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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of Mauritius to the list of issues (E/C.12/MUS/Q/4) to be taken up  
in connection with the consideration of the combined second to fourth periodic reports of  
Mauritius (E/C.12/MUS/4)\* \*\***

[15 January 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the secretariat.

**Reply to the issues raised in paragraph 1 of the list of issues  
(E/C.12/MUS/Q/4)**

1. All acts of public bodies may be challenged in Court by way of application for Judicial Review on grounds of illegality, “Wednesbury” unreasonableness, abuse of power and procedural impropriety.
2. In addition, complainants may have recourse to the office of the Ombudsman or by way of minor petitions to the Attorney- General.
3. The National Human Rights Commission (NHRC) set up by the Protection of Human Rights Act 1998 may enquire into any written complaints from any person alleging that any of his human rights under Chapter II of the Constitution has been, is being or is likely to be violated by the act or omission of any other person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public body. Although the NHRC has no jurisdiction regarding economic, social and cultural rights as such, it can and does receive complaints against discriminatory treatment in relation to such rights under section 16 of the Constitution. Section 16 of the Constitution ensures that no individual is discriminated against, on the ground of his race, colour, political opinion, creed, caste, sex or place of origin.
4. Although the provisions of the Covenant have not been expressly incorporated in our law, the Supreme Court has time and again sought guidance from the Covenant and followed as a matter of course the generally accepted principles enunciated therein(see, for example, the case of *Tengur v Minister of Education & Anor [2002] SCJ 298*)

**Reply to the issues raised in paragraph 2 of the list of issues**

5. Several recommendations were made by the NHRC in its annual report for the year 2007 amongst which were those related to economic, social and cultural rights. One specific recommendation was that a future new Constitution should provide explicitly for the protection and promotion of economic, social and cultural rights.
6. The Law Reform Commission includes in its mandate the keeping of the Constitution, which is supreme law of Mauritius, under review. The Commission has recently reaffirmed this commitment in its Strategic Plan 2010-2012, namely that one of its strategic objectives is to have “constitutionally appropriate and consistent law that acknowledges the international human rights instruments and other treaties to which Mauritius is a party”.
7. The Commission has reviewed the legislative framework for affording protection to equality and has submitted in November 2008 an Issue Paper on “Equality/Anti-Discrimination Legislative Framework (Re Equal Opportunities Bill No. XXXVI of 2008)”; Observations were made about the structure of the anti-discrimination provision, the need for positive action measures to foster equality and a public sector equality duty on public bodies.

8. The Commission has conducted research work, from a comparative perspective, on the need to afford constitutional protection to economic, social and cultural rights, and the following issues have been addressed: How can Mauritius benefit from the approaches taken by other jurisdictions? What can be learnt about the methods, specificity, and limits of judicial enforcement?

9. The manner in which gender equality and the rights of vulnerable persons (children, persons with disabilities) can be better secured has also been examined.

#### **Reply to the issues raised in paragraph 3 of the list of issues**

10. The National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act 1998 and is operational since April 2001. It was granted accreditation by the International Coordination Committee of National Human Rights Institutions in 2002 and is governed by the Principles Relating to the Status of National Institutions, Competence and Responsibilities (“Paris Principles”). The Sub-Committee on Accreditation of the International Coordination Committee of National Human Rights Institutions has re-accredited the NHRC Commission as an A Status institution.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

11. The NHRC mainly enquires into complaints from persons alleging violation of their rights under Chapter II of the Constitution by the acts of public bodies or public officers and complaints against acts of members of the police force. It can also enquire of its own motion into such acts. Its functions also include visiting police stations, prisons and other places of detention to study detainees’ living conditions.

12. The NHRC takes the view that although the Constitution lays emphasis on civil and political rights as well as on the right to vote and participate in elections, economic, social and cultural rights are also protected since section 16 ensures that no individual may be discriminated against by public bodies on ground of his race, colour, political opinion, creed, caste, sex or place of origin. No discrimination may hence be made between citizens in the field of economic, social and cultural rights. Equality of treatment is guaranteed to all sections of the population.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

13. Mauritius is at present finalising a National Action Plan on Human Rights.

14. This National Action Plan seeks to develop a strong culture of human rights in Mauritius by providing better protection for individuals, creating more effective programs that enhance the quality of life for all, particularly vulnerable groups, and by improving national harmony. It also aspires to achieve promotion of greater awareness of human rights, both in the general public and in specific sectors. The overarching objective of the National Action Plan is to bring about tangible improvements in the observance of all categories of human rights.

15. An entire section of the Draft Action Plan has been devoted to Civil and Political Rights. The Draft highlights the different enactments passed by Parliament to protect these rights. Proposals have been put forward for eventual reforms of the Police and Prisons sectors to ensure further and better protection of the civil and political rights of the citizens. Challenges/ Problems have been identified and addressed inter alia in relation to accommodation in prisons, prisoners on remand, independent body to deal with complaints against the police, setting up of human rights sensitisation programmes amongst law enforcement officials, have been addressed.

16. The National Action Plan has been developed, in consultation with stakeholders, on the basis of realistic objectives and clear targets and covers a broad field of areas. It includes an overview of the international and national legal framework, a description of the different categories of human rights enjoyed by Mauritians, the role of national institutions and civil societies and lays emphasis on the need for human rights education. It describes the action taken so far in each field and the shortcomings which need to be overcome, and proposes measures to address these shortcomings. The National Action Plan also proposes specific time frames for the achievement of its objectives, with short term, medium term and long term implementation of the measures. The provision of a time frame will ensure that those involved in realising the targets of the Action Plan have a deadline to structure their activities and should ultimately facilitate monitoring and final evaluation.

17. Initial consultations have been held with the relevant stakeholders and further consultations are being held to take on board inputs received. The assistance of the Commonwealth Secretariat was obtained in the context of the finalisation of the report. The Prime Minister's Office organized a workshop in October 2009 in order to gather further inputs from Government departments as well as from non-governmental organizations in relation to the draft National Action Plan. All stakeholders including representatives from all Ministries concerned and several NGO's were convened. Inputs received during the various discussion sessions have been integrated in the draft plan. This draft is still under review following incoming /ongoing inputs from parties who were present at the workshop.

#### **Reply to the issues raised in paragraph 6 of the list of issues**

18. Consultations involving various Government departments as well as non- governmental organizations, have been held prior to the report being submitted to the Committee on Economic, Social and Cultural Rights. A presentation of the draft Report was also conducted for the benefit of Government departments as well as non-governmental organizations and latter were invited to submit their comments prior to finalization of the Report.

#### **Reply to the issues raised in paragraph 7 of the list of issues**

19. Mauritius, being a small and densely-populated island with stretched limited resources, has not yet adopted a policy or laws to grant refugee status to foreigners. It does however attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them.

20. However, though there is no specific procedure provided for 'refoulement' in our statutes, the Extradition Act provides with regard to extradition crimes namely in its section 7, that an offender shall not be surrendered to a foreign State where the offence in respect of which the request for his surrender is one of a political character or where the Minister has reasonable grounds for believing that the request for surrender is being made for the purpose of prosecuting or punishing the offender on account of his race, caste, place of origin, nationality, political opinions, colour or creed or where the Minister is satisfied that it would be unjust, oppressive or too severe a punishment to surrender the offender, amongst others.

21. On 21 January 2009, the UNHCR (the United Nations High Commissioner for Refugees) Regional Office, Pretoria, in a letter addressed to the Prime Minister's Office, informed that following an interview conducted by Mrs Monique Ekoko (UNHCR Senior Regional Protection Officer), it was found that six Iraqi nationals who had landed in Mauritius were likely to face persecution because of their religious beliefs and that they were consequently in need of international protection as refugees. Further, the UNHCR requested the Australian High Commission in Pretoria to expeditiously consider granting asylum and admitting the six Iraqi 'refugees' in Australia. Moreover, as at 24 March 2009, the UNHCR Regional Office in Pretoria issued an UNHCR REFUGEE CERTIFICATE to the six Iraqi nationals wherein it is stated that the latter have been recognized as a refugee by the UNHCR. On purely humanitarian grounds, the Government acceded to the request of the UNHCR and agreed to the temporary stay of the six refugees pending the completion of administrative procedures, although it was under no obligation to do so. The six refugees have recently been granted priority status for refugee settlement in the United States and will be leaving Mauritius once the name-check verifications have been carried out by the US authorities. The UNHCR office in Pretoria has indicated that the Iraqi refugees are expected to leave Mauritius for Romania around 17 January 2010.

**Reply to the issues raised in paragraph 8 of the list of issues**

22. The matter is still under consideration.

**Reply to the issues raised in paragraph 9 of the list of issues**

23. The Government of Mauritius considers that there is no "persisting discrimination" against vulnerable groups, including minorities, migrant workers and children with disabilities. Every effort is made to address complaints of discrimination and to provide mechanisms which will ensure that there is no such discrimination in practice.

24. Furthermore, the Equal Opportunities Act incorporates all the different grounds of discrimination covered under sections 3 and 16 of the Constitution as well as age, pregnancy, mental and physical disability and sexual orientation in areas dealing with employment, education, the provision of accommodation, goods, services and other facilities, sports, the disposal of immovable property, admission to private clubs and premises open to members of the public. The Act also provides for the establishment of an Equal Opportunities Division and an Equal Opportunities Tribunal.

25. The Equal Opportunities Division of the National Human Rights Commission would receive and investigate complaints of discrimination, endeavour to reconcile the parties affected by the complaint and, where the complaint remains unresolved, refer the complaint to the Equal Opportunities Tribunal. This Division shall also prepare and publish guidelines for the avoidance of discrimination. The Equal Opportunities Tribunal shall have jurisdiction to hear and determine complaints of discrimination referred to it by the Equal Opportunities Division and it shall make such declarations, orders and awards as it thinks fit, including orders requiring the person against whom the complaint is made to pay compensation in an amount not exceeding 500,00 rupees. An appeal shall lie from the order or award of the Tribunal to the Supreme Court in specified cases.

26. The Employment Service (of the Ministry of Labour, Industrial Relations and Employment) promotes equality of treatment to all clients. The same services are extended to all. A Special Cell on Overseas Employment has been set up at the Employment Division to ensure that no abusive clauses remain in the contract of employment offered to outgoing Mauritian workers.

27. No discrimination is made against persons with disabilities. Government policy is to empower persons with disabilities so that they can access the labour market. There are no official statistics in relation to employed disabled persons. However, according to estimates of the parent Ministry, the Ministry of Social Security, there are about 8-9,000 active disabled persons, 1,000 of whom are in the civil service.

28. In the Budget 2009 (July – December), provision has been made for a **Special Collaborative Programme for Support to Women and Children in Distress**. The Programme aims at providing financial support to Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs) and Non-State Agencies (NSAs) working for the social empowerment of women and children in distress through enhancing their livelihoods and integrating them in the mainstream of development. Grants being awarded are to the ceiling of Rs. 2m.

29. The Special Collaborative Programme is being implemented by this Ministry in collaboration with the Ministry of Finance and Economic Empowerment; the Ministry of Social Security, National Solidarity, and Senior Citizens Welfare & Reform Institutions; the Ministry of Education, Culture and Human Resources; the Ministry of Youth and Sports; the Mauritius Council of Social Services (MACOSS); the National Empowerment Foundation (NEF) and the Women in Networking (WIN), amongst others.

30. The 2006-2007 budget made provision for Rs.750M for “Special Programmes for Unemployed Women” (SPUW) under the creation of an Empowerment Fund. This innovative Programme further promoted the economic empowerment of vulnerable groups and covered several areas of support including land for social housing and for small entrepreneurs; a workfare programme emphasizing training and retraining; special programmes for unemployed women; and development of new entrepreneurs and SMEs.

31. Moreover, in the Budget Speech 2007/2008, the Ministry of Women's Rights, Child Development and Family Welfare in collaboration with Ministry of Finance and Economic Development, and the Industrial and Vocational Training Board launched an awareness campaign on job opportunities in the construction sector. Some 1,000 women, who were mainly retrenched workers, were being targeted. The main objective of the campaign was to motivate women to take advantage of the facilities being offered by the National Empowerment Foundation and to encourage women to embark on non-traditional jobs such as electricians, tile layers, painters, plumbers, gardeners and metal working.

32. At the level of the Community, **Participatory Advisory Committees (PACs)** have been established that recognise women as important actors in the development process and aim to improve the power, amount and quality of women's participation in all decision making instances in issues of particular relevance to them whilst ensuring that an agenda relevant to women is promoted in all national negotiations. Through PAC, *the formation of women's interest/user groups or associations* at the community-level is promoted and activities aimed at overcoming their social drawbacks are organised to assist them in this regard. The incorporation of women in the design and implementation of actions aimed at improving gender sensitivity in programmes and activities are also key concepts of the PAC.

33. The 15 delocalised women centres around the island provide leadership and self-assertiveness courses, as well as legal literacy, adult literacy and other courses such as entrepreneurship to women at the grass-root levels to equip them with the necessary skills to start income generating activities and empower them on the social, political and economic front.

### **Children with disabilities**

34. In 2002, a study to determine the official number of children with disabilities in Mauritius, the types of disabilities and the quality of services available was commissioned by the Ministry of Social Security with the support of UNICEF. There were about 3000 children with disabilities. The Ministry of Social Security is presently working on a Database on Disability. This database will make provision for collection of statistics on disabled persons, including children with disabilities

35. The Ministry of Health and Quality of Life has a Speech Therapy and Audiology Unit (STAU), to which children are referred by doctors and teachers. Children form 70% of the patients of the unit.

36. When a disability is diagnosed, the Doctor in Charge maintains contact with the child's parents, and the teacher. Therapy is provided not only for the child, but also for the parents, as Home Therapy Programs are an important part of the treatment.

37. A National Policy for Disabled Children is being formulated in consultation with NGOs and other organisations. Mass media campaigns aim at creating awareness among parents and children about the rights of disabled children.

38. The Specialised Health Services work closely with NGOs that deal with disabled children, offering them the services of rehabilitative teams on a sessional basis.
39. The policy of Government is also to encourage disabled children to attend schools. In this context, a number of facilities are provided including free transport to all children attending schools; scholarship scheme to disabled students to pursue studies up to tertiary level; and all new State Secondary Schools are now being provided with ramps and toilets for the Disabled.
40. With regard to education for disabled children, the emphasis is more on integration and inclusive education. To encourage this trend, the National Council for the Rehabilitation of the Disabled Person (NCRDP) has, since 1992, instituted a scholarship scheme to enable disabled children to pursue their secondary and tertiary education. The NCRDP is an organisation that coordinates, provides leadership and promotes development, and networks with NGOs and organisations for disabled children. The MOSSNSSCWRI pays disabled students examination fees for the Secondary school, Industrial Vocational and Technical Board (IVTB) and University education. A monthly stipend of Rs. 500 is given through the François Sockalingum Award, to selected students with severe disabilities who pass the CPE. The NCRDP also carries out retrofitting works in schools and colleges attended by children with disabilities.
41. Special Education Needs Unit has been set up. The mild and moderate children with disabilities are admitted in the mainstream schools. The severe and profound children with disabilities attend special schools and Integrated Units with a view to providing quality care services to the needy.
42. The education of disabled children who cannot be integrated into the normal school system is provided by NGOs with the assistance of Government through the provision of a grant in aid.
43. The Training and Employment of Disabled Persons Board (TEDPB) conducts vocational training. The trainees receive a monthly stipend to attend the courses, and free training is provided to those below the age of 15. Free pre-training courses are given to children between 12-15 years of age. The government also provides a grant to all NGOs, which provide services for disabled children, and the NGO Trust Fund, finances NGO related micro-projects. There are four National Federations, which are responsible for sports activities for disabled children. Sports events are organised on a regular basis, as well as holiday camps, skill contests and cultural programmes.
44. Many government buildings are being retrofitted at the request of Client Ministries. New buildings are also designed for easy movement of wheelchairs and whenever possible, lifts are being provided for movement of the disabled.
45. All Architects working in the Ministry of Public Infrastructure, Land Transport and Shipping have been instructed to ensure that access to disabled persons as well as provision of facilities to them are incorporated in all designs of building projects. Ramps on footpaths and on footbridges are increasingly incorporated in the design of roads.



**Statistics for children with disabilities**

**Children with disabilities, up to the age of 18, living with their families:**

<i>Year</i>	<i>Total</i>
2003	2834
2004	2,339
2005	3,025
2006	3,181
2007	3,213

**Children with disabilities living in institutions**

<i>Year</i>	<i>Male</i>	<i>Female</i>
2002	11	6
2003	20	5
2004	4	4
2005	7	9
2006	7	8
2007	6	8
<b>TOTAL</b>	<b>55</b>	<b>40</b>

**Children with disabilities attending regular schools:**

<i>Year</i>	<i>No. of children</i>
2005	300
2006	315
2007	325

**Children with disabilities attending special schools:**

	<b>2005</b>	<b>2006</b>	<b>2007</b>
Special Schools:	949	975	1025
Day Care Centers:	235	325	340
Total	1184	1300	1365

**Facilities offered to children with disabilities**

46. Government support to disabled children has been consolidated as follows:

- (a) Grant in aid is paid to NGOs;

(b) The Community Based Rehabilitation programme has been strengthened with recruitment of additional staff and integrated into the primary health care system to cover all regions of the island;

(c) A carer's allowance of Rs. 1,060 per month is paid by the Ministry of Social Security to severely disabled children, below 15 years of age, whose parents annual income does not exceed Rs. 100,000. All children above 15 years of age are paid a basic invalidity pension if their parent's income does not exceed Rs. 100,000 per annum. However, if the parents have more than one disabled child, the means ceiling is reduced to Rs. 50,000 annually. Children, who have a 60% disability, are entitled to a basic invalidity pension, whatever the parents income. Moreover, the child benefits from a carer's allowance if he is so severely disabled as to require constant assistance of another person.

(d) A compassionate allowance is paid on a means test for children aged 15 and below;

(e) From 1996, the Ministry of Social Security, NS, SCW & RI (MOSSNSSCWRI) began to refund the bus fares for the disabled child and one parent, travelling to special schools recognised by the Ministry of Education including government primary schools;

(f) The Ministry of Education & SR has created a special needs education division for children with special needs;

(g) The MOSSNSSCWRI provides wheel chairs, spectacles, walking frames and tripods, free of charge. The Ministry also provides hearing aids and prostheses free of charge when the parent's annual income does not exceed Rs. 100,000.

#### **Reply to the issues raised in paragraph 10 of the list of issues**

47. Amendment to any section of the Constitution is a difficult and complex exercise. On that particular issue, discussions will have to be held with all relevant stakeholders, in the light of which a decision may be taken as to whether there is a need to amend section 16 (4) of the Constitution.

#### **Reply to the issues raised in paragraph 11 of the list of issues**

48. The Ministry of Women's Rights, Child Development and Family Welfare has been engaged in the formulation of the National Gender Policy Framework ,especially the consultation and validation phases.Following adoption of the framework in 2008, preliminary work has already started with core Ministries and other Government departments. The lead Ministry has been fully assisting 8 Ministries to engender their Programme Based-Budgeting and 3 Ministries have devised their sectoral gender policies and same process is being extended to additional 4 Ministries.

49. It is now envisaged to set up a Steering Committee to monitor the pilot Ministries with regard to gender sensitivity and implementation of their sectoral gender policies. The Steering

Committee shall comprise sectoral Ministries and stakeholders of the National Gender Machinery, including the Central Statistics Office. The monitoring process will be as follows:

(i) Gender Focal Points will play an active role in monitoring and evaluation of gender mainstreaming into their policies and programmes and also form a peer review mechanism. Similarly, GFPs will further be trained on gender responsive budgeting so that they act as watchdog to their sectoral Ministries to monitor implementation of gender mainstreaming in their policies and programmes.

(ii) Monitoring of gender sensitive allocation of resources and outputs will be done through the PBB reform and key performance indicators.

(iii) Data obtained from the GIS would also prove useful to monitor the status of gender equality at national level.

50. In line with the CEDAW Committee's recommendation to strengthen non sexist advertising, the Media Watch Organisation, a non-governmental organization, has been acting as a watchdog to prevent and advocate against using women as sex symbols in the written and oral media and billboards for publicity purposes.

51. The Home Economics Unit of the Ministry undertakes sensitization programmes targeting boys in order to sensitise them on issues, such as, Home Management, Healthy Eating and wise consumerism. This measure aims at moulding their mindsets and preparing them to fulfill their gender roles effectively. Activities of the Home Economics Unit (HEU) are being re-engineered to fit the Gender and Development Model. To that effect, Home Management Classes have been tailor-made to adapt to the changing needs of the new household model, and evening classes are being offered for different target groups, including women and men.

52. Furthermore, in view of changing strong patriarchy attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society, the Ministry is implementing since 2003, the 'Men as Partners Project', which is a gender sensitive project aiming at promoting responsibility and participation of men in the family.

53. The project has been extended to some 14 regions and more than 10,000 persons have benefitted therefrom.

#### **Reply to the issues raised in paragraph 12 of the list of issues**

54. Please refer to paragraph 11 above.

55. The Equal Opportunities Act, once proclaimed, will also ensure equality of opportunities to both women and men in the workplace.

56. In view of women's significant achievement in their academic performances, changes in the demographic and economic structure coupled with the process of modernisation, women of the latest generation seem to face less barriers in acceding to the top management posts in the civil service.

57. This situation arose in the context whereby women have become more assertive and proactive. Women are more willing to aspire for jobs/responsibilities which were hitherto considered male domains.

### Women at decision-making level in the public sector

	2005			2006			2007			2008		
	No. of Female	Total	% Female	No. of Female	Total	% Female	No. of Female	Total	% Female	No. of Female	Total	% Female
Senior Chief Executive	1	4	25	3	6	50	2	5	40	2	3	66.7
Permanent Secretary	10	31	32.3	10	29	34.5	9	27	33.3	9	26	34.6
Principal Assistant Secretary	18	58	31.0	23	60	38.3	23	56	41.1	21	58	36.2
Director or Head of Departments/ Ministries	66	192	34.4	84	234	35.9	73	205	35.6	73	204	35.7

Source: Statistics Unit, Ministry of Women's Rights, Child Development and Family Welfare

### Statistics for women in the judiciary

	Male	Female	Both Sexes	% Female
Chief Judge	1	0	1	0
Senior Puisne Judge	1	0	1	0
Puisne Judges	8	7	15	46.7
Magistrates Industrial and Intermediate Courts	7	10	17	58.8
District Court	14	19	33	57.6

<b>Master and Registrar</b>	0	1	1	100
<b>Deputy Master and Registrar</b>	1	0	1	0

**Reply to the issues raised in paragraph 13 of the list of issues**

58. Mauritius has developed a National Gender Policy Framework (2008) to provide broad guidelines for the implementation of gender mainstreaming strategies. The Gender Unit within the Ministry of Women's Rights, Child Development and Family Welfare monitors the implementation of gender mainstreaming strategies for the empowerment of women and promotion of gender equality and equity. It conducts outreach activities at grassroots level through 15 Women Centres, the National Women's Council, the National Women Entrepreneur Council, the National Women Development Centre and some 1200 Women's Associations with respect to capacity building, service delivery and sensitisation campaigns for the empowerment of women, as well as gender mainstreaming at policy, programming and output level with Ministries, Departments and other stakeholders in line with the National Gender Policy Framework and the recent reforms towards effective public financial management and performance management.

59. As from July 2008, the Gender Unit is offering technical assistance to all Ministries to help them design their own sectoral gender policy, so that programmes and performance indicators of sectoral Ministries are gender-responsive and adequately reflected in the budget. The Gender Unit is currently working with three pilot Ministries on designing their sectoral gender policy. Please also see paragraphs 11 and 12.

60. The National Classification of Occupations (NCO) was first published in 2004 by the Employment Service. It has to be revised every ten years. ILO has published ISCO 2008 – the International Standard Classification of Occupations. An interim revision of NCO is being carried out. Job classifications are being rendered gender-neutral. The Employment Division does not encourage gender-related occupational segregation in employment and advises employers to offer equal treatment to all workers. Many jobs which were previously done by men are now being done by women.

**Abolition of gender-based classifications and wage differentials between women and men**

61. As an ongoing process, the National Remuneration Board (NRB) while reviewing the various Remuneration Orders is ensuring that job appellation and classification are based on the principle of equal remuneration for work of equal value and that reference to category of worker with gender connotation be removed and replaced by gender neutral terms.

62. Recently, some Remuneration Order Regulations, namely, the Field-Crop and Orchard Workers (Remuneration Order) Regulations 2008, the Livestock Workers (Remuneration Order) Regulations 2008 and the Public Transport (Buses) Workers (Remuneration Order) Regulations 2008, the reference to category of worker with gender connotation has been removed and replaced by gender neutral terms. There still remain a few sectors of employment which need to be looked into viz. the Sugar Industry, the Salt Manufacturing Industry and the Tea Industry.

63. In the Employment Rights Act 2008 which has replaced the Labour Act 1975, specific provision has been made requiring equal pay for work of equal value. Section 20 of the Employment Rights Act 2008 provides that:

(1) Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work.

(2) Where an employer has recourse to the services of a job contractor, the job contractor shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work.

64. In light of recommendations of the National Remuneration Board (NRB), job classification / appellation has been rendered gender neutral. Similarly, job appellations in the Civil Service are also gender neutral.

65. As per the recommendations of the CEDAW Committee with regard to maternity benefits for female employees, the newly enacted Employment Rights Act (2008), does not limit the number of confinements to three, subject to the worker reckoning at least 12 months' continuous service with the Employer. The Employment Rights Act (ERA) has introduced, the payment of a maternity allowance which applies to all confinements.

66. Female workers whose terms and conditions of work are governed by Remuneration Orders are presently entitled to maternity leave for all confinements. A female worker who remains in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave shall, on production of a medical certificate, be entitled to 12 weeks' maternity leave on full pay. Additionally the Employment Rights Act has introduced the payment of a maternity allowance which applies to all confinements.

67. The Employment Rights Act has introduced five continuous working days' paid paternity leave to all male workers reckoning more than 12 months' continuous employment on the birth of his child from the person with whom he has contracted civil or religious marriage.

68. With regard to narrowing/closing wage gap between men and women, the National Remuneration Board has, in 2008, revised the wage gap related to Field-Crop and Orchard Workers, as well as Livestock Workers, hence eliminating gender based prescribed orders.

69. The Ministry of Women's Rights, Child Development and Family Welfare is provided with technical assistance to pilot Ministries to engender their programme based budgeting exercise by engendering their performance indicators and outputs, with a view to sustaining gender budgeting initiatives.

**Reply to the issues raised in paragraph 14 of the list of issues**

70. The Sex Discrimination Division (SDD), which is part of the National Human Rights Commission, was set up under the Sex Discrimination Act 2002 and is empowered to receive and enquire into any written complaint relating to alleged infringements of the Act. The Sex Discrimination Act 2002 which came into operation on 8 March 2003 is designed “to provide for the elimination of all forms of gender discrimination and sexual harassment in certain areas of public activity”. 11 complaints relating to alleged sexual harassment were lodged with the SDD in 2007. Out of those complaints, it was found that 5 did not relate to sexual harassment but to moral harassment at work.

71. Specific provision has equally been made in the Employment Rights Act 2008 providing that no person shall harass, sexually or otherwise, a worker, in the course of or as a result of his work.

72. Section 54 of the Employment Rights Act provides that:

(i) Any person who commits such an offence shall, on conviction be liable to a fine not exceeding 75,000 rupees and to imprisonment for a term not exceeding two years; and

(ii) A person sexually harasses another person where, in circumstances in which a reasonable person would have foreseen that other person would be humiliated, offended or intimidated, he:

(a) Makes an unwelcome sexual advance, or an unwelcome request for a sexual favour to that other person; or

(b) Engages in any other unwelcome conduct of a sexual nature towards the other person.

73. A female worker does not run the risk of being dismissed for reporting a case of sexual harassment against his employer, as there is specific provision at Section 38 of the Employment Rights Act 2008 protecting any worker, who exercises any of the rights provided for in the Act, against termination of employment.

74. The Act also provides at Section 46 that where the Industrial Court finds that the employment of a worker has been terminated in contravention of Section 38, it may order that the worker be paid severance allowance at the rate of three months per year of service.

**Reply to the issues raised in paragraph 15 of the list of issues**

75. A migrant worker has the same right as a local worker to:

(a) Form or join a trade union of his own choice;

- (b) Be a member or refuse to be a member of a trade union; and
- (c) Take part in the activities of a trade union of which he is a member.

76. A migrant worker whose contract of employment is vetted by the Ministry of Labour, Industrial Relations and Employment before the contract is signed by him and his employer enjoys prescribed salary and other conditions of employment which are not less favourable than those granted to a local worker.

77. Regular inspection visits are carried out at workplaces, where migrant workers are employed, by officers of a Special Migrant Workers' Unit set up by the Ministry of Labour, Industrial Relations & Employment to ascertain that employers are complying with terms and conditions of employment as provided for in the vetted contract of employment and in the prevailing labour legislation. In the course of inspection, the officers check whether every migrant worker has received a copy of the contract of employment in a language that he can read and understand, and meet the workers to inform them of their rights and obligations arising out of their vetted contract of employment and the provisions of the existing labour legislation.

78. Regular inspection visits are also carried out by officers of the Occupational Safety & Health Inspectorate of the Ministry of Health and Quality of Life at the dormitories occupied by the migrant workers to ensure that the decent living requirements are being complied with.

#### **Reply to the issues raised in paragraph 16 of the list of issues**

79. In order to reform the industrial relations framework, promote effective tripartism and strengthen dialogue with social partners, a new Employment Relations Act was passed in August 2008. The Act focuses on, inter alia, the protection and enhancement of the democratic rights of workers and trade unions, the simplification of the procedures for registration and recognition of trade unions, the promotion of collective bargaining, the promotion of voluntary settlement and peaceful resolution of disputes, the strengthening of the disputes and conflict resolution procedures and institutions to ensure speedy and effective settlement, the right to strike as a last resort after conciliation and mediation have failed and the building of a productive employment relationship.

80. Section 76 of the Employment Relations Act provides for the right to strike and recourse to lock-out.

81. A right to strike and/or lock-out exists where:

- (a) A labour dispute has been reported and no agreement has been reached;
- (b) The parties to the dispute have not elected to refer the dispute for voluntary arbitration;
- (c) A strike ballot has been successfully taken; and



(d) A notice of the strike or lock-out has been given to the Minister.

82. This right also exists where:

(a) The strike relates to a major health and safety issue that may jeopardise the life and security of any worker, unless the worker has been transferred forthwith to another workplace which is safe and without risks to health; or

(b) More than 50 per cent of the workers of an enterprise have not been paid remuneration within the prescribed period,

and the Minister has been notified and remedial action has not been taken by the employer within a reasonable delay fixed by the Minister.

**Reply to the issues raised in paragraph 17 of the list of issues**

83. The provisions of the Employment Relations Act 2008 regarding strike action mentioned above apply equally to migrant workers.

**Reply to the issues raised in paragraph 18 of the list of issues**

84. According to regulation 3 of the Social Aid Regulations 1984, "No social aid shall be granted to a person unless he is a citizen of Mauritius residing in Mauritius".

85. We shall have to amend the regulations to provide for the grant of Social Aid to non-citizens. The same criteria and means-test will apply to them.

**Reply to the issues raised in paragraph 19 of the list of issues**

86. Please see reply under paragraph 13 above. Furthermore, section 30 of the Employment Rights Act provides for maternity benefits as well as breastfeeding facilities.

**Maternity benefits**

87. A female worker shall be entitled to 12 weeks' maternity leave on full pay where she remains in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave hereunder; and produces a medical certificate.

88. This leave may be taken either before confinement, provided that at least 6 weeks' maternity leave shall be taken immediately following the confinement; or after confinement.

89. The female worker referred to above is also entitled to an allowance, which is payable within 7 days of her confinement.

90. The allowance is equal to Rs. 2,000, where the worker is a full-time worker; and where she is a part-time worker, computed in accordance with the following formula –  $N/H \times Rs. 2000$ , where “N” means the number of days of work she is required to perform in a week and “H” means the number of working days in a week of a comparable full-time worker.

91. A female worker who reckons less than 12 months’ continuous employment shall only be entitled to the maternity leave referred to above, without pay.

92. Where a female worker suffers a miscarriage which is duly certified by a medical practitioner, she shall be entitled to 2 weeks’ leave on full pay immediately after the miscarriage.

93. Where a female worker gives birth to a still-born child, she shall, on production of a medical certificate, be entitled to 12 weeks’ leave as follows:

(a) On full pay, where she has been in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave hereunder; and

(b) Without pay, where she reckons less than 12 months’ continuous employment

94. A female worker nursing her unweaned child shall be entitled every day at a time convenient to her and having regard to the needs of the child to at least 2 breaks of half-hour or one break of one hour.

95. The break shall be for a period of 6 months from the date of confinement or such longer period as may be recommended by a medical practitioner; and not be deducted from the number of hours of work of the female worker.

96. An employer shall not require a female worker to perform work in excess of a normal day’s work or work during night shift, 2 months before her confinement.

97. Subject to medical recommendation, a female worker who is pregnant shall not be required to perform duties requiring continuous standing; or that may be detrimental to her health and that of her baby.

98. An employer shall not give to a female worker, who is on maternity leave, notice of termination of employment during such leave; or that would expire during such leave, for any reasons, unless the grounds relate to the economic, technological, structural or similar nature affecting the employer’s activities.

#### **Reply to the issues raised in paragraph 20 of the list of issues**

99. There is no specific offence of marital rape but section 249 of the Criminal Code criminalizes the offence of rape. It is arguable that it is possible to prosecute for the offence of marital rape under that section of the Criminal Code as it stands. However, in order to avoid any

ambiguity, it is proposed to make express reference to this offence in the Sexual Offences Bill which is presently being considered by a Select Committee of the National Assembly.

**Measures taken to combat violence against women/to enforce the legislation against domestic violence.**

1. Setting up of a Police Family Protection Unit (PFPU) (a Head Office based at Port Louis and seven Divisional Sub-Units);
2. Assistance given to victims in terms of counselling, court procedures for the obtention of court orders under the Protection from Domestic Violence Act (PFDVA);
3. Referral of victims to the Ministry of Women's Rights, Child Development and Family Welfare for psychotherapy;
4. Referral of victims to shelters. Women and children who are in need of refuge are placed in the following shelters which are run by the NGO's:- Pointe aux Sables Shelter, 'SOS Femme' found at Moka, Shelter for 'Women and Children in Distress' found at Forest Side
5. Sensitization on laws pertaining rights of women. The PFPU conducts educational/informational campaigns on domestic violence, child abuse and elderly abuse at primary schools with special focus on 'Zones d'Education Prioritaires" ( ZEP) schools, secondary schools, socio-cultural associations, the public and private sectors.

**Measures to combat violence against women**

*National Action Plan to Combat Domestic Violence*

100. To address the problem of domestic violence, a National Action Plan to Combat Domestic Violence was launched in 2007. The National Action Plan spells out the roles and responsibilities of all stakeholders concerned to combat domestic violence. It contains five strategic objectives:

- (a) Improving legislation on Domestic Violence and strengthening of the Justice System and other agencies response;
- (b) Providing appropriate, accessible, timely, coordinated multi-agency responses and support to all victims and children who need it;
- (c) Sensitizing and change attitudes to prevent domestic violence from happening in the first place;
- (d) Promoting responsible reporting, advocacy, sensitisation and provision of a forum by media specialists to encourage the community at large to discuss domestic violence; and

(e) Undertaking research and studies on domestic violence, strengthening capacity building and set up appropriate mechanisms for monitoring and evaluation of the National Action Plan to Combat Domestic Violence for the promotion of best practices.

101. A National Action Plan on the Family, emanating from the National Policy Paper was launched in November 2009 on the occasion of the International Day against Violence against Women.

#### Men as Partners Programme

102. In view of changing strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society, the Ministry of Women's Rights, Child Development and Family Welfare is implementing since 2003, the Men as Partners Project, which is a gender sensitive project aiming at promoting responsibility and participation of men in the family.

103. The project has been extended to some 14 regions and more than 10,000 persons have benefitted therefrom.

#### Pre-Marital Counselling and Marriage Enrichment Programmes

104. In line with our preventive efforts to address problems such as conflicts with partner, domestic violence and extra marital affairs amongst others, the Ministry of Women's Rights, Child Development and Family Welfare is implementing the Pre-Marital Counseling and Marriage Enrichment Programmes since 2003.

105. The objectives of the Pre-Marital Counseling Programme and Marriage Enrichment Programme are to sensitize engaged and married couples for a more stable married life as well as to prepare them to cope with marital conflicts, hence empowering them to lead a healthy family life.

- From June to November 2008, 6 workshops were conducted where 45 engaged couples and 100 married couples were reached.

#### Zero Tolerance Clubs

106. Zero Tolerance Clubs have been set up with representatives of various Community Based Organizations with a view to involving the community in combating domestic violence. Members of these clubs act as watchdogs to ensure that their respective localities are violence free. Five Zero Tolerance Clubs are operational in different regions across the island. From July 2008- April 2009, some 1100 persons have been targeted with the programme.

#### Partnership Against Family Violence

107. The objective of the project is to enlist the collaboration of partners to combat family violence through the submission of projects.

108. Since 2005, the following projects have been implemented by:

- (a) Media Watch – Dance drama depicting different forms of gender violence and challenging stigmas. Some 750 people were sensitised.
- (b) Central Prisons – Setting up of a Family Counselling and Support Services Unit.
- (c) MACOSS in collaboration with the Aryan Women Welfare Association – Sensitisation programme on “Imparting Moral Values & Personality Development for a better family life to avoid domestic violence”. Some 400 persons (men, women & youth) were sensitised under the project.

109. In October 2008, 7 other project proposals have been received by the Ministry from different stakeholders, ranging from: Women Associations, Police Department, Mauritius Prisons Service; Ministry of Education, Culture and Human Resources, MACOSS; Media Watch Organisation, Gender and Media Commission/Mauritius Alliance of Women

#### Sensitisation Programmes/Anti-Violence Campaign

110. An Anti-Violence Campaign was launched in December 2007 with a view to creating awareness among the public at large on the mandate of the Ministry of Women’s Rights, Child Development and Family Welfare and on issues pertaining to domestic violence.

111. In addition to that ongoing sensitization, programmes are being conducted in collaboration with Non-Governmental Organisations/Community-Based Organisations and Religious Bodies to create awareness among the public on issues of domestic violence and its consequences on children and the family.

112. Talks/workshops have been organized by the Ministry of Women’s Rights, Child Development and Family Welfare with the collaboration of other governmental bodies and NGOs and more than 5,000 people have already been sensitized on issues related to domestic violence.

113. A Hotline (139) for domestic violence cases was also launched in December 2007

#### Setting up of National Domestic Violence Committee (NDVC)

114. A National Domestic Violence Committee has been set up at the Ministry with a view to promoting and adopting a coordinated approach and to ensure the protection of victims in collaboration and consultation with all parties concerned with addressing the problems of domestic violence.

115. The main objectives of the NDVC are to:

- (a) reduce and prevent the incidence of domestic violence;
- (b) provide accessible, reliable and coordinated guidance on cases of domestic violence and ensure that victims receive appropriate treatment and care;
- (c) promote the welfare of the family; and
- (d) create an environment free from any form of violence within the family and the community.

### Capacity Building

116. In the process of extending our networking system and empowering officers working in different institutions on issues related to domestic violence, training programmes have been conducted with officers of the Judiciary and members of the Council of Religions amongst others. In the process of forging partnerships to combat domestic violence, the Ministry of Women's Rights, Child Development and Family Welfare also carried out sensitization sessions in April 2009, with the local government authorities, Ministry of Social Security, National Solidarity, Senior Citizens Welfare and Reform Institutions and the Ministry of Environment and National Development Unit.

### *Support services provided to women and children victims*

117. Victims who call at the Family Support Bureaux are provided with all information pertaining to support services which include mainly psychological assistance, legal advice, assistance to victims of domestic violence for application for Orders under the Protection from Domestic Violence Act, assistance to children victims of abuse as well as temporary accommodation in the shelter.

118. All cases of violence against women and children are dealt with as soon as they are reported at the level of Family Support Bureau. Victims of domestic violence may be given legal assistance and psychological counselling depending on the nature of the cases. In case victims decide to take Court action, they are provided with services of Barristers as and when required at Court level.

119. At present, the concept of Shelter in Mauritius is only focused on providing a temporary security place for battered women. There are two shelters to cater for victims of domestic violence. The Ministry is proposing to construct an additional shelter for women and children in distress.

120. Rehabilitation of victims of domestic violence is ensured through psychological counselling by a pool of psychologists employed by the Ministry on a sessional basis. Moreover, under the Families in Distress Scheme, women victims of Domestic Violence who for various reasons cannot return to their previous residence are temporarily placed at a shelter following an Interim Protection

Order. Upon their discharge from the shelter, they are given a one off allowance of Rs. 3000 to meet their immediate needs.

121. Moreover, with a view to offering quality services to clients of Family Support Bureaux, the Ministry has commissioned an evaluation of its Family Support Bureau, which provides support to women victims of violence. The Audit Report is also meant to address the policy on the functioning of shelters for battered women.

122. In addition, referrals are made to the National Women Entrepreneur Council operating under the aegis of the Ministry for any technical and back up support to enable potential women entrepreneurs to start income generating activities as well as home based enterprises.

123. Furthermore, referrals are made to other institutions including the Police Department, the Ministry of Social Security, National Solidarity and Senior Citizens Welfare &Reforms Institutions, the Ministry of Housing and Lands and the Employment Division of the Ministry of Labour, Industrial Relations and Employment as well as the Trust Fund for the Social Integration of Vulnerable Groups for any assistance they may require.

124. On 16 November 2009, the Ministry launched an Area Domestic Violence Committee which comprises representatives of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions, Police Family Protection Unit, Medical Social Workers of Regional Hospitals and Officers of the Ministry of Labour, Industrial Relations and Employment (Employment Division).

125. The objective of the Area Domestic Violence Committee is to engage officers to deal with cases reported at regional level in an expeditious manner and to organise case conferencing. The Area Domestic Violence Committee will be made operational at the level of six Family Support Bureaux.

126. Women who are victims of violence and who are not in gainful employment are referred to the 13 Employment Information Centres of the Ministry of Labour, Industrial Relations and Employment (Employment Division) for any possible employment opportunities.

#### **Reply to the issues raised in paragraph 21 of the list of issues**

127. The office of the Ombudsperson for Children was established under the Ombudsperson for Children Act 2003. The objective of the office is to ensure that the rights, needs and interests of the children are given full consideration by public bodies, private authorities, individuals and associations for individuals, to promote the rights and best interests of children, to promote compliance with the Convention on the Rights of the Child. Campaign on corporal punishment.

128. The Ombudsperson for Children has the role of an advocate for children's rights, advises the Minister and other public bodies and institutions on matters relating to promotion and protection of

children's rights and carries out such investigations as she may decide, on complaints relating to the rights of the child.

129. Corporal punishment is prohibited in schools by virtue of regulation 13 (4) of the Education Regulations, section 13 (1) of the Child Protection Act and section 230 of the Criminal Code. Circulars are sent to schools by the Ministry of Education at the beginning of every term reminding teachers of those regulations. Programmes on the Convention on the Rights of the Child are carried out in schools by the Ministry of Women's Rights, Child Development and Family Welfare. The Office of the Ombudsperson for Children also monitors any allegation of child ill-treatment.

**Concrete steps taken to prevent and combat child abuse and neglect, including the oversight of the implementation of the existing legislation**

130. In 2008, the Ministry of Tourism, Leisure and External Communication published and distributed to hotels and tour operators 3000 pamphlets regarding the responsibility of the tourism sector to combat child sex trafficking. (Police Du Tourisme and Brigade Pour la Protection des Mineurs participated in conceiving these pamphlets).

131. Joint crackdown operations involving Law Enforcement and Child Welfare Officers are carried out. They consist of surveillance at bus stops, night clubs, gaming houses, places of amusement, bungalows, night clubs, massage parlours and other places frequented by children, with a view to identifying and interacting with students who are at risk of sex trafficking.

132. Since January 2008, a special strategy has been implemented by the Brigade Pour la Protection des Mineurs and the Child Development Unit (CDU) to combat truancy through regular joint crackdown operations. Some 377 crackdown operations have been conducted from January 2008 to May 2009 and 988 students were found playing truant.

133. In 2008, the Brigade Pour la Protection des Mineurs conducted a workshop on the Commercial and Sexual Exploitation of Children (CSEC) with 100 children at Flic en Flac in collaboration with the Centre (CEDEM), a non-governmental organization.

134. During Public Exhibition at Rajiv Gandhi Science Centre, Bell Village in June 2008 – some 35,000 persons who visited the exhibition, were sensitized on CSEC and child abuse.

135. The Brigade Pour la Protection des Mineurs has adopted the development and implementation of an IEC (Information, Education, Communication) campaign as follows:



<b>Target group</b>	<b>Places</b>
Children/Students	Schools and colleges
Teachers/Schools staff	Community Centres
Parents Women and Senior Citizen Centres	
Social and Youth Leaders	Youth Centres/Clubs
Civil Society & Business Operators	(Police Public Partnership Policing)

**From 2005 up to May 2009, 56,751 persons have been sensitized.**

136. Media (Radio & TV program) has been widely used to reach a larger segment of the population. So far, 20 such programs have been conducted.

137. Widespread sensitization are conducted by *Brigade Pour la Protection des Mineurs* at schools and a community centre on dangers and consequences of engaging in prostitution. 15,903 persons, including parents and primary school teachers, have been sensitized from the 1<sup>st</sup> January 2009 to the 15<sup>th</sup> December 2009. In 2008, 12,035 persons were targeted.

138. Networking, working sessions and sharing of information are held with other stakeholders and service providers (CDU, National Children Council, NGOs working with children and the community, school and college staff, social workers, youth officers etc).

139. Joint monitoring committees involving CDU-Police are held to develop/implement/monitor and review appropriate strategies among different agencies.

140. The *Brigade Pour la Protection des Mineurs* develops partnership with other stakeholders to protect the victims of child abuse, in line with the 3 R's concept (Rescue, rehabilitation and reintegration of victims). The following is done to protect the victims:

*Assistance to victims*

- (i) Multi agency approach;
- (ii) victim friendly/centered concept;
- (iii) referral of victims to CDU, Drop in Centre, and other service providers for counselling, psychological therapy, medical treatment, social aids and other support;
- (iv) since April 2006, a Protocol of Assistance to Victims of Sexual Abuse has been established;
- (v) joint training and workshops with other stakeholders on best practices/victim assistance in CSEC.

*Proactive measures to identify potential victims*

- (i) Prompt intervention to locate missing/absent minors
- (ii) Assist CDU to execute Emergency Protection Order (EPO) in cases of child at risk under the Child Protection Act
- (iii) Networking with NGO's/civil society to support/assist children at risk or in difficulty.
- (iv) Counselling and guidance to parents in cases of child beyond control/behavioural problems/unruly life and those who are exposed to risks.

141. Courses and training have been conducted for police officers on the following:

- (a) Trafficking in person;
- (b) CSEC;
- (c) Policing violence against women and children;
- (d) Interview technique;
- (e) Child friendly/victim centered approach;
- (f) Adopting best practices tot combat CSEC;
- (g) Multi-agency approach based on needs of victims.

881 police officers have been trained from year 2006 to 2008.

142. The upgrading of Mauritius to Tier 1 in the US TIPs (Trafficking in Persons) Report 2009 is to be highlighted. 175 countries are concerned with TIPs Report 2009. Only 28 countries are in Tier 1 – 21 countries of the European Union, Canada, Australia, New Zealand and South Korea. The three other countries are Colombia, Nigeria and Mauritius. The progress for Mauritius has been notable being given that Mauritius was placed in Tier 2 years ago.

143. The Child Protection Act was further amended in December 2008 to provide for a Child Mentoring Scheme. The Child Mentoring Scheme which is a well structured and well managed programme provides individual guidance and support to adolescents with behavioural problems who may also be prone to becoming victims of commercial sexual exploitation and child violence in general. The Child Mentoring Scheme aims at providing such children with a role model to look up to, especially when they are evolving in a precarious and unstable environment. The Scheme ensures that these children are appropriately screened and matched with trained adult mentors for a one to one relationship of emotional reconstruction.

**Reply to the issues raised in paragraph 22 of the list of issues**

144. The Combating of Trafficking in Persons Act was passed by the National Assembly in April 2009; it is an invaluable tool in the tracking down of criminals involved in the trafficking of human beings, especially women and children. The objectives of the Act are to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons; prevent and combat trafficking in persons; and protect and assist victims of trafficking. It provides for repatriation of victims of trafficking, and return of victims of trafficking to Mauritius, compensation to victims of trafficking and other penalties and regulations.

**From January to November 2009**

<b>Offence</b>	<b>Section of Law</b>	<b>Reported Cases Year 2009 (Jan. to Nov.)</b>
Child Trafficking	Child Protection Act 13A	1
Causing child to be engaged in Prostitution	Child Protection Act ,section14A	2
Debauching Youth	Criminal Code, section 251	1
Procuring ,enticing and exploiting prostitutes	Criminal Code, section 253	3

*Rehabilitation of women*

145. The MWRDCDFW is supporting a project called “Chrysalide” which is presently implemented by a Non-Governmental Organization “Centre de Solidarité pour une Nouvelle Vie” since November 2004 through a yearly grant of Rs 1.2M (\$ 40,000) is provided to meet administrative expenses.

146. The “Centre de Solidarité pour une Nouvelle Vie” is involved in:

(a) The rehabilitation and the reinsertion of drug addicts and/or alcoholic as well as their families; and

(b) the sensitization and prevention in all the affected areas (schools, private clubs, suburbs, etc.)

147. The project aims at:

(a) Total abstinence from drugs on the part of substance abusers;

- (b) Offering the women psychological help, duly therapeutic support, medical surveillance, educational and job training as well as parenting training to enhance their change of life
- (c) Effective positive changes in the behaviour, attitudes and education of the women so that they are able to a life free from substance and/or prostitution
- (d) Gradual reinsertion in the active world with a job and new living arrangements.

148. The women who are admitted at the centre are provided with most of their needs and are given six months to one year structured living conditions to help them before they integrate in society.

149. The project is in line with the policy of this Ministry to rehabilitate women who are alcohol/drug addicts, sex workers, and prisoners who are released from prison, to give them training, impart necessary entrepreneurial skills to them and follow up regarding psychological assistance until they become self-reliant.

150. Concurrently, there are two other NGOs which are actively involved in the rehabilitation programme of women who have been victims of sexual exploitation.

*Concrete steps taken to address child prostitution*

151. In view of the fact that Mauritius was placed in the TIER 2 watch list category in the United States Trafficking in Persons Report 2005, several measures have been taken by Government to deal with child prostitution- leading Mauritius into the Tier 2 placement in 2006 and to TIER 1 placement in 2009. These include:

- (a) The setting up of the Brigade pour la Protection des Mineurs (BPM) by the Police Department, in collaboration with the Ministry of Women's Rights, Child Development and Family Welfare to protect children from all forms of abuse, including Commercial Sexual Exploitation of Children (CSEC).
- (b) Public awareness campaigns through ongoing talks in primary and secondary schools, to parents, in regions at risks, as well as through the media.
- (c) Training of service providers including officers of the Ministry, the police, probation service, medical and social workers and NGOs, to enhance provision of services given to victims of CSEC.
- (d) Since January 2008, crackdown operations around the island are organized at regular intervals by officers of the Ministry of Women's Rights, Child Development and Family Welfare, National Children's Council (NCC), BPM, and NGOs, to ensure that school going children do not play truant and fall prey to illicit activities, including getting trapped as victims of CSEC.

152. Moreover, a Residential Drop-in-Centre will be constructed at GRNW to cater for victims of Commercial Sexual Exploitation of Children. This is in line with the recommendations of the 41<sup>st</sup> Session of the UN Committee on the Rights of the Child, held in 2006. The Foundation Stone for the Drop-in-Centre was laid in November 2009.

**Reply to the issues raised in paragraph 23 of the list of issues**

153. The Employment Division of the Ministry of Labour and Employment Relations collaborates with the National Empowerment Foundation (NEF) in implementing the latter's projects. It provides technical advice to various instances of NEF (training and re-skilling; employment of women; circular migration; retraining/empowerment of laid-off workers).

154. There exists in the Social Aid Act provision for the grant of social aid, subject to a means test to the following categories of persons:

- (i) Women who are living in separation from their spouse;
- (ii) unmarried mothers;
- (iii) women whose partners are in jail and who have insufficient means to provide for themselves and their families.

155. Eradicating absolute poverty has become a priority for the Government and presently, this is high on the Government agenda, as indicated in the recent Budget. A series of measures have been announced to tackle the issue. A Special Committee for the Eradication of Absolute Poverty (EAP) has been set up, which comprises all stakeholders, namely the public sector, the private sector and the NGOs to look into the specific needs of the poor, provide urgent assistance and lend support to the children and the unemployed in the pockets of poverty. A five track partnership is being established, bringing together the entire range of social partners, including the socio-cultural organisations, NGOs, the corporate sector, development partners and the various levels of Government. The overall objective is to eradicate all cases of absolute poverty in the country within a span of seven to ten years.

156. Various generic and specific interventions have been envisaged, which include among others, the following:

- (a) Provision of adequate housing facilities;
- (b) placement/Training for the unemployed;
- (c) social and life skills support for adults;
- (d) integrated Education Support;

- (e) support to deal with social problems;
- (f) integrated Health support;
- (g) provision of basic public services;
- (h) social Facilities; and
- (i) building leadership capacity and participation among the Community

157. An amount of Rs 395 M has been provided to fund the EAP programme during financial year 2008-09. The private sector is expected to cover 30 percent of the cost as part of their Corporate Social Responsibility programme. Action Forces will also be set up in each region to mobilise financial and human resources to implement both generic and tailor made programmes based on the needs of each family member in the pockets of poverty, while NGOs will be responsible for actual implementation in the field. The EAP programme will ensure that:

- (a) All poor children of pre-primary school-going age attend school;
- (b) these children are provided with a decent lunch;
- (c) parents are trained to get a decent job with sustainable income;
- (d) social problems are dealt with appropriately;
- (e) there is training in life skills management for parents and children; and
- (f) there is adequate infrastructure to those needing it.

158. Over recent years, a number of programmes funded by both local and international agencies have been implemented or are ongoing to assist and empower the poor, whoever they are, and to bring them in the mainstream of productive activities. Some of these are:

- 1995: Trust Fund for “La lutte contre l’exclusion”—restyled as TFSIVG below
- 1997: Committee on Poverty set up by the President of the Republic (this was only advisory )
- 1999: Trust Fund for the Social Integration of Vulnerable Groups (TFSIVG)-ongoing
- 1999: Lévé Débouté (Self- help Project) in Rodrigues-completed

- 1999: A Nou Diboute Ensam – A poverty alleviation programme funded by EU-completed
- 2000: International Fund for Agricultural Development (IFAD) – Phases I, II & III-ongoing
- 2005: Decentralized Co-operation Programme funded by EU and which is ongoing
- 2006: Economic Empowerment Programme-now fully operational

### **The Trust Fund for the Social Integration of Vulnerable Groups**

159. The Trust Fund for “La Lutte Contre L’Exclusion,” which was set up in September 1995, was restyled “Trust Fund for the Social Integration of Vulnerable Groups” (TFSIVG) on 10th March, 1999. In the budget of 1999-2000, an amount of Rs 500 M from the Privatization Fund was earmarked for the Trust Fund to implement projects for the alleviation of poverty.

160. The Trust Fund implements programmes to improve living conditions of the poor and needy groups through community-based projects and schemes initiated and implemented through non-governmental organizations (NGOS). It also provides finance under a Micro-Credit Scheme with a view to integrate the vulnerable groups in the mainstream of socio-economic development.

161. A greater emphasis is put on people’s participation as intervention of the Trust Fund is based on community-driven initiatives through NGOs in response to their own felt needs and aspirations. The Fund also provides assistance to needy students from poor families to pursue their tertiary education in Mauritius by implementing a revolving loan scheme to needy students through the Development Bank of Mauritius (DBM).

162. More specifically, the Trust Fund has been intervening in the following sectors:

#### **Community-based projects:**

(a) Basic needs:

- Social housing
- Nutritional supplement
- Sanitary facilities
- Safe drinking water
- Access to electricity

(b) Education/Training:

- Educational support in the form of school materials, uniforms, shoes to pupils of primary, pre-primary, school drop-outs, unemployed youth

## (c) Social infrastructure:

- Provide minor infrastructure in deprived localities.

**Microcredit scheme**

Loan up to R 75, 000 -Through the DBM, to provide finance to develop micro-income generating activities to become self- employed and come out of poverty.

**Revolving scheme for tertiary education in Mauritius**

Loan up to Rs 100,000 -Through the DBM, to provide finance to needy students to pursue tertiary education at the University of Mauritius, University of Technology, IVTB and the Technical School Management Trust Fund

**Achievements****Period June 2000 to June 2005**

Sectors	No of projects	Amount (Rs)	No of beneficiaries
Community based projects	1098	243,223,488	106,534
Micro-Credit	1159	32,987,945	1159
Loan to needy students	456	28,062,802	456
Others	9	110,500,000	
Total	2722	414,774,235	108,149



**Period July 2005 to December 2007**

Sectors	No of projects	Amount (Rs)	No of beneficiaries
Community based projects	217	92 278 746	18 410
Micro-Credit	563	18 244 000	563
Loan to needy students	120	7 349 271	120
Others	1	4 250 000	1700
(i) Payment to fishers in Rodrigues			
Total	901	122,122,017	20,793

**Reply to the issues raised in paragraph 24 of the list of issues**

163. Government is conscious that one of the major challenges is to ensure that the population, especially the old and the young, has access to adequate nutritious food at affordable prices in the context of global food crisis and food price hike.

164. Indeed Mauritius has for long been a net food importing country, mainly to satisfy the demands of staples like wheat and rice, pulses and meat and dairy products. Moreover, Mauritius can never aspire to any reasonable level of food self-sufficiency because of its agro-climatic conditions, limited land mass, adaptability of staple crops and century-old food habits of its population.

165. Conscious of the gravity of the situation, Government has, in its 2008/09 budget, provided Rs1 billion to address the food crisis through the development of the food and agricultural sector.

166. In this respect, a five-pronged strategy has been proposed in order to achieve a reasonable level of food self-sufficiency through the implementation of the following measures:

(i) Mobilize land, human resources, technology and financial resources to produce locally as much food as is practically possible;

(ii) encourage surpluses in food production for exports so as to capture the maximum gains from economies of scale that can benefit local consumers and generate the income for foods we cannot produce;

(iii) partner with countries in the region, starting with Madagascar, Mozambique, Tanzania and other countries where opportunities arise to produce food-crops, livestock and marine products for domestic consumption as well as for the regional markets.

(iv) seek the support of regional blocs and development partners and promote joint ventures, both public and private, and with countries like China and India; and

(v) run a sensitization campaign to promote healthy and affordable food habits.

167. It is felt that a national programme, with a strong regional dimension, may promote a win-win situation as this will provide gainful employment both locally and in the countries in the region. Such an approach will contribute to improve our regional and national food security as well as the attainment the MDGs.

168. A strategic plan has been prepared with the collaboration of the public sector, the farmer associations and public sector institutions. The following priority recommendations have been made in order to provide the essence of a sustainable, competitive and inclusive agriculture, without which the objective of increasing significantly production would not materialize:

(a) Improve the livelihood of small producers by empowering them to carry out production, value addition and marketing of their products as a profitable venture in a sustainable way.

(b) Provide access to agricultural lands to a greater number of landless farmers grouped into associations.

(c) Improve global competitiveness and profitability of the agri-business sector in order to reduce the country's dependency on food imports.

(d) Lay emphasis on the production of a better quality and safer product to respond to consumers' needs.

(e) Foster partnership between small farmers and the private sector.

(f) Give the necessary back up to local entrepreneurs who wish to set up agricultural projects in the region.

### **Cross-border initiative**

169. It is recognised that Mauritius has certain inherent constraints faced by Mauritius to meet the daunting challenges associated with food security. Mauritius alone does not have the required resources and production capacity. Taking this into account, we are conscious that within the agricultural sector, Mauritius should move away from an inward looking strategy and adopt instead a more outward looking approach focused on broader regional and international markets.

170. Despite all efforts mobilized locally and in the region to enhance agricultural production for ensuring food security, agri trade will continue to play a vital role. With the trade liberalization

process in full swing and the elimination of tariff barriers in the context of trade protocols binding the COMESA, SADC and IOC regional groupings of which Mauritius is a member, the local agribusiness sector, specifically the agro-industrial sub-sector, is becoming increasingly exposed to severe competition from bigger and more powerful overseas producers.

171. Mauritius is taking the necessary steps to gear the sector towards achieving long-term competitiveness and to take full advantage of the emerging opportunities which globalization also entails, besides opening the door to harsher competition. The new strategic orientation takes into account the renewed opportunities provided by the Cotonou Agreement and the export possibilities for agricultural produce offered by the United States of America through the Africa Growth and Opportunity Act (AGOA). The AGOA, which aims at fostering trade links between the USA and Africa, will definitely accelerate the process of regional cooperation and broaden the industrial base in the region. (Rules of origin)

172. It is unanimously recognized that for a sustainable food security, Mauritius has to foster strategic partnerships within the region for enhanced agricultural production. Mauritius needs to also utilize the production capabilities for the development of a strong export-oriented agro-processing hub. In so doing, domestic industries in the agro-industrial sector will be in a better position to face competition and at the same time exploit new export avenues.

173. We are conscious that opportunities in agriculture do exist in many neighbouring countries which have abundant unexploited land resources and offer labour at a reasonable rate. The agro climatic conditions are conducive for agricultural development and many crops can be cultivated year-round. Also seasonal crops, such as potatoes, that cannot be grown in Mauritius in specific periods can be cultivated during these same periods in the neighbouring countries, to ensure a regular food thereby attaining a higher regional food security. The possibility of producing within the region a number of other primary products, such as maize, onion and garlic with guaranteed access to the local market needs to be seriously considered.

174. In this context, Government is promoting the development of a Regional Development Company that will act as a special vehicle to promote regional initiatives to produce food and raw materials for agro processing.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

175. The Housing Policy, in Mauritius, has been geared towards a shelter for each citizen - "Un Toit pour Toi" -, targeting primarily those at the lowest rung of the ladder. In this context, the Ministry of Housing and Land offers various schemes:

- (i) Construction of low cost housing for low income groups.
- (ii) Construction of low cost housing for lower middle income groups.

(iii) Provision of fully serviced sites to people of low income but who persevere to construct houses of their own.

(iv) Grants under the casting of roof slab Scheme.

(v) Housing loans at preferential interest rate.

(vi) Government Sponsored loans.

176. In concrete terms, the housing programmes for the coming year as per Budget Speech 2010 are as follows:

(i) Construction of 550 affordable low-cost housing units on 11 sites for low income families;

(ii) Provision of 242 serviced plots of land to the lower – middle income group for housing purposes in three regions.

(iii) Grants under the casting of roof slab scheme.

177. The Ministry is in the process of hiring an international consultant and two local project coordinators to assist in the preparation of a National Housing Strategy, In regard to demand for social housing, figures are available to a large extent at the Central Statistical Office and the National Housing Development Company. However, this issue will be a component of the Housing Strategy. Concurrently, the Central Statistical Office has been requested to collect specific data pertaining to housing demand during their next census.

### **Social housing programmes at the Ministry of Housing and Lands Achievements**

- Some 1582 low cost housing units have been delivered since 2005.
- About Rs 600 M have been disbursed to some 12,000 families under the casting of roof slab scheme since 2005.

### **Future**

- Rs 170 M have been provided towards infrastructure for the construction of 700 additional housing units across the island.
- Provision of 309 serviced lots of State Land
- Construction 116 flats in Port Louis
- Build new mixed housing communities through a Social Housing Fund on 1000 Arpents of Land Island wide.

### Fiscal incentives on existing social housing schemes

178. The table below gives an indication of the existing housing schemes that are being supported by Government.

Existing Housing Schemes	Income Eligibility	Administered by	Details of Scheme
<b>Roof Slab Grant</b>	≤Rs8,500	Ministry of Housing and Lands / NHDC MOFED	One-off cash grant of Rs60, 000 for Slab of 100m <sup>2</sup> . Scheme is open to self-employed. Since July 2005, an amount of Rs 600M was granted to some 12,000 families
<b>Purchase of Building Materials</b>	≤Rs5,000	Ministry of Housing and Lands / NHDC MOFED	Households who own a plot of land but cannot afford to start construction of a housing unit of maximum Rs 55,000
<b>Purchase of an NHDC Housing Unit</b>	≤Rs8,500	Ministry of Housing and Lands /NHDC	Subsidy for Interest differential Refund of Registration duty of 5% for the purchase of NHDC low and very low cost housing units Firinga type. Infrastructure works financed from budget. NHDC is paid Project Management fee of 2.5%, Mortgage Administration fee. Households are given possibility to extend units vertically and horizontally.
<b>6.5% Government Sponsored Loan (GSL)</b>	≤Rs8,500	MHC	Interest: 6.5% Yrs 1-5 8.0% Yrs 6-10 10.0% remaining GSL Grant: Rs33,000 Loan Ceiling: Rs325,000
<b>10% Government Sponsored Loan (GSL)</b>	<Rs10,000	MHC	Interest: 10% Yrs 1-5 12% Yrs 6-10 - end No GSL grant Loan Ceiling : Rs325,000
<b>Sites and Services Scheme (Lower middle income groups)</b>	between Rs8,500 and Rs12,000	Ministry of Housing and Lands / NHDC	Lease period for rent: up to 30th June 2060. Own arrangements for housing finance. Payment of annual rental of Rs3, 000 up to year 2060.

### Access to land tenure (ex-CHA housing estates)

179. In the 1960's, and consequent to the damage to houses caused by cyclones "Alix" and "Carol", the Government of Mauritius started a vast housing construction programme to provide

shelter to homeless families through the Central Housing Authority (CHA). Houses constructed during this period were single storeyed concrete houses and in some cases with corrugated asbestos and iron sheet roof. Houses were also constructed in precast asbestos cement wall panels and corrugated galvanized iron roof, these being more commonly called EDC houses.

180. Following cyclone “Gervaise” in 1975 and “Claudette” in 1980, more houses were constructed under this housing programme. There are 177 housing estates scattered throughout the island and some 19,300 beneficiaries.

*Sale of CHA houses (1989) – access to home ownership*

- 1989 - Introduction of the “Right to Buy” policy by Government, occupiers of houses within the CHA housing estates were encouraged to become owner of their house through the purchase of same at a nominal cost which varied from Rs 500 to Rs 1000 depending on the type of houses.
- This measure reduced considerably the burden of management and maintenance costs incurred by Government on the CHA houses.

*Sale of land on which stands ex-CHA houses (2007) – access to land tenure*

- 2007 – In line with Government reform programmes to empower the people, the “Right to Buy” policy re-introduced for the sale of the plot of State Land on which stands Ex-CHA houses.
- The State Land Act has been amended to empower the Minister of Housing and lands to sell portions of State Lands on which stands an ex-CHA house at a nominal price of Rs 2,000.

**Reply to the issues raised in paragraph 26 of the list of issues**

181. Implementation of the National Multisectoral HIV and AIDS Strategic Framework (NSF) 2007-2011.

(i) It has been formulated to respond to the findings of the Biennial UNGASS report 2005, the Universal Access 2006 and the evaluation of the previous National Strategic Plan 2001-2005 in May-July 2006.

(ii) Priority has been given to intensify primary prevention efforts for groups with high-risk behaviour, and to improve the quality of life of people living with HIV/AIDS (PLWHA) through comprehensive care and support.

(iii) The development of the strategic framework is in line with the UNAIDS “Three Ones” principles with the setting up with the National AIDS Secretariat, in May 2007 under the Prime Minister’s Office comprising also of a National Monitoring and Evaluation Unit to monitor and evaluate the activities of the NSF 2007 – 2011 and of the Global Fund Proposal.

(iv) **Global Fund:** The country proposal for Global Fund Round 8 has been successful. Under the Global Fund, Mauritius will be benefiting from a total sum of nearly 7 m Euros over a period of 5 years for implementing projects to fight HIV and AIDS which have been worked out based on the National Strategic Framework 2007 – 2011.

182. The strategy of harm reduction was introduced as from Nov. 2006 with the support of an HIV and AIDS Act in December 2006 :

(a) **Methadone Substitution Therapy Programme**

The Methadone Substitution Therapy Programme started in November 2006 for male clients and in March 2008 for female clients. Currently 1800 clients have been induced on methadone. Daily maintenance doses are being dispensed through 16 dispensing Units including 1 in the Prisons.

(b) **Needle Exchange Programme**

The Needle Exchange Programme (NEP) was introduced by NGOs in November 2006 with the support of the Ministry of Health and quality of Life. Due to limited capacity of NGOs to scaling up the programme, the Ministry embarked in the programme in May 2008 with two mobile caravans covering 31 sites in almost all regions of the island reaching more than 5000 clients. NGOs are covering 8 sites and have reached 600 clients.

Awareness sessions with partners of IDUs are carried out. HIV tests and Condoms are also being made available to IDUs under the NEP.

(c) **HIV and AIDS Act**

The provision of an HIV and AIDS legislation eliminates all forms of discrimination and assures the full enjoyment of human rights by people living with HIV/AIDS. It also ensures an effective legal framework for voluntary counselling and testing, for confidentiality of test results and for the implementation of the Needle Exchange Programme.

**Antiretroviral treatment**

(a) Antiretroviral treatment (ART) is being provided free of user costs since April 2002. As at end November 2009 the cumulative number of patients registered at National Day Care Centre for the Immunosuppressed is 2531 out of whom 714 persons have been initiated on ART.

(b) A National Protocol of treatment for HIV and AIDS to include new antiretroviral drugs (ARVs) has now been developed.

- (c) Use of the Viral Load Machine for the monitoring of PLWHA on
  - (i) Efficacy of antiretroviral drugs
  - (ii) Adherence of patients to treatment

to avoid resistance to drugs and consequently purchase of costly third line treatment.

### **Decentralisation of services**

#### **(a) HIV testing facilities**

As from February 2009, decentralization of HIV Testing and Counselling has been extended to all Area Health Centres and peripheral Hospitals. Mobile screening services in the Mobile Clinic Service include a component of HIV and AIDS. These measures have brought testing facilities to the community.

Provider initiated testing and counselling is being proposed to those with high risk behaviour in Rehabilitation and Detoxification Centres and Needle Exchange Programme as well as TB and STI patients.

#### **(b) Day care centres**

The treatment, care and support centres has been decentralized to a second Regional Hospital(Victoria Regional Hospital) It has been scheduled for such centres to be made available in all five Regional Hospitals.

### **Public awareness and information campaign**

183. Government is conscious that there is need for a multisectoral approach for the proper implementation of HIV and AIDS activities and is urging NGOs to come forward and play their role for the benefit of the society in the fight against HIV and AIDS. To support the campaign against HIV and AIDS and against substance abuse the Government opted for a wide public awareness and information communication campaign in collaboration with NGOs.

### **Sentinel surveillance for most at risk populations**

184. The National Plan and Protocols for the sentinel surveillance for the most at risk populations have been worked out. The survey for injecting drug users is actually being carried out.

### **HIV and AIDS in prisons**

185. A HIV and AIDS Unit was set up in the Prisons in 2008 to enhance activities on preventive measures and on treatment, care and support to HIV infected inmates. A pilot project is being



carried out to determine the infection rate in the prisons and Pre-Release Scheme sessions are being organized by the Prisons Services.

### **Ongoing programmes**

- (a) Systematic screening of all donated blood for HIV as from 1987.
- (b) Condom distribution network for casual sex workers and men having sex with men consolidated through the conduct of regular monthly meetings.
- (c) VCT services extended to all Regional Hospitals, Area Health Centres and mobile clinics.
- (d) Outreach programmes targeting commercial sex workers, men having sex with men, injecting drug users and prison inmates.
- (e) Young peer educators imparted with basic life skills management and youth service providers trained in friendly counselling.
- (f) Paramedical personnel sensitized on the promotion of universal precautions and infection control in health care settings - rising awareness among the health personnel would ensure the prevention of occupational transmission of HIV/AIDS and other transmissible diseases.
- (g) Medical and paramedical staff trained in the management of care and support for PLWHA.
- (h) Positive and encouraging response of partners in implementing Strategic Framework for the prevention of HIV/AIDS in a spirit of partnership.
- (i) Policy makers advocated on the potential risk of an outbreak of HIV/AIDS.
- (j) National Surveillance Plan with different protocols elaborated.
- (k) Established network with other partners and peer educators of groups of high risk behaviours ensures smooth implementation of outreach sensitization campaigns on the threats of HIV/AIDS as well as voluntary counseling and testing.
- (l) Diploma course conducted by University of Bordeaux 2, France for Medical Practitioners in the region , organization of yearly colloquium on HIV/AIDS in the region.

186. It has been noticed that the number of cases detected among women has increased from 18 cases in 2000 to 136 cases in 2008. However, in 2005, the increase was exceptionally high, i.e. 106 as it was due to the increasing number of tests carried out among injecting drug users . Sensitisation campaigns are conducted regularly among students and out of school youth.

Programmes are also held in the community among girls of child bearing age and in antenatal clinics.

187. The strategies adopted by the Government have been mainly, in terms of, provision of sustained Information Education and Communication (IEC) campaigns to young girls and women at grassroots so that they can gain regular access to information through seminars, talks, debates etc. Another newly devised strategy that has been adopted is the “Entertain to Educate” Programme which is carried out namely through film shows to sensitise the target group on the issue.

188. The Ministry of Education has implemented a two year project funded by the UNFPA aimed at strengthening the sexual and reproductive health among women and girls. To that end, Information Education Campaign (IEC) programmes have been conducted for about 1,000 women across the country. Women are better informed about their reproductive rights as well as other related issues of sexual and reproductive health. Regular funds are allocated by the United Nations Population Fund (UNFPA) to the Ministry to undertake such IEC programmes.

189. A Monitoring and Evaluation Unit has been set up in the National AIDS Secretariat to address this issue in line with the “Three One’s Principles”. A Steering Committee, under the Chairmanship of the Permanent Secretary of the Ministry of Health is monitoring on a monthly basis the implementation of all HIV AIDS programmes.

#### **Reply to the issues raised in paragraph 27 of the list of issues**

190. In 2008, the Suicide Prevention Unit (SPU) of the Ministry of Social Security delivered 52 talks on suicide prevention in secondary schools and seminars organized by the Ministry of Youth and Sports.

191. In the same year, the unit provided psychological support to 53 juveniles (23 males and 30 females) among whom 20 (10 male and 10 females) were attended to until improvement of their functioning was noted.

192. A hot line of the SPU operates on a 24 hour basis. It is free of charge and ensures strict confidentiality.

193. A document on the Implementation of the Action Plan on Suicide Prevention was launched on the occasion of the World Suicide Prevention Day. It was produced by the Steering Committee on suicide and sets out strategies for the prevention of suicide, and short term plans which include training and awareness campaigns.

#### **NGO Befrienders**

194. The NGO Befrienders works in collaboration with the Ministry of Social Security with regard the implementation of the Action Plan on Suicide.

195. In 2009, the NGO obtained funds from the Decentralised Cooperation Programme for a project aiming at sensitizing people living in poverty areas on the suicide problem. In this connection, the NGO hired the services of a professional drama group for the production of a play in which the heroine is a young woman of a well to do family who after successful academic studies, falls pregnant and sees the world crumbling around her. Out of despair, she wants to commit suicide.

196. According to Befrienders, the drama has had a strong effect on the young people of the poverty areas.

197. The drama is accompanied by a talk show which makes a presentation of Befrienders and its services. Through these types of communication, young people have learned to detect signs of suicide and have expressed their willingness to help their peers and other people who have suicidal tendencies. As the heroine of the drama belongs to a high social class, the young people of the poverty areas have learned that despair is not experienced by poor people only. The project started in November 2009 and will end in February 2010.

198. The rate of suicide in Mauritius is lower than the international accepted rate. 7 on 100,000 Mauritius commit suicide whereas internationally, the figure is 14 out of 100,000 population.

#### **Reply to the issues raised in paragraph 28 of the list of issues**

199. The UN Committee on the Rights of the Child, at its 41<sup>st</sup> Session in 2006 expressed concern on the issue of Teenage Pregnancy and, recommended that particular support be provided to Teenage Mothers. Moreover, the Concluding Observations of the UN committee on Elimination of Discrimination against Women urged Mauritius to promote sex education targeting boys and girls with special attention to Teenage Pregnancy.

200. The Ministry of Women's Rights, Child Development and Family Welfare is currently undertaking a Study on Teenage Pregnancy in collaboration with the Ministry of Health and Quality of Life. The Study will inter alia:

(a) Provide an in-depth analysis of the phenomenon of teenage pregnancy, underpinning possible correlation such as age, economic status, family background and educational level;

(b) Give a comprehensive outlook on the possible causes and consequences of teenage pregnancy in Mauritius; and

(c) Enable the Ministry of Women's Rights, Child Development and Family Welfare to develop policies with a view to reducing teenage pregnancy.

201. Teenage pregnancy has decreased considerably in Mauritius.

For the calculation of teenage pregnancy the adolescent fertility rate is used.

<b>Year</b>	<b>1962</b>	<b>1972</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Women 15-19	107.3	50.3	36.2	35.8	35.9	33.5	42.4	34.2	32.9

202. The adolescent fertility rate which is defined as the number of live births occurred per 1000 women in the age group 15-19 years has decreased from 107.3 in 1962 to 32.9 in 2008. This is the lowest figure ever recorded in Mauritius.

203. However it is to be noted that about 25 live births are recorded annually among girls below the age of 15 years. This figure is included while calculating the adolescent fertility rate.

204. In 2008, 11.0 % of total births in Mauritius were from adolescents i.e. 15-19 years.

205. The teenage pregnancy though small in absolute numbers is a concern in this rapidly developing island. A vast campaign of education in reproductive health has been started in secondary school in all EPZ factories to teach the basic in reproductive health to the young. Two youth friendly services clinics have been set up - one at the University of Mauritius and the other one at the Health Promotion Shop. Most of the staff at Primary Health Care level including doctors, nurses, midwives, Community Health Nursing Officers, Community Health Workers and HIEC Officers have been given refresher training in reproductive health issues.

206. Since abortion is illegal in Mauritius and reinforcing the FP services and re-educating the young in reproductive health are the desired solutions to prevent unnecessary pregnancy and its criminal sequelae. All regional hospitals are well equipped to deal with complications of unsafe abortions.

207. In general the health information education and communication unit of the MOH assists in dissemination of the right material throughout our PHC system in strengthening campaign for the prevention of teenage pregnancy.

208. It should be also pointed out that a National Sexual Reproductive Health Strategy and an Action Plan for period 2009-2015, with emphasis on issues related to adolescent and youth, is being implemented.

209. Abortion is an offence under section 235 of the Criminal Code. It is an offence for any person to procure the miscarriage of any woman quick with child by any food, drink, medicine or by violence or any other means. The woman who procures her own miscarriage also commits an offence under that section. There is no defence in the case of therapeutic abortion or where a woman has been raped.

210. Following the recent death of a journalist as a result of an unlawful abortion, there were well-publicised debates and press articles on the issue of abortion. The Minister of Women's Rights

chaired a consultative meeting on 29 April 2009 with relevant stakeholders, including women's organizations, socio-religious bodies, civil society and trade unions on whether abortion should be legalized. There was no consensus among the participants and it was decided to invite stakeholders to submit their proposals in writing to the Ministry of Women's Rights by the end of May 2009.

**Reply to the issues raised in paragraph 29 of the list of issues**

211. Free education is available to all at primary and secondary level in Mauritius. There also exist private fee-paying schools. Section 37 of the Education Act provides for education to be mandatory for all children up to the age of 16.

**Reply to the issues raised in paragraph 30 of the list of issues**

212. Government primary schools, as well as Grant-Aided Confessional primary schools, provide education free of charge to all children, including non-citizens. However, there are also a few private providers which charge fees to all children, whether Mauritians or foreigners.

213. At the secondary level too, education is provided free of charge (to all children, including foreigners) by State and Grant-Aided private secondary schools. Here also some private schools charge fees.

214. Education is compulsory up to the age of 16 years.

**Reply to the issues raised in paragraph 31 of the list of issues**

215. Government has established a Human Resource, Knowledge and Arts Development Fund to the tune of Rs 1 Billion with objectives, inter alia, to finance student loan schemes and scholarships including a full scholarship for students (with household income not exceeding Rs 10,000 per month and who face severe hardship following the death or serious incapacity of a wage earner) attending or admitted in courses at post-secondary institutions in Mauritius.

216. Statistics concerning number of girls in tertiary education show that for the year 2008, out of a student population of 27,375 pursuing tertiary education locally in public and private institutions including distance education/open learning, some 15,339 are girls (56 %). For Mauritian students pursuing tertiary education overseas, we do not have the composition by gender.

217. Tables depicting "Participation in Tertiary Education 2008" giving the enrolment by gender and fields of study are at Annex 1.

**Reply to the issues raised in paragraph 32 of the list of issues**

218. Though the medium of instruction in Mauritius is English, the use of the language of the environment, like Creole or any other "national language" as a facilitator and support language at the Lower Primary is encouraged. This becomes more important for children coming from deprived

areas where the home environment compounds the linguistic difficulties they face in the classroom with English, French and even Asian Languages and Arabic.

219. With the new National Curriculum Framework for the Early Childhood Development stage to be implemented as from 2010, the use of language in general has been addressed in the Chapter entitled "*Communication Language and Literacy (CLL)*", pages 40 – 47.

220. Some institutions under the BEC have already started experimenting with the use of Creole language as a medium of instruction. At this stage, because of the lack of uniformity regarding the written form of Creole, there is a difficulty in producing the relevant materials in that language.

#### **Reply to the issues raised in paragraph 33 of the list of issues**

221. Yes the programme has been successfully implemented. Various innovative measures as indicated in the report at Annex 2 are being implemented. High level monitoring of actions are done on a regular basis through meetings of the ZEP council (Chaired by the Hon. Minister) and other sub-committees chaired by senior officials.

#### **Reply to the issues raised in paragraph 34 of the list of issues**

222. Children who cannot be integrated in normal schools are sent to special schools and severely disabled children benefit from home visits organized by the Ministry of Social Security. The Ministry of Education and Human Resources has devised a Strategy Paper on Inclusive Education. Efforts are being made to integrate more disabled children in mainstream schools.

223. The Equal Opportunities Act will ensure that every person has an equal opportunity to attain his objectives in various spheres of activities and that no person is placed, or finds himself, at a disadvantage, by reason of his status, including his impairment.

224. Moreover, the Act accordingly prohibits any form of discrimination in a direct or indirect manner on the ground of status. Additionally, it prohibits discrimination by victimisation. These prohibitions from discrimination shall apply to employment activities, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, "*société*" or registered associations, clubs, access to premises and sports.

225. In accordance with regulation 15(f) of the Social Aid Regulations 1984, a social aid is granted to parents having a handicapped child under 15 years of age. A Basic Invalidity Pension is granted to every handicapped child aged 15 years and above.

226. Moreover disabled children are refunded travelling expenses to attend school ( as well as their accompanying parent).

227. Measures taken to include children with disabilities in regular schools:

- Provision is made for ramps and adapted toilets in schools
- Provision of wheelchairs to children
- Enlarged prints to children with visual impairment
- Sign Language as a medium of communication for children with auditory impairment
- Curriculum guidelines and other adapted pedagogical material for children with mental impairment
- Flexibility in time for admission to Std I & to complete curriculum
- Special considerations to children during internal and national examinations
- Support services (Psychologists, Social Workers, Occupational Therapists, Speech therapist, etc)
- Pre-service training of teachers include a module on disabilities
- Availability of integrated units in 5 primary schools to ease access to minimize long distance travelling.

**No. of schools run by civil society : 39**

- Grant in aid to teachers and assistant teachers, furniture, building, utilities, specialist services is paid to NGOs that cater to the needs of children with disabilities
- Free books for all children following the mainstream curriculum at primary level
- School feeding programme
- School furniture and equipment
- Training of teachers
- Additional support given as and when required to acquire specialized educational materials by NGOs

**Reply to the issues raised in paragraph 35 of the list of issues**

228. The Ministry of Education, Culture and Human Resources, in line with its National Curriculum Framework, is currently working on the integration of Human Rights Education into the school curricula at primary level. On the finalization of the National Curriculum Framework for secondary schools, Human Rights Education will be introduced at lower secondary level.

229. The development of the Human Rights Education Curriculum will necessitate the training of curriculum writers who are responsible for the writing of teaching and learning resource materials. The training will involve the assistance of technical experts in human rights curriculum in order to ensure that components of Human Rights Education are effectively integrated into the different learning areas to bring the required desirable behavioural changes in pupils.

230. In line with the Programme of Action 2005 – 2009 of World Programme for Human Rights Education, the Ministry of Education, Culture and Human Resources has set up a Human Rights

Education Task Force comprising members from different Ministries, NGOs and international organisations to carry out a campaign for immediate visibility and scaling up of Human Rights Education, in addition to integration into the curriculum.

231. The Task Force has proposed a Plan of Activities with a view to achieving better awareness of human rights issues at school level. The activities include, among others, essay/poem/song competitions, drawing and poster competitions, story-telling, debates, elocution contests, exhibition of the best entries and preparation of a kit on human rights for distribution to schools. Schools may also take up human rights issues in their morning assemblies.

232. For a more effective implementation of Human Rights Education, teacher-training has to be carried out. The Mauritius Institute of Education which is responsible for in-service and pre-service training will consider having some modules of Human Rights Education into their programmes. Hence, teachers will be better prepared to implement the Human Rights Education curriculum.

233. Concurrently, the Ministry is carrying out advocacy programs through Co-Curricular and Extra-Curricular activities on Human Rights. The activities include, among others, essay/poem/song competitions, drawing and poster competitions, story-telling, debates, elocution contests, exhibition of the best entries and preparation of a kit on human rights for distribution to schools. Schools also take up human rights issues in their morning assemblies. Talks on the Constitution of Mauritius are also carried out in secondary schools.

234. Many schools are already running '*Amnesty Clubs*' and students actively participate in them by carrying out sensitization programmes on human rights abuses in other countries. A further co-curricular activity could be the setting up of Human Rights Clubs in schools. These Clubs would focus on national human rights issues and activities. In addition, these clubs will provide students with real learning opportunities in human rights approach to develop their personality, strengthen respect for human rights and fundamental freedoms.

235. The National Humanitarian Law Committee (NHLC) set up under the aegis of the Prime Minister's Office in 2002 implements and publicizes international humanitarian law instruments to which Mauritius is a party. "*Exploring Humanitarian Law*" was introduced in State Secondary Schools on a pilot basis in 2007 after the training of two teachers per school. The project has been extended to all private secondary schools after training workshops carried out in November 2008. The Ministry is considering the integration of components of Exploring Humanitarian Law into the secondary curriculum.

**Additional measures taken:**

1. The Ministry of Education has come up with an official policy on Inclusive Education.
2. The Education Act has been amended to make education compulsory to all children including children with disabilities up to the age of 16.



3. As a result, as far as possible, children with physical disabilities are integrated in regular schools.
4. For those with mental impairment, special units are being set up in regular schools to accommodate them.
5. Children with sensory impairment are provided with hearing aids and Braille machines to integrate regular schools straight away or to join special units in mainstream schools.
6. All new schools that are being constructed and being equipped with access features.
7. Free transport is provided to disabled children attending schools.
8. In case they are accompanied, the bus fare of the accompanying person is refunded.
9. A scholarship scheme has been set up to encourage children with disabilities to pursue secondary and tertiary studies in mainstream institutions.
10. The taxi fare for students with severe disabilities attending university is refunded.
11. The students with severe disabilities are provided with motorized wheelchairs in the compound of the university.
12. Training in special education needs is provided to teachers.
13. Around 20 special schools are run by NGOs.
14. They are supported by the state as follows:
  - (i) A yearly grant is given to meet administration costs.
  - (ii) Government teachers are seconded for duty in special schools, run by NGOs.
  - (iii) Micro-projects are funded by NGO Trust Fund.
  - (iv) A per capita grant is given to meet all other expenses.
  - (v) Logistic support is given in terms of organization of activities, duty free facilities etc.

**Reply to the issues raised in paragraph 36 of the list of issues**

236. The Ministry of Education, Culture and Human Resources is reviewing the objectives of the Mauritian Cultural Centre to make it a significant tool for the consolidation of national unity. The Mauritian Cultural Centre will become an umbrella organization for other Cultural Centres promoting Islamic, African, Tamil, Telugu and Marathi cultures.

237. Adequate conditions are being provided to promote Intercultural dialogue to enhance further national unity and affirm and sustain our cultural diversity.

238. In the mean time, the Ministry is handling all matters related to the Mauritian Cultural Centre.

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