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Committee on Economic, Social and Cultural Rights

Sixty-fifth session

18 February–8 March 2019

Item 7 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the fifth periodic report of Mauritius

Addendum

Replies of Mauritius to the list of issues*, **

[Date received: 3 December 2018]

* The present document is being issued without formal editing.

** The annexes to the present document are on file with the Secretariat and are available for consultation. They may also be accessed from the Committee's web page.

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General information

Question 1

1. The Covenant has not been incorporated in one single piece of legislation. A number of laws have however been passed which incorporate most of the provisions found in the Convention. The Action Plan 2012-2020 has been implemented at 90% at different stages.

2. There is no recent case where the Covenant has been invoked before our Courts. In 2004, in its judgment in the case of Bishop of Roman Catholic Diocese of Port Louis & Ors v Suttihudeo Tengur & Ors, the Judicial Committee of the Privy Council observed that the Supreme Court in reaching its conclusion on justification (on the alleged discriminatory Admissions policy) paid close attention not only to the Constitution but also to the UNESCO Convention against Discrimination in Education and the UN International Covenant on Economic, Social and Cultural Rights.

Question 2

Please provide information on the concrete steps taken to:

(a) Expand the mandate of the National Human Rights Commission to include the rights enshrined in the Covenant

3. The mandate of the National Human Rights Commission currently does not include the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. This is not envisaged for the time being. The Economic and Social Rights are not enshrined in Chapter II of our Constitution. However, Economic Social rights are enshrined in our laws and they are ensured through the existence of a welfare state. Mauritius provides, free education, free access to health services, social aid to vulnerable groups and pension benefits to elderly. Cultural rights are also protected through the guarantee of the rights on freedom of expression, freedom to establish schools of religious denomination, freedom of religion as well as protection from discrimination amongst others.

(b) Ensure the administrative independence of the Commission, particularly in relation to the recruitment of its staff and to its Complaints Investigation Bureau, which deals with complaints brought against police officers but is effectively under the administrative control of the Commissioner of Police

4. The NHRC is an independent body established by government with specific human rights mandate. Though it receives funding from government, it enjoys independence in its functions. The Police Complaints Division which was a division of the National Human Rights Commission is no longer in existence since the coming into operation in April 2018 of the Independence Complaints Commission Act with the setting up of the Independent Police Complaints Commission.

(c) Strengthen the power of the Commission to intervene before a court or tribunal in any proceedings involving a violation of human rights. Please also provide information on the annual budget allocated to the Commission and the number of staff during the reporting period

5. The NHRC has no power to intervene before a Court of Law in any proceedings involving violation of human rights. The officers of the Human Rights Commission attend court regarding complaints which have been lodged at the NHRC when they are summoned by the parties to a case. As at date there are 28 employees posted at the NHRC. 20 employees are on secondment from the Civil Service as per section 5 of the Protection of Human Rights Act and 8 are on a contractual basis. The budget of the HHRC for the current financial year 2018/19 is 24.8 million rupees.

Question 3

6. The issues of climate change have prompted Government to come up with comprehensive policy for the safety of people in times of humanitarian emergencies and situations of risks and disasters. Since January 2013 a Disaster Risk Reduction Strategic Framework and Action Plan (DDR), including Risk Maps in relation to inland flooding, landslide and coastal inundation, for the Republic of Mauritius had also been developed.
7. The National Disaster and Operations Coordination Centre coordinates action taken by departments in respect of risk mitigations. It carries out regular sensitization campaigns on disaster risk reduction and organizes frequent simulation exercises and activities. During these campaigns and simulation exercises, the special needs of persons with disabilities and the elderly are taken into consideration.
8. The National Disaster Risk Reduction and Management Act was proclaimed in July 2016, and provision was made therein for the evacuation of persons at risk. People at risk includes persons with disabilities and elderly, and in case of adverse event, they will be given priority to be evacuated first.
9. An early warning system (EMS) for incoming storm surges has recently been installed by the Mauritius Meteorological Services. It predicts where and when storm surges can occur on a six hours basis.
10. 2 mobile applications have been developed to send alert messages to subscribers before, during and after disasters. A National Multi Hazard Emergency Alert System is being implemented to cater for alerting the public, prior and during a disaster. The Doppler Radar will also soon become operational.
11. A protocol for heavy rainfall for the public sector has been implemented and a similar protocol for private sector will soon be implemented.
12. 2 real time wireless flood sensors in the region of Port Louis has been installed in October 2018. All vulnerable areas have been identified and contingency plans have been prepared and are regularly tested.
13. A modern refugee centre with all necessary amenities has recently been completed at Quatre Soeur and it will be able to accommodate a maximum of 1000 evacuees in case of emergency.

Maximum available resources (art. 2 (1))

Question 4

Please provide information on the evolution since the last report of:

- (a) **The proportion of people below the poverty line and the levels of inequality, defined as the ratio between total income accruing to the richest decile of the population and the total income of the 40 per cent poorest in the population**

14. Statistics Mauritius uses the Relative Poverty Line (RPL) defined as half of the median monthly household income per adult equivalent. It was estimated at Rs 5,652 and Rs 7,497 in 2012 and 2017 respectively. In 2017, the number of households in relative poverty was estimated at around 36,100 (9.4%), with 130,500 persons (10.3%) as shown in Table 1 below:

Table 1

Estimated number of households/persons in relative poverty, Republic of Mauritius, 2012 & 2017

	2012	2017 ¹
Relative Poverty Line (RPL) – Half median monthly household income per adult equivalent ² (Rs)	5 652	7 497
Estimated number of households in relative poverty	33 600	36 100
Proportion of households in relative poverty (%)	9.4	9.4
Estimated number of persons in relative poverty	122 700	130 500
Proportion of persons in relative poverty (%)	9.8	10.3

Data source: Household Budget Survey.

¹ Provisional figures.

² The RPL is calculated based on income – comprising household disposable income, and imputed rent (a rental value of non-renting households. The household income is expressed in terms of “adult equivalent” by adjusting for household size and composition, and economies of scale.

15. As regards the ratio between total income accruing to the richest decile of the population and the total income of the 40 percent poorest of the population, Table 2 below provides the details.

Table 2

Ratio of income going to the highest 10% households to the lowest 40% households, Republic of Mauritius, 2012 & 2017

Percentage of household income going to:	2012	2017 ¹
Lowest 40% of households	15.7	16.0
Highest 10% of households	31.2	29.7
Ratio of highest 10% to lowest 40%	2.0	1.9

Data source: Household Budget Survey.

¹ Provisional figures.

² Income from employment, transfers, property, and income obtained from own produced goods; it excludes compulsory deductions such as income tax (PAYE) and contributions to pension and social security schemes.

(b) The ratio of the public revenue to gross domestic product (GDP) and the proportion of public revenue that is financed through taxes

Table 3

Showing the ratio of the public revenue to gross domestic product (GDP) and the proportion of public revenue that is financed through taxes is as hereunder

Remarks	Unit	FY 2015/16	FY 2016/17	FY 2017/18
<i>Data from Central Government</i>				<i>Prov. Act</i>
% of Total revenue (including taxes, grants, social contributions, etc.) to GDP	%	21%	21%	22%
% of taxes over total revenue	%	89%	89%	87%
Total Revenue incl taxes, grants, social contributions	Rs million	88 262	94 101	105 584
Tax revenue	Rs million	78 223	84 148	91 496
GDP at MP	Rs million	422 083	447 721	476 300

Source: Annual Report of the Treasury.

- (c) **The breakdown of the public budget allocated to social spending during the reporting cycle (education, food, health, social security, water and sanitation and housing) is hereunder**

Table 4

Breakdown of Public Budget

	<i>Budget 2015/16 (RsM)</i>	<i>Actual 2015/16 (RsM)</i>	<i>Budget 2016/17 (RsM)</i>	<i>Actual 2016/17 (RsM)</i>	<i>Budget 2017/18 (RsM)</i>	<i>Actual 2017/18 (RsM)</i>
Ministry of Education, HR, TE & SR	14 725 000	14 507 673	16 109 000	15 346 219	16 600 000	15 766 988
Ministry of Agro-Industry & Food Security	2 458 000	2 260 248	2 611 000	2 290 767	2 592 000	2 246 025
Ministry of Health & Quality of Life	9 720 000	9 685 953	10 900 000	10 741 574	11 672 000	11 097 560
Ministry of Social Security and National Solidarity	18730000	19 833 821	21 235 000	21 264 645	22 780 000	22 374 500
Ministry of Public Utilities						
i. General	59 700	20 243	60 650	52 137	82 000	75 923
ii. Water services	1928930	1 361 422	1 690 600	813 955	3 033 900	2 062 817
iii. Wastewater services	1 057 750	403 483	1 059 920	538 348	1 205 000	365 006
Ministry of Housing and Lands	1 800 000	1 759 688	2 262 000	2 176 368	2 162 000	2 084 718
Total	29 820 450	49 832 531	55 928 170	53 224 013	60 126 900	56 073 537

Source: Ministry of Finance and Economic Development.

Question 5

16. The National Corporate Social Responsibility (CSR) Foundation (NCSRF) was set up in December 2016 to allocate CSR funds to NGOs to enable them to undertake programmes and projects for the benefit of targeted vulnerable groups in ten priority areas, most of which are directly related to poverty alleviation.

17. In 2017, the National CSR Foundation had approved 231 projects from 173 NGOs for a total amount of RS 203 Million.

- The annual statistical data on the number and proportion of participating corporates and the amount raised is not available at the NCSRF.
- As per the law, CSR Funds collected by the Mauritius Revenue Authority are remitted to the NCRSF through the Accountant General. This represents at least 50% of CSR funds of companies.
- During the period 1 January 2017 to 30 June 2018, the NCSRF has received Rs 675.9m and as at date, an amount of Rs 214.8m has been spent. The remaining amount has been committed for the General and special call for proposals during the financial year 2018/2019.

Question 6

18. Statistics on corruption and the practice of bribery in the public and private sectors, in terms of number of complaints on alleged corruption cases made to the ICAC is hereunder:

Table 5

Number of corruption complaints in public and private sector

	2012	2013	2014	2015	2016	2017	2018(30 June)
Public sector	670	574	433	342	378	418	144
Private sector	147	172	108	47	56	78	25

19. Statistics on corruption and the practice of bribery in the public sector involving high level officials, in terms of complaints of alleged corruption cases made to the ICAC is hereunder:

Table 6

Number of complaints targeting high level officials

Year	2012	2013	2014	2015	2016	2017	2018(30 June)
No.	123	69	52	40	46	56	19

20. The statistics below relate to the number of cases submitted to the Office of Director of public Prosecution (DPP) by the Independent Commission against Corruption for advice pursuant to section 47(6) of the Prevention of Corruption Act (the-Act):

Table 7

Number of Cases referred to DPP

	<i>Number of Cases referred to DPP</i>		2016	2017
No. of cases submitted by ICAC			85	76
No. of cases in which Prosecution has been advised			28	15
No. of cases in which No Further Action has been advised			57	61

21. The Statistics on different types of penalties/sanctions imposed on perpetrators of corruption including bribery on a yearly basis is hereunder:

Table 8

Penalties imposed on perpetrators of corruption including bribery

<i>Penalties</i>	2012	2013	2014	2015	2016	2017	2018
Community Service Order	4	3	2	3	6	5	1
Imprisonment	3	2	2	1	10	2	1
Conditional Discharge	0	2	1	5	1	2	0
Total	7	7	5	9	17	9	2

22. The Relevant Legislative framework strengthening the combat against Corruption are:

(a) *The Good Governance and Integrity Reporting Act 2015 (GGIR)*

23. It came into operation on 01.01.16 and is a positive step towards strengthening the framework legislation to combat corruption effectively by providing a civil, non-conviction based procedure to recover unexplained wealth, by using Unexplained Wealth Orders.

24. This law seeks to circumvent the proven difficulties in obtaining a conviction based asset forfeiture following a criminal conviction before a criminal court of law after due process of law. GGIR allows the State to apply for an Unexplained Wealth Order by way of civil proceedings in an action where the burden is on the Respondent to account satisfactorily for the unexplained wealth in question on a balance of probabilities.

25. Section 19(1) of GGIR provides that the property recovered as a result of the Unexplained Wealth Order be used, inter alia, for the alleviation of poverty. This objective

is in direct line with Article 2(1) of the International Covenant on Economic Social Cultural Rights as regards taking steps towards progressive realisation of rights in the Covenant such as Right to adequate standard of living under article 11 of the Covenant. GGIR provides the much needed financial means by confiscating illicit wealth and redistributing it in the society so as to be able to provide adequate food, clothing and housing.

(b) *Amendment to the Prevention of Corruption Act (POCA)*

26. Sections 81(4) and (5) of the POCA were amended in August 2018 to provide for:

- The Director-General to disclose to the investigatory authorities, the Financial Intelligence Unit and supervisory authorities such information as he considers necessary in the public interest; and
- The communication of information, other than the source of the information, for the purpose of an investigation, by the Director-General, to an agency in Mauritius or abroad in order to assist an investigation into a money laundering or any other offence. The Act previously required the concurrence of the Director of Public Prosecutions prior to communicating any information to an agency for the purpose of an investigation.

Non-discrimination (art. 2 (2))

Question 7

27. The Equal Opportunities Commission (EOC) was set up on 24 April 2012. Under the Equal Opportunities Act, a direct or indirect discrimination is a less favourable treatment on the basis of status. The definition of “status” includes caste, ethnic origin, colour, creed, place of origin and race thereby further buttressing the safeguards against all forms of racial discrimination but does not include specifically language.

28. The Equal Opportunities Act was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person’s criminal record, both at recruitment and promotion level, where a person’s criminal record is not relevant to the nature of the employment for which that person is being considered. The burden of proof, that a discrimination on ground of criminal records is relevant, has been put on the employer.

29. The Equal Opportunities Commission not only examines and investigates into complaints referred to it but it equally investigates proprio motu into cases where it believes that an act of discrimination may have been or may be committed. The Equal Opportunities Commission is mandated to receive complaints from both the Private and the Public Sector.

30. Furthermore, the Equal Opportunities Commission has published guidelines and codes of conduct for all employers be it from the public or private sector in view of the implementation of an equal opportunity policy by all employers, a mandatory requirement under the Equal Opportunities Act.

31. This Equal Opportunity Policy aims at ensuring transparency and good governance in the running of organizations and secure a merit-only based system within which the criteria for selection, promotion, recruitment, training and employment at large are talent, competence and willingness to work, thus promoting the spirit of meritocracy and thereby satisfying the aspirations of the population for an equitable, fair and just society.

32. The statistics on complaints received at the EOC (May 2012 to 31 October 2018) is at Annex 1.

Question 8

33. Several policy measures and legislative measures have been taken over the years, in several fields, in order to provide suitable environment and facilities for person with disabilities. These are listed at Annex 2.

34. The Special Education Needs Authority Bill has been passed by the National Assembly which Bill makes a strong case for the establishment of a Special Education Need Authority. As regards the Disability Bill, it has been held in abeyance by Government in view of several constitutional, legal, technical and financial implications contained therein. It has been decided that such implications are to be carefully studied and an action plan be drafted to implement the provisos, after discussions with all the stakeholders and with the cost, technical and legal implications and timelines included.

Equal rights of men and women (art. 3)

Question 9

35. The patriarchal attitudes and gender role stereotypes are gradually diminishing in Mauritius. It is quite common now to see women at the forefront of various sectors of activities being it construction, transport, and other various jobs which were originally deemed to be reserved for men.

36. There has been a marked increase in the number of women participating in the last general elections. Out of 726 candidates who stood for election, there were 127 women, as compared to 58 only in 2010. In the National Assembly in Mauritius, we have presently 7 elected women members (out of a total of 69 seats) and in the Rodrigues Regional Assembly, 3 elected members (out of a total of 17 seats). It is to be noted that in both Assemblies, lady-Speakers preside.

37. Amendments were brought to the Rodrigues Regional Assembly Act, through the Rodrigues Regional Assembly (Amendment) Act 2016. Concurrently, an amendment was brought to the Constitution to make provision for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.

38. Moreover, as regards municipal elections, the Local Government Act was amended in 2015 to provide for every group representing more than 2 candidates at an election of a Municipal City or Town Council, to ensure that not more than two thirds of the group's candidates for election to that council are of the same sex.

39. The proportion of women in the most senior positions in decision making in the Public Service has increased from 20% in 1997 to 37% in 2017 in Mauritius.

40. As regards the private sector, the National Code of Corporate Governance highlights that all organizations should have directors from both genders as members of the board. All boards are encouraged to have a non-discriminatory policy that covers its senior governance positions, including disability, gender, sexual orientation, gender alignment, race, religion and belief and age.

41. The Gender Unit is conducting on monthly awareness sessions on the concept of gender equality with young men and boys (students), men and women from all walks of life including professionals from the private sector. Similarly, sensitization and capacity building programmes are being conducted with new recruits of the public sector, technical and administrative cadres, Police and Prison Officers. This is an on-going process and several information and educational tools have been developed to innovate awareness raising strategies. With the support of the Commonwealth of Learning, interactive DVDs were produced in 2011 and these are still used in awareness campaigns; one of which deals with addressing gender inequality and discrimination based on sex. At national level, the Ministry of Gender Equality, Child Development and Family Welfare has made use of billboards and public buses to sensitize the public on gender equality.

42. Section 20 of the Employment Rights Act provides that both men and women are to be treated equally at the workplace with regards to the payment of remuneration.

43. The National Women Council Bill was passed in the National Assembly in May 2016, repealing the National Women's Council Act 1985. It was proclaimed on 07 March 2018 and came into operation on 08 March 2018. The objects of the Council according to the new Act are to:

- (a) Promote women's empowerment and gender equality;
- (b) Ensure and promote the active participation of women in the social, economic and political fields in order to further their overall empowerment; and
- (c) Provide a platform for women to voice their needs, concerns and aspirations.

44. During the period January to June 2018, the NWC has empowered around 28,000 women through trainings and sensitization campaigns on Social, Economic and Political areas as shown in the table below:

Table 9

Training and Sensitisation by the NWC

<i>Sn</i>	<i>Areas of Women's Empowerment</i>	<i>January to May 2018</i>
1	Social	23 764
2	Economic	4 731
3	Political	274

45. A Gender Equality Bill is being finalised based on local prevailing circumstances, and will provide further protection against gender-based discriminatory practices in various areas such as employment, education, health, family and marriage.

46. Moreover, a better representation of women in the National Assembly, is being envisaged. Currently, out of the 69 Members of the National Assembly, eight (8) are women (i.e. 11.6%) two of whom are Ministers. To ensure a better gender representation so as to guarantee an enhanced representation of women in the National Assembly, Government has recently circulated a proposal for Electoral Reforms in September 2018 amongst which, there is a recommendation for a gender-neutral formula of at least one third of the candidates be of the same sex for each party or party alliance, both from the First Past the Post and the Proportional Representation List.

Right to work (art. 6)

Question 10

47. Some 20,600 youth have been placed in employment from 2013 to June 2018 through the Youth Employment Programme. The monthly stipend paid to trainees vary from Rs 8000 to Rs 15000, depending upon their qualifications. Moreover, a SME Employment Scheme for unemployed graduates was introduced this year and it targets some 1000 graduates.

48. Statistics and impact concerning placement of unemployed youth under the Youth Empowerment Programme as at 30 September 2018 is at Annex 3.

49. Government has come forth with the notion of "work from home" in our work culture with a view to:

- Better supporting young working mothers, particularly, to fulfil their family obligations and to further facilitating their integration in the labour market; and
- Opening up new avenues and opportunities for work among young persons, other than at the traditional workplace, especially with the increasing advent of technological innovations.

50. Section 5 of the Employment Rights Act 2008 has recently been amended by the Economic and Finance (Miscellaneous Provisions) Act, No. 11 of 2018 whereby “work from home” has been set up within a legal framework that class of workers has now been brought under the ambit and protection of the labour legislation.

51. Section 13 of the Training and Employment of the Disabled Persons Act 1996, makes provision for any enterprise, public or private having 35 or major employees to employ disabled persons up to at least 3% of its workforce and for a Hearing Committee whereby non-compliant employers are sanctioned.

52. Disabled persons have not been able to integrate the world of work as envisaged under the law.

Right to just and favourable conditions of work (art. 7)

Question 11

53. A national minimum wage is a reality since January 2018. The National Minimum Wage Regulations 2017 (GN No. 1 of 2018), made under the National Wage Consultative Council Act, provides that the national minimum wage of every full time worker shall be 8,140 rupees per month. Part-time workers are entitled to same on a pro rata basis.

54. As per statistics for period February to end of September 2018 the Ministry had carried out 5,843 inspections out of which 5,388 visits were mainly effected to ensure compliance with the national minimum wage. It was observed that 5,306 undertakings inspected (98.48%) were complying with the provisions of the National Minimum Wage Regulations 2017. Non-compliant employers were requested to take remedial actions regarding the payment of the national minimum wage.

55. The National Remuneration Board (NRB), set up under section 90 of the Employment Relations Act 2008 (EReA), is responsible for making recommendations on minimum remuneration and other terms and conditions of employment for workers in the private sector. While reviewing Remuneration Regulations, it remains guided by the principles outlined at section 97 of the EReA.

56. Section 4 of the Employment Rights Act 2008, (ERiA) provides necessary safeguards and protection regarding labour rights, indistinctively and indiscriminately to all workers as well as to ensure the application of the principle of equality between men and women including persons with disabilities.

57. Section 4 of the ERiA reads as follows:

- No worker shall be treated in a discriminatory manner by his employer in his employment or occupation;
- No person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.

58. In so far as is consistent with the contextual evolution of the sectors of activity, ensures that wage determination, job appellations and classifications are based on the principle of “equal remuneration for work of equal value”, as outlined in ILO Convention No. 100. In that respect wages of workers employed in different sectors of economic activities and presently covered under a specific Remuneration Regulations have generally been determined having regards to non-discriminatory factors/criteria including among others nature of work to be performed, degree of skill required, capacity and qualification.

59. As regards the assertion that the current minimum wages are applied differently, depending on sex, age and disability in some sectors, including the sugar, tea and salt-manufacturing industries, it is to be noted that differential rates in Remuneration Regulations applicable in agricultural sectors, notably in the Sugar (Agricultural Workers) and Tea Industry are rather based on the inherent requirements of the jobs and as such should not be viewed as being discriminatory. They actually correspond to differences in the work performed in terms of tasks allocated, which is generally much lesser for female

workers as compared to their male counterparts. Such differences in the work performed are further reinforced by statutory limitations on assignment of tasks to women in those sectors.

60. With regards to differential rates between male and female workers in the Salt-Manufacturing Industry, with effect from 01 December 2016, the basic wages of female workers has been realigned at par with that of male workers (Government Notice No. 273 of 2016).

Question 12

61. With a view to, inter alia, better supporting young working mothers, particularly, to fulfill their family obligations and to further facilitating their integration in the labour market, the notion of “work from home” has been introduced in the work culture. The Finance (Miscellaneous Provisions) Act, No. 11 of 2018, has amended the ERiA to introduce the notion of “work from home”. In so doing the “work from home” has been set up within a legal framework and that class of atypical workers has now been brought under the ambit and protection of the labour legislation.

62. Section 4 of the Employment Rights Act 2008, (ERiA) provides necessary safeguards and protection regarding labour rights, indistinctively and indiscriminately to all workers as well as to ensure the application of the principle of equality between men and women. Section 4 of the ERiA, inter alia, reads as follows:

- No worker shall be treated in a discriminatory manner by his employer in his employment or occupation;
- No person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.

63. Furthermore, section 20(1) of the ERiA provides that both men and women should be treated equally at the workplace with regards to the payment of remuneration.

“Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value.”

64. Wages and conditions of employment of workers employed in different sectors of economic activities and presently covered under a specific Remuneration Regulations have generally been determined having regards to non-discriminatory factors/criteria including among others nature of work to be performed, degree of skill required, capacity and qualification.

65. A national minimum wage was introduced in January 2018 to ensure that all worker are being paid above the poverty line, thereby reducing the gap with the highest paid workers.

66. Among the services offered by the Inspection and Enforcement Section (IES) of the Ministry of Labour, Industrial Relations and Employment (MLIRET) is a well-established complaint handling mechanism whereby any workers can report any grievances/complaints arising out of their employment to the Labour and Industrial Relations Officers posted in the 17 regional labour offices of the IES scattered over the island.

67. No case in breach of section 20 was detected or else reported at the level of the IES during period January 2017 to June 2018. (Annex 4).

Question 13

68. Actual inspections at workplaces of domestic workers by officers of the Labour and Industrial Relations and the Occupational Safety and Health Divisions of the Ministry are hindered by the fact that such workplaces are private premises, access to which requires the consent of the employer, as guaranteed in section 9 of our Constitution.

69. Under the Occupational and Health Safety Act (OSHA), the Permanent Secretary has the power to:

(a) Enter premises used solely for residential purposes to conduct such inspections, examination and investigation as may be necessary with the permission of the occupier; and

(b) Enter any building used as lodging accommodation for employees in order to make such inspection or investigation as may be necessary, with the consent of the head of the undertaking and such consent cannot be unnecessarily withheld.

70. Somehow, in the absence of the employer's consent to grant access to his premises for the purpose of inspection or investigation with a view to ascertaining compliance with the law, the Permanent Secretary of MLIRET has the power:

(i) Under the ERiA 2008 to require the employer to produce records and other documents relating to terms and conditions of employment; or to request the employer to submit in writing information pertaining to remuneration, terms and conditions of employment, and particulars of employment of the worker; or still to summon the employer where a breach of the law is suspected or enquiry into a reported dispute is necessary;

(ii) Under the OSHA, to summon an employer or any person liable to give any information relevant to any inspection, examination and investigation.

71. Statistics for period 2012 to June 2018 regarding the number and type of complaints reported by domestic workers at our various labour offices (Annex 5) reveal that other than cases of termination of employment the Ministry had also been enquiring into issues related to infringement of terms and conditions of employment of domestic workers as well.

72. As a matter of procedure, with regards to any complaint made by workers and registered in the records (Occurrence Book) of the Ministry, at the various labour offices over the island, a "Request Note" (RN) is issued by the Labour and Industrial Relations Officer, in charge of the office, and sent by Registered post to employers to whom the complaints relate, convening the latter to a meeting at the labour office with a view to thrash out and disposed of the complaint as deemed appropriate. Thus, as per statistics provided with regards to the number of complaints/yearly made by domestic workers for period 2012 to June 2018 (Annex 4), such number of RNs has effectively been issued. An entry is accordingly made in the Occurrence Book (OB) of the labour office.

73. It is to be noted that a number of employers have, without any plausible reasons or excuse, continuously failed to attend to the request (RN) of the Ministry. In such circumstances a "Summon" has been issued under the authority of the Permanent Secretary and signed by the Senior Labour and Industrial Relations Officer of the labour office convening the above employers once more to the labour office while requesting them to produce required documents and other information relevant to the complaints made by workers. These employers were further warned that failure on their part to comply with the present notice may render them liable to prosecution. Similarly an entry is made in the OB of the labour office.

74. Somehow no statistics are kept or else compiled with regards to either the RNs or Summons issued. The only statistics that are kept with regards to Summons issued referred to those cases that are processed for Court action (criminal), where the employers concerned have altogether failed to attend to the requirement of the written notice (Summons).

Question 14

75. Statistics at Annex 6 show the number of inspections/enquiries carried out both with respect to migrant and local workers as well as the amount of money recovered on behalf of the workers concerned, following detection of cases of infringements of terms and conditions of employment of workers at the workplaces.

76. Cases reported to and which have not been resolved at the level of the regional labour offices of the IES are subsequently referred to the Industrial Court to claim compensation for cases of wrongful termination of employment or for remuneration due to workers as appropriate. Other cases are also referred to the Industrial Court for criminal action against those employers who have breached provisions of relevant legislation or have failed to take appropriate remedial actions as may have been required of them. The tables hereunder provide statistics for the period January–December 2017 and January to May 2018, regarding the number of cases dealt with in Chambers, Open Court as well as amount of fines imposed by the Industrial Court upon conviction of defaulting employers:

Table 10(a)

Cases dealt with at the level of the Industrial Court Year 2017

	<i>Cases Disposed</i>	<i>Amount Recovered (Rs)</i>	<i>Fine (Rs)</i>	<i>Cost (Rs)</i>
Chambers	242	2 054 862	–	–
Open Court	499	31 762 622	–	–
Criminal	72	–	208 600	11 600
Total	813	33 817 484	208 600	11 600

Table 10(b)

Cases dealt with at the level of the Industrial Court Year 2018

	<i>Cases Disposed</i>	<i>Amount Recovered (Rs)</i>	<i>Fine (Rs)</i>	<i>Cost (Rs)</i>
Chambers	103	584 308	–	–
Open Court	234	15 465 937	–	–
Criminal	30	–	280 500	4 600
Total	367	16 050 245	280 500	4 600

77. As from 2015 onwards, the labour inspectorate cadre has been reinforced. With a low figure of 27 Labour and Industrial Relations Officers (LIROs) in 2015, and subsequent recruitment thereafter brought the number of LIROs to 88 as at date. Table 11 shows the Statistics regarding the Number of Labour and Industrial Relations Officers:

Table 11

Number of Labour and Industrial Relations Officers

<i>Year</i>	<i>New recruits</i>		<i>Total</i>	<i>Gross total</i>
	<i>Male</i>	<i>Female</i>		
As at Dec 2014			27	27
2015	3	17	20	47
2016	12	23	35	82
2017	6	7	13	95
2018	1	8	9	104

78. The measures that have been taken as from 2016 to reinforce the technical labour cadre have had a huge impact both in terms of quality and effectiveness of the service provided to the public at large, on the number of cases dealt with disposed of as well as with the number of inspections/enquiries carried out to ensure compliance of the various labour legislations.

79. The number of inspection carried out from 2016 to 2018 has almost increase fivefold (local workers) and the amount of money recovered on behalf of workers, for breach of or non-compliance with legislation or other regulations during the said inspections has increased one and a half time from Rs 2,147,252 in 2016 to Rs3,511,658 in 2017.

80. Similarly, the increase in the labour inspectorate cadre has also enable the Ministry to deal and disposed of effectively each year with a higher number of cases as evidenced by statistics at Annex 7 as well as in terms of the amount of money recovered. Figures showed that from 16,553 complaints and Rs 67,723,459 recovered in 2016, 17,226 complaints and Rs77,319,147 have been recovered in 2017. The Percentage (%) of cases disposed of has remained at high rate above 80% during the past 3 years, which is well beyond the “70% of registered complaints settled contained and predicted in the Government 3-Year Strategic Plan 2018–2021”.

Question 15

81. Migrant workers are entitled the national minimum wage, similar to the citizens of Mauritius. The minimum wage is effective since January 2018. It is currently eight thousand one hundred and forty Mauritian Rupees per month (Rs. 8,140) for export oriented enterprises and eighteen thousand and five hundred Mauritian Rupees per month (Rs 8,500) for non-export oriented enterprises.

82. The Ministry of Justice, Human Rights and Institutional Reforms is preparing a “Know Your Rights Pamphlet” to inform current and prospective migrant workers (in secondary economic activities including the construction and manufacturing industry) of their rights and the possible remedial actions in case of violations. It will also help them to acquaint themselves of the dangers of human trafficking.

83. The Recruitment of Workers Act 1993 provides among others that no person shall on behalf of an employer recruit a worker unless he holds a license issued by the Permanent Secretary of the Ministry of Labour, Industrial Relations, Employment and Training.

84. Strict compliance is ensured by the Ministry and in case of breach of any conditions attached to the license, the license is revoked. Any person contravening the Act is liable to a fine not exceeding Rs 50,000 and to imprisonment for a term not exceeding 5 years.

85. Discussions are currently being held with the High Commissioner of Bangladesh for a MOU for recruitment of workers from Bangladesh. Pending finalisation of the MOU, it is ensured that a contract for employment is signed by the worker and the employer. Regular inspections are carried out by the Migrant Unit to ensure that the terms and conditions of employment are complied. No contract of employment of a foreign worker is less favourable than those of a local worker. This applies to all workers.

86. So far some 500 workers have secured employment overseas; in Canada (468), Italy (31), Botswana (10) and Seychelles. Their contracts of employment are vetted by the Ministry of Labour.

87. The National Pension Act (NPA) previously covered migrant workers only after they have completed their first two (2) years of employment. The Act was subsequently amended by the National Pensions (Non-Citizen and Absent Persons) Regulations 2015, gazetted on 03 June 2015 and effective as from 01 January 2014, to provide for all foreign workers, except those employed in export manufacturing enterprises, to be insured under the NPA as from their first day of employment. Migrant workers employed in Export Manufacturing Enterprises are as date still being required to contribute to the National Pension Scheme only after they have completed their two years of employment.

88. Since November 1999, Government had taken concrete and bold measures and set up a “Special Migrant Workers Unit” (SMWU), to look into the conditions of employment of migrant workers employed in Mauritius and to ensure that their fundamental rights are not infringed. The labour legislation applies similarly to migrant workers. However, among other things, the SMWU also ensures that migrant workers are employed on terms and conditions that are not less favourable than those of their local counterpart.

89. Please see at Annex 6 statistics regarding the number of inspections/enquiries carried out and the amount recovered on behalf of migrant workers for breach of their terms and conditions of employment. Annex 7 reveal the number of complaints that have been

registered at the level of the SMWU as well as the amount recovered on behalf of migrant workers for period 2010 to June 2018.

Trade union rights (art. 8)

Question 16

90. Section 13 of our Constitution and section 29 of the Employment Relations Act 2008 (EReA) guarantee the “freedom of association” of every worker, including epz workers and migrant workers to establish or join as a member, a trade union for the protection of their interests. Section 31 of the EReA afford additional protection of the above rights, against any form of discrimination and victimization.

91. Moreover section 46(5B) of the ERiA provides that where a worker’s employment has been terminated on ground of discriminatory practices or union activities, the Industrial Court shall order that that worker:

- (a) Be reinstated in his former employment with payment of remuneration from the date of the termination of his employment to the date of his reinstatement; or
- (b) Be paid severance allowance in accordance with provisions of the ERiA.

Right to social security (art. 9)

Question 17

92. Social aid in cash and in kind is paid under the Social Aid Act 1983 to needy persons who are temporarily or permanently incapable of earning adequately their livelihood and have insufficient means to support themselves and their dependent. Non-nationals are not entitled to social aid.

93. Mauritius has a comprehensive social protection scheme. It caters for a basic universal pension (Retirement, Widows, Invalidity & Orphans), a social insurance scheme covering both formal and informal sector employees, and providing Contributory Pension (Retirement, Widows, Invalidity & Orphans), Industrial Injury Allowance and Disablement Benefit. Transitional Unemployment Benefits is also being paid to lay off workers who have joined a welfare programme.

94. Between December 2014 and December 2017, the Basic Retirement Pension has increased from Rs 3,500 to Rs 5,450. In January 2018, it was further increased to Rs 5,810, representing an increase of 65% since December 2014. Non-citizens may also be entitled to a Basic Pension provided they satisfy the residence condition.

95. A Subsistence Allowance of up to Rs 9520 is being paid to all household having a monthly income of less than Rs 9520. A social assistance programme (Social Aid) which is income based caters for targeted vulnerable groups (abandoned women, sick persons and unmarried mothers, deserted children, woman whose partner is in jail, discharged prisoners etc).

96. Older persons with disabilities and dependent on the basic pensions are provided with an additional pension known as Carer’s Allowance in case they need constant care and attention of another person. Moreover, they are provided with domiciliary visits depending on their age and severity of their handicap.

97. The National Pensions Act makes provisions to consider non-citizens, as an insured person under the National Pensions Act provided that they have a valid work permit and are drawing a remuneration.

98. On the basis of this contribution they are entitled to payment of a contributory benefit as any other Mauritian citizen. They also have the option of encashing their share of

contributions to the National Pensions Fund and National Savings Fund with accrued interest when they are no longer an insured person and are leaving the country.

Protection of the family and children (art. 10)

Question 18

99. With regard to the status of all measures adopted to combat Gender Based Violence and violence against children and their impact, there is commitment at national level to address these concerns as is evidenced by National Coalition Against Domestic Violence Committee which was set up in 2016 under the Prime Minister's Office. A high powered "Working Together" committee, under the chairpersonship of the Permanent Secretary of the Ministry of Gender Equality, Child Development and Family Welfare is operational. It comprises other stakeholders dealing with issues relating to the protection, development and welfare of children. The main objective of this Committee is to look into avenues of collaboration between all parties concerned to ensure rapid intervention in cases involving children. It is also a forum whereby the roles and responsibilities of each party are established with a view to give effect to collective and coherent actions in dealing with such cases.

100. A National Steering Committee on Gender Mainstreaming was set up in June 2010. It monitors the implementation of the National Gender Policy Framework in all sectoral Ministries and provides a platform for representatives of Ministries to give feedback on the status of their gender policies as well as learn and share best practices on gender related issues.

101. Responses to GBV focus on 5 Pillars:

- (i) Legislation and prosecution;
- (ii) Capacity building of service providers in the rehabilitation of survivors and perpetrators;
- (iii) Prevention-awareness raising: Design and implement social marketing information and campaigns to raise community awareness on GBV;
- (iv) Media Education and Advocacy; and Coordination, Research, monitoring and evaluation;
- (v) A toolkit to end gender-based violence, which is instrumental in the capacity building of key stakeholders was launched in October 2012.

102. A Joint Monitoring Framework Agreement was signed in May 2018 between the EU and the Ministry of Gender Equality Child Development and Family Welfare in respect of a Joint Monitoring Framework that would track progress on the implementation of the EU-Mauritius Gender Action Plan. It monitors a number of KPIs (Annex 8) related to the promotion of gender equality, addressing gender based violence, and the economic empowerment of women and girls among others.

Question 19

103. Cases of Elder Abuse are reported to the Welfare and Elderly Persons Protection Unit (WEPPU) of the Ministry of Social Security. These are physical abuse, emotional abuse, financial abuse and neglect. Officers intervene promptly to take appropriate action assessed on a case to case basis. Actions include personal and family support, mediation, family conferencing and referrals to hospitals, police, etc. The psychologist at the unit provide support to the victims and families. From Jan 2018 to August 2018, 717 cases of Elder Abuse have been reported. All the cases have been settled through mediation and family conferencing.

104. Elderly Watch Management Committees have been set up under the Protection of Elderly Persons Act 2005 to:

- (i) Report cases of abuse against elderly persons to the Welfare and Elderly Persons Protection Unit;
- (ii) Promote the welfare of elderly persons in the region for where it is responsible; and
- (iii) Endeavour to prevent acts of abuse on elderly persons.

105. There are 20 Elderly Watch Management Committees spread over the country which are composed of volunteers. They operate at grass root level to promote the welfare of the elderly persons in their respective regions and identify and report cases of elder abuse.

106. The residential care homes are compliant with the provisions of the Residential Care Homes Act, 2003 and Residential Care Homes Regulations 2005. Officers of the WEPPU ensure same during regular visits effected to the Homes.

Question 20

107. The Finance (Miscellaneous Provisions) Act No. 11 of 2018, amended the Employment Rights Act to extend the eligibility of maternity leave with pay to female workers reckoning less than 12 months continuous service, with effect from 09 August 2018.

108. Payment of a maternity allowance of Rs 3,000 applicable to all sectors of employment, to working mother reckoning at least 12 months continuous employment. Such allowance is calculated on a pro rata basis for part time workers; [section 30(2).]

109. An employer is prohibited from giving a notice of dismissal to an employee on maternity leave or giving such notice which will expire during her maternity leave except on grounds that relate to the economic, technological, structural or similar nature affecting the employer's activities; [section 30(9).]

110. A female worker, who is nursing her breastfed child, to be entitled to a daily break of one hour, or a break of half an hour twice daily pay for the purpose of nursing the child; for a period of 6 months from the date of confinement or such longer period as may be recommended by a medical practitioner. [section 30(6).]

111. The Creche Scheme is to empower mothers of children between the age of 3 months to 3 years, to take up employment or follow a training course. The Scheme is being implemented since February 2017 and a payment of up to Rs. 2,000 is effected to registered day care centres for children of the Social Register of Mauritius (SRM) eligible households. This scheme is in the process of being implemented in Rodrigues as well.

112. Section 31 of the Employment Rights Act provides for the entitlement of 5 continuous working days for full time male worker and a pro-rata calculation for part time workers.

113. The issue of extending paternity leave to unmarried male employees upon the birth of their child needs to be probed into further, given the complexity and evolution of the Mauritian family structure.

Right to an adequate standard of living (art. 11)

Question 21

114. Poverty cuts across the country, be it Mauritius or Rodrigues. The Social Register of Mauritius (SRM) which is the national database containing information on people who are living in absolute poverty and who need assistance from the government. Currently, there are around 8800 SRM eligible households in Mauritius and 2200 in Rodrigues who are benefitting from the monthly subsistence allowance.

115. The conditions stipulated in the social contract in respect of the cash transfers pertain to education, training and employment, health, family welfare and development.

Every household on the Social Register of Mauritius (SRM) is entitled to a monthly subsistence allowance based on a minimum threshold of Rs 2,720 with a maximum threshold of Rs 9,520 for a family of two adults and three children. It is to be noted that 38% of the families are female headed.

116. 10% of all NHDC houses are reserved for SRM beneficiaries. As from financial Year 2017/2018, the National Empowerment Foundation has embarked on the construction of fully concrete housing units of up to 50 m² for households eligible under the Social Register of Mauritius and who are owners of a plot of land or lessees of State Lands, Government subsidize 75% of the cost of the housing units and the beneficiaries have to pay only 25% over a period of 15–25 years. A total of 124 such housing units will be completed by December 2018. Other conditional cash transfers offered to SRM beneficiaries are at Annex 9.

117. Deprived family (including squatters) from different regions in Mauritius have been relocated and provided land and/or housing support at:

- (i) La Valette Integrated Housing Project – 198 housing units;
- (ii) Sottise Integrated Housing Project – 19 housing units;
- (iii) Dubreuil Integrated Housing Project – 22 housing units;
- (iv) Gros Cailloux Integrated Housing Project – 59 housing units;
- (v) Karo Kalyptus Integrated Housing Project – 115 plots of land granted on lease out of which 109 also benefitted from housing support from NEF;
- (vi) Pointe aux Sables – 72 housing units and 66 plots of land granted on lease to vulnerable families.

118. The NEF also intervenes for those registered as landless by referring them to the Ministry of Housing and Lands, where necessary applications for a state land lease are done. Upon approved grant for a state land lease, NEF caters for housing support through the construction of housing unit; on the plot of land. Other cases are also being referred to the National Housing Development Company Ltd (NHDCL) under the aegis of the Ministry of Housing and Lands, where families are proposed with housing unit instead of land lease.

119. Necessary measures are taken for the upgrading of the living environment of vulnerable families, namely:

- (i) Construction of drain: and road network at Karo Kalyptus and African Town;
- (ii) Construction of Children's Playgrounds in deprived areas around the island;
- (iii) Construction learning corners; and
- (iv) Upgrading/Provision of green space.

120. The Schemes implemented by NEF essentially meet three priorities: reducing social exclusion, promoting community empowerment and family empowerment.

Question 22

121. The Ministry of Housing and Lands is responsible for the implementation of social housing programmes of the Government and for that purpose the National Housing Development Company Limited (NHDC Ltd) is its executive arm.

122. The Government has among its main objective to increase housing supply and home ownership for the economically and socially disadvantaged and has devised various schemes to meet same. Please see at Annex 10 the evolution of social housing.

123. The housing units are sold to beneficiaries of different income thresholds by the NHDC with varying subsidy from the Government. The beneficiaries can also settle the cost of the houses either by cash or through Government Sponsored Loans from financial institutions such as the Mauritius Housing Company (MHC) or from other lending institutions. All beneficiaries are granted a long term residential lease expiring on the 30 June 2060 on the plot of State land.

124. Additional details on the schemes, annual rental, grant for the casting of roof Slabs are at Annex 11.

Right to physical and mental health (art. 12)

Question 23

125. Since 1987, the Ministry of Health and Quality of Life, has been conducting surveys almost every five (5) years to assess the prevalence of Non-Communicable Diseases.

126. To address the problem related to Non-Communicable Diseases, the Ministry of Health and Quality of Life has taken a series of measures which are detailed at Annex 12.

127. The impact of these measures has shown a positive trend regarding the prevalence of Non-Communicable Diseases, as illustrated overleaf:

Table 12

Comparison for Mauritius NCD Survey 2009 and 2015

	2009	2015	Remark
	Age (25–74 yrs)	Age (25–74 yrs)	
Diabetes	23.6%	22.8%	Stabilized
Pre-diabetes (IGT/IFG)	24.2%	19.4%	Decrease (4.8%)
High Blood Pressure	37.9%	28.0%	Decrease (9.9%)
Overweight	34.9%	35.2%	Stabilized
Smoking	21.7%	19.3%	Decrease (2.4%)
Physical Activity	16.5%	23.7%	More people are doing physical activity (7.2%)

128. It is to be highlighted that the death rate for 100,000 population which is mainly due to NCDs like cardiovascular disease, diabetes and cancer has decreased from 547 in 2016 to 534 in 2017.

129. As regard, alcohol consumption, unfortunately a slight increase thereof has been noted, that is, from 48.5% in 2009 to 52.8% in 2015.

130. In 2017, 48,595 persons were screened through the NCD programme and persons found with abnormal results were referred to the nearest hospital, Area or Community Health Centre for follow up and further investigations. Additionally, through the School Health Programme for Secondary schools, some 179 schools were visited and 39,936 students were screened. About 5,529 women were screened for breast and cervical cancer in 2017.

Question 24

131. Mauritius enjoys favourable child health indicators. This achievement is attributed to the successful implementation of an integrated package of primary health care services, including amongst others the expanded programme of immunization, maternal and child care services, preventive medicine and health promotion activities which are provided free to every citizen of the country.

132. In Mauritius, Infant Mortality Rate per 1,000 live births was 12.2 in 2017 compared to 15.9 in 2001. Under Five Mortality Rate per 1,000 live births was 14.3 in 2017 compared to 18.2 in 2000. In 2017, Stillbirth Rate was 9.9 per 1,000 total births compared to 13.0 in

2000. Consequently, it is worth noting that the country has already achieved the SDG targets related to child mortality.

133. The main measures taken to sustain the decreasing trends observed in infant mortality, under 5 mortality and stillbirth rates in Mauritius are as follows:

- Strengthening of the Maternal and Child Health Care including through the modernization of health infrastructure including high tech medicine/equipment and the health human resource development through recruitment and capacity building;
- Sustaining the Expanded Programme on Immunizations against vaccine preventable diseases including introduction of new vaccines.

Question 25

134. The Dangerous Drugs Act 2000 is the legislative framework which deals with Dangerous Drugs. According to the Dangerous Drugs Act, “Dangerous drug” means:

- (a) Any plant or part thereof or substance listed in Schedule I, II or III;
- (b) The isomers of the listed drugs, unless specifically excepted, whenever the existence of such isomers is possible within the specific chemical designation;
- (c) The esters and ethers of the drugs listed in Schedule I, II and III, whenever their existence is possible;
- (d) The salts esters of the drugs listed in Schedule I, II and III, including the salts of ethers and isomers whenever the existence of such salts is possible;
- (e) The preparation of these substances, other than those listed in Schedule V.

135. Dangerous Drugs are classified in four Schedules. (Schedule I, II, III and IV). Each of the dangerous drugs to which the Dangerous Drugs Act applies is listed in either Schedule I, II or III and different measures of control are specified in this Act according to the classification so adopted, dependent upon the degree of seriousness of the risk to public health of each such dangerous drug and the presence or otherwise of a medical use for it.

136. Substances listed under Schedule I are reckoned as prohibited substances. They do not possess any therapeutic use and their importation is authorized for educational or scientific purposes. Substances listed under Schedule II and III consist of narcotics and psychotropic substances which have medicinal and therapeutic use. All substances used in the manufacture of narcotic drugs and psychotropic substances as classified by the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, or otherwise, are included as precursors in Schedule IV. Plants and substances are included in the appropriate Schedule under their respective international non-propriety names, or, lacking such a name, under their chemical names.

137. No person shall at any time produce, manufacture, trade by wholesale or retail, distribute, transport, possess, supply, transfer (free or for payment), purchase, use, import, export or transit across Mauritius any of the plants, substances and preparations listed in the First Schedule. For the purposes of medical or scientific research or teaching or the use of the forensic science services, the Permanent Secretary may authorise a person to cultivate, produce, manufacture, acquire, import, use or hold plants, substances and preparations listed in the First, Second and Third Schedules in quantities not exceeding those strictly required for the purpose in question.

138. There is a total control on the nature, range and quantities of Dangerous Drugs being imported in the country. The Pharmacy Board exercises this function through the issue of permits for importation of pharmaceutical products by the private and public sectors. At a national level, all imports are subjected to an import permit. On or before the 31st December of each year, the maximum quantities of Dangerous Drugs that an importer may bring into the country during the next calendar year are determined by the Ministry of Health and Quality of Life.

139. Clearance of drugs is submitted on the production of an export permit from the producing country and on the vetting of the invoice. Importing is strictly limited to wholesale pharmacies, government health and agricultural services and forensic laboratories.

140. Synthetic Cannabinoids are already scheduled in Schedule I Part II of the Dangerous Drugs Act, as prohibited substances. These Regulations came into force on 10 October 2013. In September 2015, New Psychoactive Substances (Recreational Drugs) of high potential of abuse have also been classified under the respective schedules of the Dangerous Drugs Act.

141. The Harm Reduction Programme was introduced in 2006. The Methadone Substitution Therapy Programme targeting people who inject drugs has been scaled up since the beginning of 2018. Annex 13 provides additional details.

Right to education (arts. 13–14)

Question 26

142. The Kreol Morisien is being taught as an optional subject at primary level since 2012 and now it is taught at all grades at primary level. It has now been introduced as an optional subject at secondary level (Grade 7) as from 2018 and Curriculum materials and textbooks, for both Educators and students have been prepared. Moreover, creole is also used as a medium of teaching in schools, both primary and secondary levels. Educational materials are produced in creole and this facilitates the teaching of complex concepts in Mathematics, Science, geography and Technical subjects.

143. Furthermore, a first batch of students have completed a degree course in French and Créole Studies at the University of Mauritius. They will soon join the workforce and start teaching Kreol Morisien at secondary level.

144. The Nine Years Continuous Basic Education (NYCBE) has been implemented in primary schools since a couple of years and at secondary level, as from 2018. This programme is in line with Sustainable Development Goal 4 (SDG 4), which makes provision for quality and inclusive education for all. It caters for mixed ability group of learners and SEN students. Besides, when pupils are admitted in Grade 1, the Primary School Readiness (PSR) is administered and all learning gaps are identified and attended to, through the Early Support Programme whereby pupils in groups of 8, are given special attention with by a Support Teacher. Once the pupils overcome the learning gap, they join the other pupils in the normal class set up.

145. The NYCBE reform in education fosters a holistic education where an array of subjects like Art, Music, Road Safety, Civics, IT, PE and Sports, Communication Skills are taught. This programme allows learners to develop their full potential and later become responsible citizens.

Question 27

146. The Ministry of Education has come up with a new Policy Framework and Strategy document for the Special Education Needs Sector. This document is line with SDG 4 which makes a case for a genuinely inclusive and equity- based education system for all learners.

147. The new Vision of the sector is spelt out as follows: “Inclusionary and empowering measures/practices for all persons with diverse learning needs today for a fully inclusive society tomorrow”.

148. Mission Statement: “To achieve inclusion by creating and providing a conducive environment to ALL learners that ensures equal access to relevant and quality education and training.”

149. A host of facilities in respect of children with disabilities exist and they are as follows:

- (i) Refund of bus fares to accompanying parents of disabled children attending schools/Special Needs Schools;
- (ii) Refund of taxi fares to students with severe disabilities;
- (iii) François Sockalingum Award (Scholarship Scheme for Students with disabilities): Through this award, students with disabilities who pass the Primary School Achievement Certificate (PSAC) and pursue their secondary studies are eligible to a monthly stipend of Rs 750;
- (iv) Duty-free facilities: Persons with disabilities are entitled to 100% duty-free facilities to purchase adapted cars;
- (v) Basic Invalidity Pension (BIP) to children with disabilities under 15 years;
- (vi) Free parking coupons are being provided to persons with disabilities with severe mobility problems;
- (vii) Respite Care Programme: In view of providing some relief to parents, leisure activities are organized regularly for the benefit of children with disabilities at the Recreation Centres around the island namely, James Burty David R.C, Lady Sushil Ramgoolam Recreation Centre and Sir Seewoosagur Ramgoolam Recreation Centre;
- (viii) A free travel bus pass is provided to any person with disabilities drawing a Basic Invalidity Pension (BIP). Children with disabilities not drawing a BIP but attending any educational institution also benefit from the free travel bus pass.

150. The Special Education Needs Authority Bill was voted in the National Assembly recently and an Authority will be set up in the near future. Main objects of the Special Education Needs Authority shall be:

- To ensure, inter-alia, the regulation, monitoring and the facilitation of implementing the Special Education Needs policies;
- To harmonise and promote programmes and policies in line with the National and International Convention;
- To develop a Quality Assurance Framework and set norms and standards for SEN;
- To provide a legal Framework and structure for good governance and accountability.

Cultural rights (art. 15)

Question 28

151. The Creole language is spoken by one and all and is a uniting factor among all citizens. It is not yet used as official language in the National Assembly but widely used in other institutions such as Court of law where parties or witnesses may address the Court in creole language. Please see at Annex 14, steps taken to promote Creole Language into an official language.

Question 29

152. Assisted reproductive technologies are available at private institutions only for the time being.
