



Convention on the Rights of Persons with Disabilities

Distr.: General
25 October 2019

Original: English
English, French, Russian and
Spanish only

Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Mauritius*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about the measures taken to implement the recommendations contained in the Committee's previous concluding observations (CRPD/C/MUS/CO/1) and to update the information provided in the State party's follow-up to the concluding observations (CRPD/C/MUS/CO/1/Add.1).

2. Please provide information on:

(a) The steps taken to ratify the Optional Protocol to the Convention and withdraw its reservations to articles 9 (2) (d) and (e), 11 and 24 (2) (b) of the Convention;

(b) The progress made to amend the Equal Opportunities Act and the Training and Employment of Disabled Persons Act to reflect the human rights model of disability enshrined in the Convention and to eliminate the use of derogatory language in laws, policies and public discourse;

(c) The efforts to ensure that all policies, programmes and action plans, including those for the implementation of the Action Plan on Disability 2015–2020, have time frames, benchmarks, indicators and goals that allow for proper measurement and monitoring.

3. Please provide information on the measures taken to ensure the effective participation of persons with disabilities through their representative organizations, including those representing women and children with disabilities, in the design, implementation and monitoring of laws, policies and action plans since the previous constructive dialogue and the Committee's concluding observations.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

4. Please inform the Committee about:

(a) The progress made since the previous concluding observations to amend and align national legislation, including articles 3 and 16 of the Constitution, with the Convention and the human rights model of disability, to include disability as prohibited grounds of discrimination, including the denial of reasonable accommodation, and to prohibit multiple and intersectional discrimination and discrimination by association;

* Adopted by the pre-sessional working group at its twelfth session (23–27 September 2019).



(b) The complaint and redress mechanisms in place for persons with disabilities, particularly women and girls with disabilities, whose rights have been violated, and the sanctions against the perpetrators.

Women with disabilities (art. 6)

5. Please inform the Committee about:

(a) The measures taken to ensure that women with disabilities are provided with protection against all forms of discrimination, that they have access to, in particular, education, health care and employment and that they can participate in public and political life on an equal basis with others;

(b) The steps taken to ensure that women and girls with disabilities are consulted and can participate, on an equal basis with others, in the development and drafting of laws, programmes and policies.

Children with disabilities (art. 7)

6. Please explain the steps taken to:

(a) Ensure the inclusion of children with disabilities in all policies and legislation relevant to them and indicate the mechanisms in place to regulate non-State service providers offering services that are open or provided to the public to ensure that their services are fully inclusive;

(b) Amend the national children's policy and the national child protection strategy to include specific targeted measures for children with disabilities, and provide information on the status of the children's bill.

Awareness-raising (art. 8)

7. Please provide information about:

(a) Any awareness-raising strategy, including campaigns and training programmes with different public and private target sectors, carried out since the last constructive dialogue, to promote respect for the rights of persons with disabilities and positive perceptions and to eliminate stigmatization against them;

(b) Any impact evaluations conducted by the State party on awareness-raising, and how persons with disabilities, through their representative organizations, have been closely consulted and effectively involved in the planning, monitoring and evaluation of such awareness-raising efforts;

(c) Whether the term "*autrement capable*" is still in common use to describe persons with disabilities.

Accessibility (art. 9)

8. Please provide updated information on:

(a) The steps taken to revise the Building Act, the Roads Act, the Morcellement Act and the Town and Country Planning Act and to guarantee accessibility, including through the development and implementation of a legally binding accessibility plan, also covering the areas of public transport and infrastructure;

(b) The measures taken to improve access for all persons with disabilities to information and communications, including information and communications technologies and systems, and to enact accessibility standards, as well as sanctions for their infringement.

Situations of risk and humanitarian emergencies (art. 11)

9. Please provide information on the measures taken to enforce the National Disaster Risk Reduction and Management Act 2016 and to ensure the effective participation of persons with disabilities, through their representative organizations, in the National Disaster Risk Reduction and Management Council and in the development, implementation and

monitoring of emergency plans and procedures, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030.

Equal recognition before the law (art. 12)

10. Please inform the Committee about the steps taken to:

(a) Repeal the discriminatory provisions in legislation, including in the Civil Code, to ensure that persons with disabilities, including persons with intellectual or psychosocial disabilities, exercise their legal capacity on an equal basis with others, particularly with respect to their rights to enter into contracts, access to justice, vote, marry, exercise parental rights, work, choose their place of residence and consent to medical treatment;

(b) Replace the guardianship regime with a supported decision-making mechanism in line with the Committee's general comment No. 1 (2014) on equal recognition before the law.

Access to justice (art. 13)

11. Please explain the measures adopted to:

(a) Ensure equal access to justice for persons with disabilities, including through the provision of legal aid, accessible communications, such as Braille, sign language interpretation and Easy Read, and procedural and age-appropriate accommodations, with particular attention on women, children, older persons with disabilities and persons with disabilities belonging to minority groups;

(b) Promote training on the rights of persons with disabilities for those working in the field of the administration of justice, including police and prison staff.

Liberty and security of the person (art. 14)

12. Please inform the Committee about the steps taken to:

(a) Amend legislation, in particular, the Mental Health Care Act, to prohibit forced and prolonged hospitalization and institutionalization of persons with disabilities, including persons with intellectual or psychosocial disabilities, on the basis of their impairments and whether the State party consulted and involved persons with disabilities, through their representative organizations, in the amendment process, and to ensure that any hospitalization of persons with disabilities is based on the free and informed consent of the person concerned;

(b) Provide adequate training on the rights of persons with disabilities under article 14 of the Convention for law enforcement officers and staff in hospitals and institutions.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

13. Please indicate the measures adopted to prohibit forced treatment and forced sterilization of persons with disabilities, particularly women and girls with disabilities, in hospitals and institutions, and the monitoring mechanisms in place to prevent such treatment.

Freedom from exploitation, violence and abuse (art. 16)

14. Please provide data on the number of cases involving all forms of violence against persons with disabilities that have been investigated, the number of prosecutions and convictions and the penalties imposed on the perpetrators, as well as the remedies provided for the victims. Please indicate the mechanisms available for persons with disabilities to report cases of violence.

15. Please provide the details of the concrete measures taken by the State party to prevent exploitation of and violence against persons with disabilities and inform the Committee about:

(a) The steps taken to address the heightened risk for women and children with disabilities of exploitation, violence, abuse and harmful practices against them, including corporal punishment in all settings, including institutions, and the steady increase in cases of sexual abuse against children with intellectual or psychosocial disabilities, which has been highlighted by the Ombudsperson;

(b) The measures taken to ensure the accessibility of services, facilities and information for persons with disabilities who are victims of violence and abuse and the support provided for their mental and physical recovery;

(c) The measures adopted to establish monitoring mechanisms for all types of institutions, including shelters, to detect and prevent abuse against persons with disabilities.

16. Please provide information on any effort made by the State party to include women and girls with disabilities in laws and policies regarding gender-based violence, including the Protection from Domestic Violence Act.

Protecting the integrity of the person (art. 17)

17. Please inform the Committee about the legal and practical measures in place to abolish forced treatment of persons with disabilities, including those under guardianship and those living in institutions.

Living independently and being included in the community (art. 19)

18. Please provide information on:

(a) The measures in place to ensure that persons with disabilities are able to exercise their rights on where and with whom to live, on an equal basis with others;

(b) The steps taken towards the full deinstitutionalization of persons with disabilities, particularly children with intellectual or psychosocial disabilities, from all types of institutions, such as “shelters for children in need”, to family-based care, and the steps taken to increase resources for personal assistance, and accessible and inclusive community services.

Personal mobility (art. 20)

19. Please explain the measures taken to facilitate the personal mobility of persons with disabilities in the manner of their choice, such as access to driving licences for persons with disabilities, including persons who are deaf or hard of hearing, without discrimination.

Freedom of expression and opinion, and access to information (art. 21)

20. Please indicate the legislative and other measures adopted to:

(a) Ensure that information open or provided to the public is available to persons with disabilities, at no additional cost, using accessible formats and technologies appropriate to different kinds of impairments, including sign language, closed captions and audio description, Braille and Easy Read;

(b) Promote training of sign language interpreters and provide sign language interpretation services for persons who are deaf, particularly women and girls.

Respect for home and the family (art. 23)

21. Please provide information on:

(a) The measures taken to prohibit the separation of children with disabilities from their parents on the basis of the disability of either the child or one or both of the parents;

(b) The support provided to families with, and single parents of, persons with disabilities, including persons with intellectual or psychosocial disabilities, to raise their children at home and whether information has been provided to parents of children with disabilities about the services, and their entitlement thereto, to prevent concealment, abandonment, neglect and segregation of children with disabilities.

Education (art. 24)

22. Please inform the Committee about:

(a) The progress made in revising national legislation, plans and policies to render the education system fully inclusive and to eliminate all segregation based on impairment;

(b) The steps taken to ensure training of all teachers in mainstream schools on the rights and requirements of children with disabilities and inclusive education at all levels of education, and to inculcate the values and principles of inclusive education on teacher training programmes;

(c) The measures adopted to ensure the availability of assistive devices, accessible education materials and the provision of support services in mainstream schools at all levels.

23. Please indicate the number of children with disabilities currently deprived of inclusive education, including those placed in daily centres, as well as those in special schools, and the measures in place to ensure their access to vocational training and lifelong learning.

Health, habilitation and rehabilitation (arts. 25–26)

24. Please provide information on the progress made in:

(a) Ensuring that all persons with disabilities, and particularly women and girls with disabilities, have access, on an equal basis with others, to public and private health services and equipment that are affordable, accessible and of high quality, including in the areas of sexual and reproductive health and mental and psychosocial health, in both urban and rural areas;

(b) Ensuring that the cost of medical expenses related to disability, including the premiums for health insurance, including those for children with disabilities, are covered by the health insurance scheme or the State party;

(c) Developing habilitation and rehabilitation services, particularly at the community level, for persons with disabilities, in line with the human rights model of disability and in close consultation with and the active involvement of persons with disabilities through their representative organizations.

Work and employment (art. 27)

25. Please provide information on:

(a) The number of persons with disabilities since the previous concluding observations, including young persons with disabilities, employed both in the public and private sectors, and the measures in place to promote the employment of persons with disabilities in the open labour market;

(b) The measures in place to protect persons with disabilities, particularly women with disabilities, against discrimination in employment, including the recognition of a denial of reasonable accommodation as a form of discrimination in the public and private sectors, and to ensure their access to effective complaint mechanisms;

(c) The steps taken to ensure effective implementation of the quota for employment of persons with disabilities in the private sector, including the sanctions imposed for non-compliance, and to extend this requirement to the public sector. Please specify the cases and conditions under which employers were exempted from their obligations to employ persons with disabilities by the Training and Employment of

Disabled Persons Board and the efforts made to amend the provision in the Training and Employment of Disabled Persons Act allowing for exceptions by the Board.

Adequate standard of living and social protection (art. 28)

26. Please inform the Committee about:

(a) The social protection schemes covering persons with disabilities and whether they ensure that all persons with disabilities, regardless of age, type of impairment or socioeconomic status, are covered, and disability-related costs, such as those for hearing aids, mobility aids and assistive technologies;

(b) The measures taken to ensure an adequate standard of living for persons with disabilities above the age of 60 who have lost their disability allowance;

(c) The steps taken to inform persons with disabilities, in accessible means, modes and formats of communication, about their right to financial assistance from the State and about the procedures to obtain such assistance.

Participation in political and public life (art. 29)

27. Please indicate the progress made to:

(a) Amend articles 34 (1) and 43 of the Constitution, as well as the electoral law, the Local Government Act and the Rodrigues Regional Assembly Act, to guarantee the right to vote and be elected for all persons with disabilities, including those living in institutions, on an equal basis with others;

(b) Ensure the accessibility of election processes, including election materials and campaigns and polling stations, and promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs.

Participation in cultural life, recreation, leisure and sport (art. 30)

28. Please inform the Committee about the measures adopted to:

(a) Ensure that cultural, leisure, tourism and sporting facilities and services in the public and private sectors are accessible to persons with disabilities, including children with disabilities;

(b) Recognize and promote the right of persons with disabilities to take part, on an equal basis with others, in cultural life, including opportunities to enable persons with disabilities to develop and utilize their creative, artistic and intellectual potential.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

29. Please inform the Committee about the steps taken to:

(a) Review the disability certification procedure and criteria to ensure that all persons with disabilities are included in data collection, disaggregated by gender, age, disability, ethnicity, place of residence, as well as other criteria, to develop policies, plans and legislation;

(b) Involve actively and consult closely with persons with disabilities, including children with disabilities, and their representative organizations, in all matters relating to data collection;

(c) Provide the necessary human, technical and financial resources for the establishment of a comprehensive system for data collection and its monitoring and evaluation mechanisms;

(d) Use the Washington Group short set of questions on disability in discharging its obligations under article 31 of the Convention.

International cooperation (art. 32)

30. Please indicate the measures taken to effectively involve organizations of persons with disabilities in the implementation and monitoring of projects supported by international cooperation.

National implementation and monitoring (art. 33)

31. Please explain the steps taken to:

(a) Designate an independent monitoring mechanism in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Provide support to ensure that persons with disabilities and their representative organizations can effectively participate in monitoring the implementation of the Convention.
