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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
25-29 May 2009

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

**List of issues to be taken up in connection with the consideration of
the combined second to fourth periodic report of Mauritius concerning
the rights covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/C.12/MUS/4)**

I. GENERAL INFORMATION

1. As the Covenant provisions cannot be directly invoked by individuals before national courts, please provide detailed information on the judicial or other effective remedies available to individuals in case of violation of the economic, social and cultural rights provided for in the Covenant (Core document, HRI/CORE/1/Add.60/Rev.1, para. 12). Please also indicate whether the Covenant has been cited or otherwise used by courts for interpretative purposes. Does the State party plan to incorporate the provisions of the Covenant into domestic law (State party's report, E/C.12/MUS/4, para. 49)?
2. Please indicate if the State party intends to expand its constitutional protection of human rights by including economic, social and cultural rights.
3. Please clarify whether the National Human Rights Commission is a national human rights institution that conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex).

4. Please indicate whether economic, social and cultural rights are part of the work of the Commission. In particular, please provide updated information on the number and content of petitions received by the Commission alleging violations of economic, social and cultural rights. (State party's report, paras. 10, 50 and 62-63).

5. Please provide more detailed information on the National Action Plan on Human Rights as it relates to economic, social and cultural rights. In particular, has it already been adopted and what steps are envisaged for its implementation? How has its effectiveness been or will be evaluated? Please also indicate whether, and if so how, it targets the most vulnerable groups of society (State party's report, paras. 551-552).

6. Please indicate the extent to which civil society organisations have been involved in the implementation of the Committee's previous concluding observations, as well as the extent to which they were consulted in the preparation of the second to fourth periodic report (State party's report, para. 5).

7. Please provide detailed information on the policies of the State party regarding refugees and asylum-seekers, and indicate what measures the State party has introduced to protect the rights of these persons considering that the State party has neither ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol nor adopted any laws on asylum procedures.

8. Does the State party consider signing and ratifying the Optional Protocol to the Covenant?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2, paragraph 2

9. Please also indicate what measures are being taken in order to address the persisting discrimination against vulnerable groups, including minorities, migrant workers and children with disabilities, in practice.

Article 3

10. Does the State party intend to amend section 16(4)(c) of the Constitution which exempts certain laws on personal status from the non-discrimination clause which particularly affect women (in the context of divorce, adoption, etc.). Please also indicate whether the State party intends to take measures to amend the personal laws to bring them in line with articles 2, paragraph 2; and 3 of the Covenant in the context of equal rights of men and women (previous concluding observations, E/C.12/1995/14 , para. 237).

11. What measures have been taken by the State party to counter gender stereotypes on the roles and responsibilities of women and men in society and in the family (previous concluding observations, para. 237)?

12. Please provide information to the Committee of the impact of the National Gender Policy Framework on the implementation of the principle of the equal rights of men and women. Has the State party taken any steps to improve the representation of women in managerial and high-ranking posts in the public service, including the police and academia, and the representation of women in managerial and high-ranking posts in the private sector? (State party's report, para. 183)

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6

13. Please provide information on progress made regarding the abolition of gender-based job classifications and eliminating gender-related occupational segregation in employment (State party's report, para. 183). Please also provide information on the chapter on gender discrimination in the national budget which aims to overcome the unemployment gap between women and men (previous concluding observations, para. 237). How does the State party address the persisting wage differentials between women and men, in particular, does the State party plan to adopt a law requiring equal pay for work of equal value (State party 's report, para. 535).

Article 7

14. Please provide detailed information on the incidence of sexual harassment in the workplace and the effectiveness of the legal framework in place to combat such harassment. Please also comment on reports according to which a number of sexual harassment cases at work are not reported because women fear dismissal or other repression measures.

15. Please indicate whether the State party intends to adopt a comprehensive legal framework for the protection of the rights of migrant workers at the domestic level (previous concluding observations, para. 238).

Article 8

16. Please indicate whether the State party intends to amend its laws on the right to strike to bring it in line with the Covenant (previous concluding observations, para. 239). In that regard, please provide further information on the Employment Relations Act (State party's report, paras. 202-203).

17. Please provide information as to whether migrant workers enjoy the right to strike.

Article 9

18. Please provide information on the accessibility to the social aid system by non-citizens (State party's report, para. 231).

Article 10

19. Please also clarify whether maternity leave with pay is available to women working in all areas in the private as well as the public sector (State party's report, para. 244), and whether breastfeeding breaks are provided for by law for all sectors (para. 249).

20. Please provide further information on the measures taken to combat violence against women, on the measures taken to ensure that all cases reported are duly prosecuted without delay, as well as that the number of shelters for women and children victims is sufficient (State party's report, para. 281). Please also provide information on the State party's rehabilitation possibilities for victims (para. 287). How has the enforcement mechanism for the Protection from Domestic Violence Act been strengthened? Please clarify whether marital rape has been made punishable under the State party's criminal law. Please also provide information on the National Action Plan to End Gender Violence and the Sexual Offences Bill.

21. Please also provide further information on the concrete steps taken to prevent and combat child abuse and neglect, including the oversight of the implementation of the existing legislation (State party's report, paras. 56 and 301-305). Please indicate what measures have been taken to curb and prevent the subjection of children to corporal punishment at school.

22. Please provide more information on the extent of trafficking in persons, in particular women and children, as well as the extent of prostitution in the State party and the concrete steps taken by the State party in this regard (State party's report, paras. 298-299).

Article 11

23. Please provide further information as to how the State party's anti-poverty strategies target the most vulnerable groups in society. What measures, if any, has the State party taken to address the feminization of poverty and what have been the results so far?

24. Please provide information on the realization of the right to food in the State party.

25. Please indicate whether a national housing strategy has been developed and if so, please provide information on its aims and its projects. Please also provide information on the research carried out regarding the demand for social housing in the State party (State party's report, paras. 369-375).

Article 12

26. Please provide information on the implementation measures with regard to the National Strategic Plan 2007-2011 on HIV/AIDS as well as on the HIV and AIDS Act (State party's report, paras. 398-399). Please also comment on information according to which persons with HIV/AIDS are discriminated against.

27. Please provide information on the effectiveness of the strategies developed to combat chronic diseases, especially diabetes, tobacco use, and obesity and overweight (State party's report, paras. 405-416). Please also provide information on the steps taken to reduce alcohol and drug abuse, as well as suicides among teenagers (previous concluding observations, para. 240).

28. Please provide information on the measures taken to prevent teenage pregnancies, as well as on the information services provided to girls and women regarding reproductive health. Please also provide information on the follow-up to the previous concluding observations of the Committee, paragraph 240, concerning the criminalization of abortion by the State party ?

Articles 13 and 14

29. Please indicate whether primary and secondary education is free and mandatory for non-citizens in the State party (Core Document, para. 5, State party's report, paras. 10 and 429).

30. Does the State party intend to expand the prohibited grounds of discrimination in the Education Act Section 35 and Education Regulations 1957 (52) (State party's report, paras. 433-434)?

31. Please provide information on the fund established to increase enrolment in tertiary education. Please also provide statistics on the numbers of girls in tertiary education, including by field of study (State party's report, paras. 469-471).

32. Please describe the steps taken to address the issue of languages of instruction in schools, which are English and French, while many children only speak Creole or other "national" languages.

33. Has the positive action programme "Education Action Zone" (ZEP) targeted towards disadvantaged areas been successfully implemented?

34. Please provide more detailed information on the measures taken to include children with disabilities in regular schools. How many schools for children with disabilities are run by civil society and to what extent does the State party provide financial support to them (State party's report, paras. 132-136)?

35. Please provide more detailed information on the Human Rights Education Plan of Activities and the progress made in its implementation (State party's report, para. 553). Does the State party intend to include human rights education in the regular school curricula?

Article 15

36. Please comment on reports that the Mauritian Cultural Centre has ceased to function, and please provide information about the institutions which have taken over the functions of this Centre (E/C.12/MUS/4, para. 477).
