek to verify if full Personal Protective Equipment is provided for workers at the employers' cost and that such costs are not deducted from workers' wages. The planned actions include setting up of an internal audit committee which is to engage the Job Contractors to facilitate improvement of their procedures and policies on forced labour. Two internal audits are scheduled to be conducted during the intercrop 2018/2019 and main crop 2019/2020 seasons.

Initiatives Combating Forced Labour

The researchers noted that in commercial agriculture such as sugar farming, the compliance standards that the commercial agriculture entities subscribe to, provide protection against situations in which people could be coerced to work through the use of violence or intimidation, or by subtler means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Whereas the commercial sugar enterprises have internal policies and procedures which prohibit forced labour besides subscribing to external global standards such as The Coca-Cola Company Supplier Guiding Principles- a protocol all Company suppliers are audited against from time to time, Nestle Responsible Sourcing Audits and Fair Trade; enforcing and monitoring adherence to these policies and procedures appears to be ineffective hence the presence of gaps and lapses noted among the contracted agencies/contract labour providers. Sugar cane smallholder outgrower cooperatives that are certified by Fair Trade and those that participate in the Nestle Responsible Sourcing program have forced labour prevention in their monitoring strategies and work plans.

The mills have issued guidelines in 2016 to be implemented by all service providers/contractors used by the respective organizations. Moreover, the companies have a Group Code of Conduct and Business Ethics whose provisions all its suppliers, contractors, service providers' representatives and other persons contracting with them- TCCC suppliers, are required to comply with. Accordingly, all mill suppliers are contractually bound to adhere to the respective Groups Codes of Conduct and Business Ethics as a requirement for continuous business relationship with the companies and are encouraged to have a requirement for their own suppliers/contractors to adhere to these principles.

Findings on Land Rights

The study found that access to land in Mauritius is primarily through inheritance from parents, acquisition through marriage as well as by transfers through land purchase, leases and government, or sugar factory mills early retirement programs. Tenure security is largely the same for women and men in the regions where the two sugar supplier mills to The Coca-Cola Company are located in particular and in the rest of the country. Just like men, women have control over land, and can make decisions on the use of money from the cane sales. Upon death, the deceased's partner and children inherit their land and property.

All sugar companies in Mauritius including both TCCC suppliers donate part of their estate land to surrounding local communities for open public spaces and community offices. There is also an arrangement where ex-sugar companies' workers who opted for the Voluntary Retirement Scheme in 2007-2008, were provided with their title deed in 2010. The parcels of land allocated to them are located in strategic locations and are productive. Most of these workers are now self-employed through small scale vegetable growing partly on the piece of land provided through this scheme.

Mill 1

This mill's acquisition of land in Mauritius dates back to 1880s when it purchased its initial parcels from private companies and individuals. The Company has documented all its land transactions (Acquisitions, Sales and Disposals) in seven Domain books. The Domain books show historical land acquisition since 1884. The last acquisition was made in 1990. Included in the Domain books are; acquisition agreements, sale agreements, lease agreements, and copies of title deeds for various parcels. All parcels of land have title deeds, original copies of which are kept at the government registry.

During document review and management interviews, it was noted that 8 sampled outgrower farmer groups and 13 individual farmers had in their possession, documentation demonstrating legal ownership or authorized use of the land through renting via leasehold and inheritance from ancestors/parents. It was also noted that there was an active land dispute case ongoing at the Supreme Court since 2012 between Mill 1 and a family involving 200 hectares which the family claims was illegally acquired by Mill 1 in the 1980s. There is no verdict till now.

The mill does not have documented policies and procedures regarding the protection of land rights and access to land apart from a grievance mechanism which entails: its Land Surveyor acting as the contact person on matters of land dispute; aggrieved party reporting to the land surveyor; titles deeds being searched, depending on the outcome, the grievance is resolved at the first instance or the case is escalated to the Supreme Court for Arbitration. The Court appoints independent land surveyors to confirm boundaries as parties involved provide evidence which together with the survey results is used by the Supreme Court to make a determination.

The responsibilities of the company land surveyor stated above are outlined in the terms of engagement and are limited to land matters only. Issues such as environmental impacts are managed by the company Environment and Safety Manager guided by the company environment policy. The mill should document its policies and procedures regarding the protection of land rights and make the same accessible to all its stakeholders in line with The Coca-Cola Company, The United Nations Declaration on the Rights of Indigenous People and local law provisions on land rights.

Mill 2

The mill owns and manages some 2600 hectares of land under cultivation. Around 2,800 hectares are harvested annually and yield circa 225,000 tons of sugarcane. According to the management, land was acquired from private companies. The Domain books kept at the company showed historical land acquisition since 1886. The last acquisition was made in 1998. The Company Land Surveyor provided information concerning Land Rights and made available several documents including Company Building as well as an extract of title deeds.

During document review and management interviews, it was observed that 6 sampled outgrower farmer groups and 14 individual farmers had in their possession, documentation demonstrating legal ownership or authorized use of the land through land title deeds, renting via leasehold and inheritance from ancestors/parents.

The mill does not have written policies and procedures concerning land acquisition and property development. According to the management, their undocumented policy is to adhere to the legal framework as defined by the government for all transactions concerning land and property development. The mill should document its policies and procedures regarding acquisition and the protection of land rights and make the same access to all its stakeholders.

During document review two land disputes were noted. In the first case, involving Mill 2 and a nearby village, the Supreme Court ruled that the villagers were staying on the land illegally as squatters and were therefore to vacate. The second dispute which is still pending in court, concerns 25 acres of land which was leased to the government during the cyclone Carol of 1973 but was never put to use.

5 out of 14 the small holder farmers visited were found to be in possession of their title deeds. Of the 5 small holder farmers that had their title deeds, 2 were women and 3 were men. 9 others brought their SIFB (Sugar Industry Fund Board) cards instead of their title deeds or lease agreements. SIFB cards are issued to holders only after presenting their title deeds or lease agreements to prove land ownership. The farmers reported that they were not aware of any land dispute.

CONCLUSION

The study identifies potential child labour, forced labour and land rights gaps, and highlights areas for that might require mitigation and capacity building by stakeholders.

There were no incidences of child labour found. No child was found working and neither was any present at both TCCC suppliers' premises at the time of the onsite assessments. The lack of a child labour policy and procedures at majority of the sub-contracted labour service providers engaged by the mills require intervention. Large, medium-and small-scale farms are frequently audited by independent third-party firms on schemes such as TCCC Supplier Guiding Principles, Fair Trade and Responsible Sourcing as well as by the Department of Labour to ensure no occurrence of child labour.

There were no incidences of forced labour found or reported. However, there were two related incidents pointing to forced labour risks at one TCCC supplier; one where some migrant workers were reported working for a cane cutter contractor with no evidence that they had legal documents to be employed as migrants, and another involving a cane cutter contractor who failed to pay workers' wages for one month. These issues raise human rights and forced labour gaps that require mitigation.

Other than three active land dispute cases that are in court, all beneficiaries of land at different levels interviewed during the fieldwork confirmed that they had legal ownership of the respective parcels of land which they had acquired either through leasehold, inheritance or purchase. The lack of specific land rights policy by the TCCC suppliers ought to be addressed.

As noted in the findings, especially on elements of forced labour, the main weakness seems to be the contracted service providers. There is need to ensure that cane cutting contractors comply with the respective TCCC supplier millers policies and local law. Given the challenges with the availability of labour force for sugar production, there is a critical need to address the gaps reported regarding contracted labour providers especially following the Government of Mauritius' plan to import the workforce needed for sugarcane production activities. There were no systemic violations of land rights or occurrences of child labour, and forced labour found in The Coca-Cola Company's sugar sourcing supply chain in Mauritius during the study.

LIST OF STAKEHOLDERS

1. Rezistans ek Alternativ
2. Mauritius Council of Social Services
3. Planters Reform Association
4. Artisans & General Workers Union
5. Small Planters Association
6. General Teacher's Union
7. Ministry of Labour
8. Mauritius Cane Industry Authority (MCIA)
9. Mauritius Sugar Syndicate
10. Mill 1- Management representatives, mill workers, farm workers, outgrower farmers & cane cutter contractors
11. Mill 2- Management representatives, mill workers, farm workers, outgrower farmers & cane cutter contractors