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Committee on Economic, Social and Cultural Rights

Forty-fourth session

Summary record (partial)* of the 11th meeting

Held at the Palais Wilson, Geneva, on Monday, 10 May 2010, at 10 a.m.

Chairperson: Mr. Marchán Romero

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second to fourth periodic reports of Mauritius (continued) (E/C.12/MUS/4; E/C.12/MUS/Q/4 and Add.1; HRI/CORE/MUS/2008)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*

2. **Mr. Mownah** (Mauritius) said that his delegation had provided Committee members with written documents containing most of the statistical data they had requested. Summarizing and supplementing that additional information, he said that the central Government fully supported the socio-economic development of Rodrigues and had doubled its expenditure on the island over the previous seven years. The National Empowerment Foundation had a branch on the island and was bringing assistance to the local population. Two major projects had been established to promote sustainable development, with much-appreciated assistance from the European Union and the United Nations Development Programme.

3. Poverty was in decline in Mauritius; no more than 7.8 per cent of the population — fewer than 100,000 people — were living below the relative poverty line. The National Empowerment Foundation provided facilities to enable those in poverty to access loans and training, and a programme had been drawn up to eliminate absolute poverty, targeting about 7,000 households in both rural and urban areas. The programme offered social housing, parenting and life skills courses, and school meals and transport to encourage children to attend school. About 55 per cent of the central budget was spent on social and community services, with the largest amounts allocated to education, social security and pensions, health care and housing. The Government therefore ensured that the welfare State was a reality in Mauritius and took care of vulnerable groups.

4. There were currently about 25,000 migrant workers in Mauritius. About one third of them were women, the majority of whom were employed in the textile industry. Most of the men worked in textiles or construction. The verification of employment contracts by the Ministry of Labour ensured that there was no discrimination on grounds of gender or origin, and thus that migrant workers were paid the same rates as local employees. The total labour force amounted to about 570,000, one third of which was female. The education and training systems were promoting female employment; currently, about half of all civil servants were women.

5. The real economic growth rate stood at about 5 per cent, and Mauritius was among the countries with a high Human Development Index. While the highest proportion of income continued to go to the wealthiest members of the population, those on a middle income enjoyed an increasing share of the country's wealth: their share had risen to over 45 per cent of the country's total income. The Gini coefficient, a measure of inequality in income distribution, currently stood at around 0.3.

6. The apparent increase in the number of people infected with HIV/AIDS was due to improved disclosure. The 4,400 cases of HIV/AIDS reported to date represented less than 0.5 per cent of the population. The majority of those infected were injecting drug-users. The National AIDS Secretariat led the response to AIDS-related issues, while the Ministry of Health focused on prevention and care. The biggest health problem was non-communicable diseases, which therefore attracted the highest proportion of the health budget. They currently accounted for over 50 per cent of mortality, with diabetes and cardiovascular

diseases predominating. Awareness-raising programmes were in place for the general public and in schools.

7. **Ms. Narain** (Mauritius) said that, since the National Action Plan to Combat Domestic Violence had been in force since 2007 only, it would not be assessed until 2012.

8. The National Human Rights Commission had received a number of complaints concerning economic, social and cultural rights. In 2008, it had received 14 complaints about social security rights, of which 9 had been directly related to breaches of that right; 30 complaints about health, 1 of which concerned the deprivation of proper medical care; and 38 complaints about education, 5 of which concerned dissatisfaction with the standard of education. A number of those complaints should in fact have been addressed to the Ombudsman, as they concerned maladministration. The Commission had not rejected any complaints on the grounds of lack of jurisdiction. It usually assisted complainants by providing conciliation services or information.

9. Individuals had the right to exploit natural resources found on their private land, except for minerals found in or under the land and petroleum – although no minerals or petroleum had been found in Mauritius to date. All rivers and streams were public property; those living on areas bordering such waterways had the right to use a set amount of the water, for example, for irrigation.

10. **Ms. Bras Gomes** asked whether female drug-users enjoyed the same right to care in residential shelters as their male counterparts. It would be useful to know whether the resources allocated to drug use and combating the spread of HIV/AIDS had been sufficiently increased to enable the State party to meet its targets in that area.

11. **Mr. Riedel** noted that the additional documentation indicated that the percentage of women infected with HIV/AIDS had increased. Given that the disease usually had a catastrophic effect once it began infecting women, he asked what specific measures the State party was now taking to reverse that trend. He asked for annual statistics on the distribution of HIV/AIDS by sex and age group to be provided for the last three years of the reporting period; it was impossible to ascertain from the statistics in the additional documentation whether the number of cases had increased or decreased.

12. **Ms. Barahona Riera** requested additional information on programmes, services and education in the area of sexual and reproductive health, especially those for young people. She asked whether the Government would consider decriminalizing abortion in cases where the pregnancy resulted from rape or seriously endangered the mother's life. She wished to know what research had been conducted into the economic, social or cultural causes of the high rate of drug addiction in the State party and how that problem would be tackled.

13. **Ms. Bonoan-Dandan** asked to what extent the impact on economic, social and cultural rights was being taken into consideration in the review of the national environment policy.

14. **Mr. Mownah** (Mauritius) said that spending on health had increased in order to guarantee that health care was free of charge at all levels. In 2009, a total of 548 new cases of HIV/AIDS had been reported, affecting 436 men and 112 women. One of the HIV/AIDS programmes had a budget of about €8 million, to be spent over three years from 2009. It included projects on awareness-raising, needle-exchange and assistance to new patients. Two new hospitals were due to be opened, one for women and children and one for elderly patients. The main hospital had been renovated and was providing care for patients with HIV/AIDS. There was one day-care centre for women with HIV/AIDS and two for infected men. In addition, since 2009 all profitable companies had been required by law to donate 2 per cent of their profits to a corporate social responsibility fund: the donations amounted to about 2 billion rupees per year. In 2010, the money raised in that way had been spent on

approved programmes in the areas of health, the environment, education and social housing.

15. In 2009, a study had been carried out on reforms to the health sector, with assistance from the African Development Bank and the World Bank, which showed that Mauritius had the resources and capacity but needed to improve management and to devote resources to specific sectors. The development programme based on the study would therefore concentrate on capacity-building and on the provision of various benefits, including child income support.

16. With regard to the environment, Mauritius had reviewed its policy, with assistance from the World Bank and the Global Environment Facility. He could not provide data on specific results, but action had been taken on a number of fronts. For example, any company seeking to set up a major project had to have an environmental impact assessment, which had to meet guidelines ensuring that the environment was not degraded. The Government operated on the “polluter pays” principle. Moreover, a major wastewater treatment project, funded by the European Union, the African Development Bank and the World Bank, was in progress. Within two years, 70 per cent of the population, as against the current 40 per cent, would be covered. The Government was devoting particular attention to phasing out dependence on fossil fuels by promoting the use of bagasse, a sugar-cane product, which could be used as an alternative energy resource.

17. **Mr. Servansing** (Mauritius) said that he wished to stress, with regard to the environment, that Mauritius was a small island, with no resources of its own. As far as promoting sustainable development was concerned, therefore, it had no influence on the supply side, but only on the demand side. It thus promoted environmentally friendly products, such as long-life light bulbs or solar heaters to replace electricity, and imposed regulations on construction materials. At the same time, it provided subsidies to the most deprived sectors of the population.

18. **Ms. Narain** (Mauritius) said that abortion was prohibited in Mauritius and no defence on the grounds of rape or the need for therapeutic abortion was accepted. There had, however, been two developments in recent years. As stated in paragraph 210 of Mauritius’s replies to the list of issues (E/C.12/MUS/Q/4/Add.1), the Minister of Women’s Rights had held meetings with women’s organizations and other bodies on the possibility of legalizing abortion. Secondly, the recent prosecution of a woman for having an abortion had been discontinued because she had been abused. That decision was indicative of a changing attitude that might eventually lead to legislative reform.

19. **The Chairperson** invited the Committee to ask questions on articles 13 to 15 of the Covenant.

20. **Mr. Zhan Daode** noted that paragraph 429 of the fourth periodic report stated that education was free in Mauritius and he wondered whether that extended to higher education.

21. **Ms. Bonoan-Dandan** said that Mauritius was to be commended on the great strides it had made in education and on reaching some of the targets of the Dakar Framework for Action. She expressed concern, however, about the system of private tuition, which caused serious difficulties for children from poor families or children with learning difficulties in the extremely competitive system of exams to get into the best secondary schools. She wondered whether the Government was taking steps to address the situation. She also wondered how far civil society was involved in the education system, as set out in the Dakar Framework for Action.

22. The representative of Mauritius had rightly said that the Government needed to manage demand in order to achieve sustainable development. In view of the importance of

promoting environmental awareness, she asked whether the Government planned to include the topic of sustainable development in human rights education in primary schools. Lastly, she asked the delegation to clarify the significance of community identities in Mauritius.

23. **Mr. Kedzia** asked what steps the Government had taken to ensure access to the Internet by disadvantaged or vulnerable groups, who could benefit from such a facility.

24. **Mr. Sadi** said that, in view of the fact that Mauritius was multiracial and multireligious, he assumed that all schools were desegregated. Were there any exceptions to that rule for specific communities? He also wondered whether there were programmes to promote racial harmony. Lastly, he asked what was done to combat the universal problem of school dropout, especially in the case of girls, who might drift into prostitution if they left school too early.

25. **Mr. Schrijver** commended Mauritius on the improvement in various aspects of its educational system, including enrolment and literacy rates. It was also commendable that the Government intended to integrate human rights education at every level of the curriculum. He wished, however, to echo a concern expressed by the Committee on the Rights of the Child; in several reports by Mauritius — most recently, that submitted under the universal periodic review (A/HRC/WG.6/4/MUS/1) — it was stated that the Ministry of Education, Culture and Human Resources was “working on the integration of Human Rights Education into the school curricula at primary level”. He wondered whether any action had been taken or whether the plan was still at the preparatory stage. Secondly, he wished to echo Ms. Bonoan-Dandan’s plea for the integration of sustainable development into human rights education. The two were connected: sustainable development was dependent on the rights to food, health, life and access to information and justice.

26. **The Chairperson**, speaking in his capacity as a member of the Committee, requested further clarification of the efforts made by the Government to encourage citizenship and at the same time to promote different cultural identities. It might be difficult to reconcile the two.

27. **Mr. Mownah** (Mauritius) said that education was free at every level, from the pre-primary to the tertiary level. Teacher-training institutions and distance-learning colleges had also been established. Some 20 per cent of the national budget went on education. The question of stiff competition for the best secondary schools was being dealt with. Previously, only a few schools had been able to benefit from the scholarships awarded to the best students, but the competitive element had been reduced and children from rural schools, too, were able to obtain scholarships. With regard to the integration of human rights education in schools, an inspectorate was in place and the curriculum had been prepared on the basis of feedback from teachers. Full integration was still in the pipeline, although individual aspects of human rights were already covered in schools. Lessons on the environment were already integrated into the primary system, through the subjects of history and geography.

28. Access to the Internet was improving year by year, as costs fell. The new Government intended to improve the quality of the software and the hardware provided for the children most in need. Every school, including all primary schools, had facilities for computer classes. With regard to the question of schools for religious groups, the private sector had been allowed to open schools aimed at a particular group, but such schools were monitored and, even if they had a different curriculum, the children were required to take the same examinations as pupils from any other school.

29. The dropout rate in primary schools had dropped from 35 per cent to 25 per cent, partly as a result of the introduction of the priority education zones. For children who were less gifted academically, a combination of academic and pre-vocational learning was provided. A child could focus more on technical or practical subjects, for which there were

a number of centres around Mauritius. Girls were as eligible for entry to such schools as boys.

30. Every Mauritian, whatever their origin — European, African or Asian — was free to assert their cultural identity. The Government respected their freedom to do so and supported a variety of cultural centres.

31. **Ms. Narain** (Mauritius) said that, by law, private schools could not deliver primary education up to Standard 3, the equivalent of 9 years of age. An amendment to the legislation would increase that limit to 10 years of age. The Constitution allowed religious, social, ethnic and cultural groups to establish schools. Such schools must be registered and conform to standards set by the Ministry of Education, Culture and Human Resources. Furthermore, a programme had been implemented in 2009 to encourage a more holistic approach to State-run education and so reduce differences between public and private schools. Under that programme, children could develop non-academic talents through extra-curricular activities such as art and sport outside standard teaching hours.

32. On the electoral system, she said that the so-called “best loser arrangement” was enshrined in the Constitution and aimed to ensure that all minorities were adequately represented in the National Assembly. At general elections, voters elected candidates to 62 of the 70 seats in the Assembly. The eight remaining seats were subsequently allocated to runner-up candidates to ensure parliamentary representation of the four communities specified in the Constitution: Hindus, Muslims, Sino-Mauritians and the remainder of the population. For that purpose, all candidates must declare membership of one of those communities prior to elections. Several candidates had refused to do so in the 2005 general elections and their nominations had been ruled invalid as a result. The Supreme Court had rejected their challenge to that decision and they had then submitted a communication to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights. That communication was still under consideration. In a similar case after the 2010 general elections, the Supreme Court had felt bound by its 2005 ruling to again reject challenges from several candidates. It had found, however, that the obligation to declare membership of a community in order to stand for election was unconstitutional. The candidates whose nominations had been ruled invalid in 2010 were seeking leave to appeal to the Judicial Committee of the Privy Council, the highest court of appeal. The Government considered that the best loser system had outlived its usefulness and it would be reviewed in the context of wider electoral reform.

33. **Mr. Servansing** (Mauritius) said that the national budget for 2008/09 provided for a “second chance” programme for people aged 16 to 21 who had dropped out of school and were neither studying nor working. It aimed to teach them basic literacy and numeracy skills with a view to later vocational training and participation in the circular labour migration programme.

34. The Government did not wish to impose a homogenous identity on citizens. It concentrated on making a virtue of diversity to improve mutual understanding across communities. All citizens had the right to express their values and enjoy their way of life freely and without discrimination. The Equal Opportunities Act reinforced those rights.

35. **Mr. Sadi** asked if the concluding observations of the Human Rights Committee would be given legal effect in Mauritius.

36. **Ms. Narain** (Mauritius) said that the Government would take the views of the Human Rights Committee into consideration.

37. **Ms. Bras Gomes** asked if there were plans to phase out priority education zones and, if so, what might replace them.

38. **Mr. Mownah** (Mauritius) said that the programme of priority education zones, which covered 33 schools, had been a success and there were no plans to phase it out. On the contrary, the Government was strengthening the programme by improving facilities and providing children from poor areas with free meals. Supplementary classes and extra-curricular activities outside teaching hours aimed to improve the motivation of pupils. The Government was trying to improve teaching materials and methods and was considering the possibility of teaching in Creole.

39. **The Chairperson** thanked the delegation of Mauritius for its responses to the Committee's questions.

40. **Mr. Servansing** (Mauritius) said that the Government of Mauritius was committed to deepening its rights-based approach to economic development and social justice and looked forward to receiving the Committee's concluding observations.

41. *The delegation of Mauritius withdrew.*

The discussion covered in the summary record ended at 11.45 a.m.