



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Combined second and third periodic reports submitted by Mauritius under article 35 of the Convention pursuant to the optional reporting procedure, due in 2020* **

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. The State of Mauritius ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 08 January 2010 with reservations on Articles 9(2) (d), 11 and 24(2)(b).
2. The initial report was submitted in May 2012 and was reviewed in August 2015.
3. The combined second and third reports became due in February 2020. However, the State of Mauritius opted for the Simplified Reporting Procedure upon invitation from the CRPD Committee.
4. Accordingly, the list of Issues prepared by the Committee was received in October 2019. The replies of the State Party to the list of issues constitute the combined second and third periodic reports of the State of Mauritius.
5. In this context, please find hereunder the response of the State of Mauritius in respect of the list of issues.

II. Replies to the list of issues (CRPD/C/MUS/QPR/2-3)

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

Reply to paragraph 1 of the list of issues

6. The State of Mauritius is fully committed to, and is continuously progressing towards, an inclusive society where the rights of persons with disabilities are respected and protected. Government has taken a series of measures to implement the recommendations contained in the Committee's previous concluding observations. The concluding observations comprised 44 recommendations addressed to the State of Mauritius. Out of the 44 recommendations, 27 have been implemented, 11 partially implemented and 6 are being worked out.
7. The status of the measures taken to implement the recommendations contained in the Committee's previous concluding observations is summarised at Annex 1 and includes measures that have already been implemented, as well as those which have been partially implemented and are yet to be implemented.

Reply to paragraph 2 (a) of the list of issues

8. The Convention on the Rights of Persons with Disabilities (CRPD) was ratified in January 2010 with 3 reservations namely on articles 9 (2) (d) and (e), 11 and 24 (2) (b) of the Convention. A status on the withdrawal of the reservations is at Annex II.

Reply to paragraph 2 (b) of the list of issues

9. The State of Mauritius undertakes to review its legislations gradually so that they reflect the human rights model of disability.
10. The Training and Employment of Disabled Persons Board was set up under the Training and Employment of Disabled Persons Act (1996). Its main objective is to improve generally the social and economic status and condition of disabled persons through the promotion of training and employment opportunities for persons with disabilities.
11. Following the amendments to the Training and Employment of Disabled Persons Act in 2012, employers who have a workforce of 35 or above are required to employ 3% of persons with disabilities. Failure to do so may lead to a statutory monthly contribution of Rs 4,000 (USD 100) for each person with disabilities not yet recruited. Furthermore, the amended Act provides for a Hearing Committee to examine cases of non-compliant companies. Furthermore, the Act provides that in case of prosecution before a Court of Law, the non-compliant company is liable to a fine not exceeding Rs 75,000 (USD 1875) or to imprisonment for a term not exceeding 6 months.

12. The Equal Opportunities Act (2008) was amended in 2017 to provide for the prohibition of discrimination in employment on 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 his employment. The said amendment also applies to persons with impairment as defined by the Equal Opportunities Act.

13. New legislations that have been recently proclaimed reflect the human rights model of disability and are in line with the Convention on the Rights of Persons with Disabilities. One such example is the Special Education Needs Authority Act (2018), which defines disability as "a long-term physical, intellectual or sensory impairment of a person which substantially hinders the person's ability to carry out normal day to day activities".

14. Moreover, the Workers' Rights Act 2019 also takes into account persons with disabilities. Section 5 prohibits discrimination in employment and occupation and section 5(5)(a) of the said Act states that, "discrimination includes affording different treatment to different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".

15. The forthcoming Children's Bill will also be in line with the Convention on the Rights of Persons with Disabilities.

Reply to paragraph 2 (c) of the list of issues

16. An Action Plan on Disability 2016–2020 was prepared after consultations with all stakeholders. The consultation took place in September 2015. The main objectives were as follows:

- (a) Creating an enabling environment for Collaborative Social Initiatives (public-private-NGO) to empower persons with disabilities to initiate innovative social programmes/projects for persons with disabilities;
- (b) Reviewing of legal and regulatory framework in the disability sector;
- (c) Cooperating with international organisations to build capacity and address emerging needs and challenges in the sector;
- (d) Reviewing of administrative procedures, eligibility criteria for social aids, data capture and service delivery;
- (e) Contracting out of specific services to NGOs/DPOs; and
- (f) Reengineering of the institutional setup to streamline services to persons with disabilities.

17. The Action Plan contained 83 specific actions/objectives. As at date, 74% of the actions/objectives have been implemented or are being implemented. The status of implementation of the Action Plan/Objectives is at Annex III.

18. The key challenges faced by the State of Mauritius for the non-implementation of some of the actions/objectives, inter alia, were:

- (a) Need for amendments to legislations;
- (b) General elections with new government programmes; and
- (c) Lockdown period due to COVID-19.

19. The outstanding actions are being incorporated in the new Action Plan 2021–2025 with timeframes, benchmarks, indicators and goals. The new Action Plan will be drafted in consultation with relevant stakeholders. Moreover, a proper monitoring committee under the Chairmanship of the Ministry of Social Integration, Social Security and National Solidarity is being envisaged for ensuring that the Action Plan is implemented thoroughly and as per the timeframe set.

Reply to paragraph 3 of the list of issues

20. The National Council for the Rehabilitation of Disabled Persons Board which is mostly represented by persons with disabilities and their representative organisations meet every month to discuss about policies and action plans in favour of persons with disabilities.

21. A series of legislations catering for the promotion and protection of the rights of persons with disabilities and for the elimination of discrimination against them has been drafted following consultation with NGOs and relevant stakeholders. The State of Mauritius recognises that NGOs remain a major provider of services to persons with disabilities in the local context.

22. The State of Mauritius puts disability rights at the heart of its programmes and aims at ensuring that persons with disabilities are consistently included in the formulation of policies. As regards the Disability Bill, the Ministry of Social Integration Social Security & National Solidarity has been working on a draft Disability Bill and consultations with stakeholders were being held. However, there are still a number of issues that have to be addressed to ensure the introduction of the Bill such as amendments to the Constitution so that the fundamental rights and freedoms of persons with disabilities are fully respected. However, although the Bill has not yet been introduced, this has not prevented Government from taking key initiatives over the past five years to create an enabling environment for persons with disabilities.

23. Moreover, Mauritius has set up the Training and Employment of Disabled Persons Board (TEDPB) under the Training and Employment of Disabled Persons Act in 1996. Its main objective is to promote training and employment opportunities for persons with disabilities by encouraging employers with labour force of 35 or more to recruit persons with disabilities representing 3% of their work force.

24. A Special Education Needs Authority (SENA) Act has been promulgated in 2018 and a Special Education Needs Authority has already been set up to monitor and facilitate the implementation of special education needs policies of the State of Mauritius.

25. Moreover, the National Children's Council conducts on-going awareness campaigns on child protection where children with disabilities are taken on board and the National Women's Council and the National Women's Entrepreneur Council provide a platform for women, including women with disabilities, to contribute to policies and action plans for their empowerment.

B. Specific rights (arts. 5–30)**Equality and non-discrimination (art. 5)****Reply to paragraph 4 (a) of the list of issues**

26. The Constitution is the supreme law of the Republic of Mauritius. Section 3 of the Constitution provides for the fundamental rights and freedoms of all individuals without discrimination. Section 16 (3) of the Constitution defines “discriminatory” as “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex”. Therefore, both Sections 3 and 16 of the Constitution guarantee protection from discrimination.

27. There are other national legislations which also make provision for protection against discrimination. For instance, the Workers' Rights Act 2019 addresses discrimination and ensures that persons with disabilities enjoy the same rights and protection as other workers.

28. Moreover, according to Section 5(5) of the Workers' Rights Act 2019, “discrimination includes affording different treatment to different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

29. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations was made in November 2017. New buildings and buildings which will undergo renovations requiring a permit are henceforth required to be in line with universal design principles. For example, these buildings should have the following features:

- (a) Audible features and visual (including Braille) signage for automated teller machines (ATMs), lifts in buildings where services are provided on upper floors to persons with disabilities including museums, banks, cinema, and police stations;
- (b) Visual and audible systems shall be provided to lifts, lobbies and fire alarm systems;
- (c) Assistive listening system for persons who are hard of hearing in places such as conference rooms and assembly areas; and
- (d) Tactile cues to indicate different in level in buildings.

30. In line with the Convention on the Rights of Persons with Disabilities, the Government of Mauritius has sensitised employers individually and through the Federation of Employers to provide adapted infrastructure and reasonable accommodation to persons with disabilities in order to recognise their rights to work on an equal basis with others.

31. A consolidated list of current legislations/amendments in favour of persons with disabilities is at Annex IV.

Reply to paragraph 4 (b) of the list of issues

32. Persons with disabilities including women and girls with disabilities whose rights have been violated may have recourse to the following institutions:

- (a) Equal Opportunities Commission;
- (b) Office of the Ombudsman;
- (c) Office of the Ombudsperson for Children;
- (d) Ombudsperson for Sports;
- (e) Ombudsperson for Financial Services;
- (f) National Human Rights Commission;
- (g) Public Bodies Appeal Tribunal;
- (h) Medical Appeal Tribunal; and
- (i) Civil Service Appeal Tribunal.

33. Moreover, the Ministry of Social Integration, Social Security and National Solidarity operates a 24-hour basis hotline service as well as support desk. Additionally, the following facilities have been provided to persons with disabilities for reporting of complaints:

- (a) The Citizen Support Unit Portal which may be accessed online or throughout the island at the different Citizen Advice Bureaux; and
- (b) Other hotlines are run by the Police, the Ministry of Gender and Family Welfare, the Ministry of Health and Wellness and the Ministry of Education, Tertiary Education Science and Technology.

34. Furthermore, the Ministry of Gender Equality and Family Welfare does assign a case officer to victims of violence and the following assistance is provided:

- (a) First hand counselling;
- (b) Psychological counselling;
- (c) Mediation and family counselling;
- (d) Medical assistance if required;
- (e) Temporary shelter if required; and

(f) Legal advice.

35. Under the Protection from Domestic Violence Act (1997), victims of gender-based violence including women and girls with disabilities may apply for the following orders:

- (a) Protection Order;
- (b) Tenancy Order; and
- (c) Occupation Order.

36. In 2016, the Protection from Domestic Violence Act was amended to broaden the definition of domestic violence to include stalking, insulting, sexual, psychological and economic abuse and to wilfully inflicting or attempting to inflict a wound or blow.

37. Since 2016, legislations have become more stringent regarding perpetrators of domestic violence, through the criminalisation of certain acts of domestic violence. On a first conviction, the perpetrator of an act of domestic violence is now liable to a fine not exceeding Rs 50,000 (USD 1250). On a second conviction, offenders are liable to a fine not exceeding Rs 100,000 (USD 2500) and to imprisonment not exceeding 2 years. For a third conviction or any subsequent convictions, the perpetrator will be liable to imprisonment not exceeding 5 years.

38. Furthermore, the sanctions for breach of protection order have also been increased. On a first conviction, the perpetrator is now liable to a fine not exceeding Rs 50,000 and to imprisonment not exceeding one year. On a second conviction, offenders will be liable to a fine not exceeding Rs 100,000 (USD 2500) and to imprisonment not exceeding 2 years. For a third conviction or any subsequent convictions, the perpetrator will be liable to imprisonment not exceeding 5 years.

Women with disabilities (art. 6)

Reply to paragraph 5 (a) of the list of issues

39. Sections 3 and 16 of the Constitution of Mauritius guarantee the right of every citizen to be treated equally and to be protected from discrimination.

40. With regard to education, it is mandatory under the Education Act for all children up to the age of 16 years to attend school, which include a special education needs institution registered under the Special Education Needs Authority Act. As for children with disabilities, they are required to attend school up to the age of 20 years.

41. For the year 2019, 2,790 students with disabilities attended schools in the Republic of Mauritius. The table below shows details of enrolment in Special Education Needs (SEN) schools for 2017 to 2019:

Enrolment in Special Education Needs (SEN) schools for the period 2017–2019

Age (Years)	2017			2018			2019		
	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls
3	11	9	2	13	7	6	10	7	3
4	17	10	7	18	14	4	17	11	6
5	45	31	14	43	25	18	59	37	22
6	118	77	41	83	61	22	104	68	36
7	144	94	50	152	108	44	144	93	51
8	163	106	57	168	109	59	207	134	73
9	188	133	55	224	151	73	210	138	72
10	240	164	76	235	160	75	273	188	85
11	260	176	84	269	179	90	249	165	84
12	267	173	94	254	171	83	256	182	74

Age (Years)	2017			2018			2019		
	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls
13	211	137	74	223	148	75	232	159	73
14	173	100	73	177	117	60	207	143	64
15	157	93	64	167	112	55	186	121	65
16	156	99	57	137	86	51	149	88	61
17	111	76	35	136	86	50	120	82	38
18	76	39	37	99	60	39	143	87	56
19	44	25	19	43	25	18	73	41	32
20	120	81	39	62	30	32	57	38	19
21 and over	93	58	35	153	96	57	94	50	44
Total	2 594	1 681	913	2 656	1 745	911	2 790	1 832	958

Source: Statistics Mauritius.

42. Moreover, free health care services are offered to all the citizens of Mauritius including persons with disabilities. There is no discrimination in facilities provided in rural and urban areas. All hospitals have an orthopaedic department to assist persons with disabilities with assistive devices including prostheses free of charge. Elderly persons, persons with disabilities and pregnant women are given priority at public medical institutions which are disability-friendly.

43. The Training and Employment of Disabled Persons Board (TEDPB) was set up under the Training and Employment of Disabled Persons Act (1996). Its main objective is to promote training and employment opportunities for persons with disabilities.

44. The Ministry of Social Security is currently in the process of revamping the TEDPB with a view to match skills with the demand on the labour market. Previously, there was a mismatch and this resulted in the low employment of persons with disabilities. As part of this exercise, the database of persons with disabilities is currently being updated.

45. In this context, in August 2020, a sensitisation campaign was carried out in newspapers, on the radio and through social media. Moreover, the assistance of NGOs working with persons with disabilities was solicited to facilitate the registration process.

46. In the same vein, a new register of employers has been created. Letters have been issued to employers requesting them to register with the TEDPB.

47. As part of the revamping process, the TEDPB is working in close collaboration with the Mauritius Institute of Training and Development (MITD) to provide vocational training. Currently, trainees with disabilities are following courses in housekeeping and waitering through the MITD at "Ecole Hotelière Sir Gaetan Duval". The support of the private sector is also being sought to provide more and varied training to persons with disabilities.

48. In addition to the above, the Workers' Rights Act 2019 ensures that persons with disabilities are not discriminated against on the basis of their impairment. Section 5 of the Act prohibits discrimination in employment or in access to employment and stipulates that "discrimination" includes affording different treatment to "different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".

49. Furthermore, Section 64 of the Workers' Rights Act 2019 also specifies that "an agreement shall not be terminated by an employer by reason of – "a worker's race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities".

50. Section 123 (2) of the Act further provides that any person who contravenes section 5 of the Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs 25,000 (USD 625) and to imprisonment for a term not exceeding 2 years.

51. The right to participate in political life and the right to vote is guaranteed to all citizens including persons with disabilities under Sections 33, 34, 42 and 44 of the Constitution of the Republic of Mauritius. Besides, Regulation 33 of the National Assembly Elections Regulations also provides a series of voting facilities to electors with disabilities irrespective of gender.

Reply to paragraph 5 (b) of the list of issues

52. Since 2012, a Forum of Women with Disabilities exists under the National Council for the Rehabilitation of Disabled Persons and it has the following objectives:

- (a) To lobby for the rights, visibility and empowerment of women with disabilities;
- (b) To promote effective networking of women with disabilities;
- (c) To empower women with disabilities through training and employment; and
- (d) To promote unity of purpose among women with disabilities.

53. Several activities are carried out by the Forum of Women with Disabilities to promote the rights of women with disabilities, namely:

- (a) Leadership training programme in collaboration with the Blind People's Association of India;
- (b) Exchange programme by the «Association des femmes handicapées de Madagascar»;
- (c) Sensitization programme on health issues;
- (d) Handicrafts sales exhibition; and
- (e) Talks on human rights issues.

54. Moreover, the Ministry of Gender Equality and Family Welfare, through the National Women's Council and the National Women's Entrepreneur Council adopts a concerted approach in the design and implementation of policies, laws and action plans. The process also consists of wide consultations with key stakeholders such as Ministries/Departments, Non-Governmental Organizations (NGOs) and community leaders, followed by validation workshop.

Children with disabilities (art. 7)

Reply to paragraph 6 (a) of the list of issues

55. Several measures have been taken to amend the existing laws and policies in favour of children, including children with disabilities, to better comply with the Convention on the Rights of the Child. Articles 34 and 35 of the Convention on the Rights of the Child urge State Parties to protect children from all forms of sexual exploitation and trafficking.

56. As far as financial assistance to children with disabilities is concerned, in 2016, the State of Mauritius came up with a landmark measure. Prior to 2016, children under the age of 15, suffering from a disability of not less than 60% for a period of at least one year, were not eligible to Basic Invalidity Pension. This was considered discriminatory and in view of addressing this problem, the age criterion was removed in 2016 through the Finance (Miscellaneous Provisions) Act 2016.

57. Moreover, the Ombudsperson for Children receives complaints through various means (hotline, call in office, letters and emails) from persons including persons with disabilities. Investigations are carried out and actions are initiated within 5 days. Where there is a need, mediation is carried out and relevant authorities are involved. The Ombudsperson

for Children also carries out awareness and sensitisation campaigns to promote the rights of children including children with disabilities.

58. In September 2019, the Child Protection (Place of Safety for the Welfare and Protection of Children) Regulations 2019, was gazetted. The said regulations cater for inter alia the “welfare and protection”, in relation to a child, including – (a) the provision of personal care to the child; (b) the protection of the child from violence, abuse or a hostile environment; (c) the rehabilitation of the child through physical, psychological and social recovery; including a place of safety for children as designated by the Minister.

59. Children who are bedridden or suffering from severe disabilities, and in receipt of a carer’s allowance benefit from free domiciliary medical visits on a monthly basis.

60. In this year’s budget, financial assistance provided by Government under the Ministry of Health and Wellness for treatment abroad has been increased from Rs800,000 (USD 20,000) to Rs1,000,000 (USD 25,000). Furthermore, the National Solidarity Fund, under the Ministry of Social Integration, Social Solidarity and National Solidarity Security provides additional financial assistance to beneficiaries whose treatment cost exceeds the amount provided by the Ministry of Health and Wellness. The National Solidarity Fund refunds 50% of the excess amount up to a maximum of Rs 200,000 (USD 5,000). These schemes are also applicable to children with disabilities.

61. As regards mechanisms put in place to regulate non-State service providers, it is to be noted that a Special Education Needs Authority (SENA) has also been set up with a view to monitoring and facilitating the implementation of Special Education Needs policies. SENA has worked out norms and standards for Special Education Needs Institutions to supervise the smooth functioning of the Special Schools and their staff.

62. The National Social Inclusion Foundation (NSIF) provides funding for NGOs catering for persons with disabilities, including children and women. There are presently 48 NGOs which are benefitting funds from the NSIF to finance their activities, programmes and projects targeted to persons with disabilities. For the Financial Year 2020–2021, Rs 91,031,857 (USD 2,275,796) have been allocated to 48 NGOs. The NSIF has a monitoring toolkit which properly monitors the output and outcomes of the NGOs that are at the receiving end. Performance Indicators (PI) such as the progress tracker, financial control, efficiency measure, compliance check, beneficiary verification and risk assessment are evaluated to ensure that the funding attains the aims and objectives which have been set. Moreover, the NSIF is working with the University of Mauritius on a project, which is still in the initial stages, to evaluate the impact of the programmes being implemented by the former.

Reply to paragraph 6 (b) of the list of issues

63. The Ministry of Gender Equality and Family Welfare has received assistance from the European Union for the development of a National Child Protection Strategy and Action Plan 2015–2022. The National Child Protection Strategy is a visionary framework for child protection and aims at strengthening the child protection system of Mauritius by placing greater emphasis on prevention, early intervention, family rehabilitation and provision of alternative family care.

64. As part of its mid-term Strategic Engagement Plan for Gender Equality and Family Wellbeing 2020–2023, the Ministry of Gender Equality intends to come up with the formulation of a National Children’s Policy Paper and Costed Action Plan which will encompass all issues regarding children, including specific targeted measures for children with disabilities. The National Children’s Policy Paper and Costed Action Plan will focus on the following elements:

- (a) Identifying constraints that hamper inter-sectoral integration of child related policies and programmes at all stages;
- (b) Identifying the needs of duty bearers in terms of capacity building; and
- (c) Identifying specific needs of children from different age groups.

65. Government is also working on a Children's Bill. The main objective of the Children's Bill is to repeal the existing Child Protection Act 1994 and replace it with a more appropriate, comprehensive and modern legislative framework so as to better protect children and to give better effect to the United Nations Convention on the Rights of the Child and the African charter on the Rights and Welfare of the Child. Consideration is being given for the term "physically /mentally handicapped" to be reviewed in line with the Convention on the Rights of Persons with Disabilities.

66. The Children's Bill will be introduced shortly.

Awareness-raising (art. 8)

Reply to paragraph 7 (a) of the list of issues

67. The Disability Empowerment Unit of the Ministry of Social Integration, Social Security and National Solidarity in collaboration with NGOs and organisations for persons with disabilities is instrumental in raising awareness and in conducting workshops and talks on the rights of persons with disabilities. Details of the various awareness raising initiatives since the last constructive dialogue are at Annex V.

Reply to paragraph 7 (b) of the list of issues

68. Mauritius works closely with Non-Governmental Organizations (NGOs) for an effective planning, monitoring and evaluation of awareness raising campaigns based on the human rights approach. These organisations are contributing enormously to the promotion of the welfare of persons with disabilities and are actively engaged in the fight for the rights of persons with disabilities. NGOs such as, the Society for the Welfare of the Deaf, Lois Lagesse Trust Fund, Lizié dan la Main, Association des Parents des Déficiants Auditifs (APDA), and Association de Parents d'Enfants Inadaptés de l'Ile Maurice (APEIM) are involved in these campaigns. Although there has not been any specific evaluation of the awareness raising efforts, it is to be noted that the population at large now has greater awareness of the rights of persons with disabilities. In fact, the media, both written and spoken provides wider coverage of issues pertaining to persons with disabilities.

69. Moreover, a dedicated officer of the Ministry of Social Integration, Social Security and National Solidarity intervenes directly on the radio in respect of queries regarding disability issues on a daily basis.

Reply to paragraph 7 (c) of the list of issues

70. Currently, the term "autrement capable" is not in common use in the Republic of Mauritius. This has been the outcome of awareness campaigns carried out by the Ministry of Social Integration, Social Security and National Solidarity which systematically reminds all stakeholders of the need to refrain from using this term.

Accessibility (art. 9)

Reply to paragraph 8 (a) of the list of issues

71. The Building Control Act 2012 provides, inter alia, that every building should, amongst others, satisfy functional requirements such as accessibility, in order to ensure that persons with impaired mobility and communication, elderly persons and pregnant women are able to access and use the building and the facilities within the building comfortably.

72. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations was gazetted in October 2017 to make provision for new designated building; or existing building which will undergo extensive alterations, additions, repairs, or reconstruction and a permit will be required before commencing those building works to contain inter alia the following features-

- (a) Ramped approach;

- (b) Stepped approach;
- (c) Handrails;
- (d) Passengers lift;
- (e) Communication aids

73. Thus as regards the accessibility of public infrastructure, the regulations provide inter alia:

- (a) Audible features and visual (including Braille) signage for automated teller machines (ATMs), lifts in buildings where services are provided on upper floors to persons with disabilities including museums, banks, cinema, and police stations;
- (b) Visual and audible systems shall be provided to lifts, lobbies and fire alarm systems;
- (c) Assistive listening system for persons who are hard of hearing in places such as conference rooms and assembly areas; and
- (d) Tactile cues to indicate different in level in buildings.

74. As regards to the Roads Act, the Morcellement Act and the Town and Country Planning Act there is no need to amend them given that the Planning Policy Guidance 1 (PPG1) already includes a special Technical Sheet on Access for Persons with Disabilities. The Technical Sheet provides that the needs of persons with disabilities should be considered as an integral part of the development process especially with respect to parking, ramps, steps and paths which are disability-friendly.

75. It is to be noted that as per the Road Traffic (Paid Parking) Regulations 2002, made under the Road Traffic Act, “[a] vehicle displaying the appropriate sticker issued by the Ministry responsible for the welfare of the disabled may be parked free of charge, for a maximum period of time indicated on the panel in a parking bay, within a paid parking zone, indicated by a sign [in the prescribed form] when the vehicle is carrying, or expected to carry a disabled person”. Free parking coupons are being provided to persons with disabilities with severe mobility problems to enable easy access to public places like shopping centres, etc. Dedicated parking spaces are therefore available.

76. Furthermore, the Metro Express Ltd (MEL), which is a pioneer in the integrated transformation of the mass public transport sector in Mauritius through the Metro Express project, is promoting inclusion and adhering to the overarching principles of the Convention on the Rights of Persons with Disabilities.

77. In this context:

- (a) MEL has made provision for 20,000 MECard Priority Cards, a dedicated, free of charge and free-travel card for persons with disabilities – this is in line with prevailing legislations, regulations and other social welfare policies that protect the rights of each and every citizen of Mauritius;
- (b) MEL has so far distributed 3,109 MECard Priority Cards;
- (c) MEL has also initiated a work session with the Human Rights Commission for the distribution of the rest of the MECard Priority Cards. The objective is to find ways to further engage persons with disabilities;
- (d) Persons with disabilities may collect their personalised MECards Priority Cards from their respective Social Security Office instead of coming to the Metro Ticket Office at Rose Hill Central;
- (e) The Light-Rail Vehicle (LRV) and its stations are equipped with systems such as passenger information displays, passenger announcement system, Emergency Help Telephone System to assist persons with disabilities, including those who are visually impaired and hearing impaired.

78. As regards to the public transport system, the State of Mauritius has continuously strived to improve its services to cater for the needs of persons with disabilities. In this context,

the semi-low floor buses as introduced following the promulgation of the Road Traffic (Construction and Use of Vehicles) Regulations 2010. This concept has tremendously improved the access of persons with disabilities to public transport system. As at date, there are 364 semi-low floor buses at the disposal of persons with disabilities.

79. Furthermore, the Bus Modernization Scheme is being revisited to promote green mass transportation and also provide an incentive for bus operators to acquire electric buses and become eco-friendly. As at 30 July 2020, a total amount of Rs 364.6 million (USD 9.12 million) have already been disbursed for the replacement of 355 buses in Mauritius and 9 buses in Rodrigues, that is, a total number of 364 semi-low floor buses. In addition, as at date, 122 modern bus shelters have been mounted across the island and around 45 are being constructed.

Reply to paragraph 8 (b) of the list of issues

80. The Ministry of Social Integration, Social Security and National Solidarity has set up a website on disability with the main objective of providing persons with disabilities and other users a specific portal on the disability sector in Mauritius. Through this website, persons with disabilities can apply online for a number of services provided by the Ministry of Social Integration, Social Security and National Solidarity and at the same time have access to other related information. The website is enhanced with special features for persons with visual impairment. The link to the website on disability is <http://disability.govmu.org>.

81. It is to be noted furthermore that the National Computer Board (“NCB”) which is a parastatal body operating under the Ministry of Information Technology, Communication and Innovation, also carries out awareness campaigns, events, projects and workshops on different issues and themes. These are open to the public at large, including persons with disabilities. The NCB has sets of 3D printed objects (such as alphabets, objects and animals with Braille spelling, and topographic maps of Mauritius) for visually impaired persons, including children, attending the Lois Lagesse Centre set up under the Lois Lagesse Trust Fund Act and ‘Lizié dan la Main’ which are the two main institutions catering for the education and welfare of persons with visual impairment.

82. Mauritius has already incorporated the provisions of the Marrakesh Treaty in the Copyright Act of 2014. Section 23 of the Copyright Act permits the reproduction, without the authorisation of the author or other owner of copyright, of published works in accessible format for the benefit of persons with visual impairment and those who are print disabled. Section 23 also allows for the distribution and availability of copies exclusively to those persons on certain conditions. The Marrakesh Treaty will soon be ratified as it will facilitate access to published works for persons who are blind or visually impaired.

83. To ensure better digital inclusion of vulnerable groups including persons with disabilities, the Government has in the Budget 2019/2020 made provision for some 11,000 families who are on the Social Register of Mauritius (SRM) to benefit from free access to Broadband Internet.

84. The Data Protection Act provides for the protection of the privacy rights of individuals including persons with disabilities in view of the developments in the techniques used to capture, transmit, and manipulate, record or store data relating to individuals. All persons, including persons with disabilities have a right of access to their personal data. Section 37 of the Act provides for a right of access to the effect that “every controller shall, on the written request of a data subject provide, at reasonable intervals, without excessive delay (...) free of charge, confirmation as to whether or not personal data relating to the data subject are being processed and forward to him a copy of the data.”

85. Arrangements have been made throughout the Republic of Mauritius to enhance accessibility to free broadband internet facilities. Wi-Fi is available free of charge through 111 post offices, 57 Social Welfare Centres and 139 Community Centres and 350 hot spots set up by the Mauritius Telecom in both rural and urban areas throughout the Republic of Mauritius.

86. The national television station, the Mauritius Broadcasting Corporation, in collaboration with the Ministry of Social Integration, Social Security and National Solidarity

provides an 8 to 10-minute news bulletin in Mauritian Sign Language. Over and above this, during the lockdown period, a comprehensive video in Mauritian Sign Language was also launched and broadcast by the Mauritius Broadcasting Corporation on a daily basis to sensitize people with hearing impairment on COVID-19.

87. Ongoing campaigns on health issues such as dengue, chikungunya and others are projected on the National TV in Mauritian Sign Language in collaboration with the Ministry of Health and Wellness and the Mauritius Broadcasting Corporation.

88. During the general elections voting procedures are also explained using the Mauritian Sign Language on the national television.

Situation of risk and humanitarian emergencies (art. 11)

Reply to paragraph 9 of the list of issues

89. The State of Mauritius has come up with a comprehensive policy for the safety of all individuals in times of humanitarian emergencies and situations of risks and disasters. The National Disaster Risk Reduction and Management Act was proclaimed on 1 July 2016 and a National Disaster Risk Reduction Management Centre (NDRRMC) was set up to coordinate efforts of various agencies responsible for disaster mitigation.

90. This Centre carries out regular sensitisation campaigns on disaster risk reduction and organises frequent simulation exercises and activities. These campaigns and simulation exercises take into account the special needs of persons with disabilities. Safe evacuation procedures are tested for implementation in case of occurrence of disasters.

91. The NDRRMC is in the process of implementing a National Multi Hazard Emergency Alert System (NMHEAS) for the Republic of Mauritius. The NMHEAS provides a reliable high performance system with the necessary infrastructure to disseminate warnings and alerts to a maximum number of people and stakeholders within a reasonable time frame by broadcasting such warnings and alerts through a number of channels, namely telecom networks, television, radio, social media, display signs and public broadcasting systems. The system has been designed to deliver alert message via various formats including audio/visual/text so that people with disabilities are not left behind when it comes to disaster/emergency alerts.

92. Community Disaster Response Teams have been provided training in handling persons with disabilities for safe evacuation during emergencies.

93. During the development of contingency plans for vulnerable areas emphasis is laid upon the identification of persons with disabilities through household surveys. Contingency plans have also been developed for Residential Care Homes in vulnerable areas. The development, implementation and monitoring of emergency plans and procedures is in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030.

Equal recognition before the law (art. 12)

Reply to paragraph 10 (a) of the list of issues

94. As the law stands, no person of age is deprived of his legal capacity unless the Judge in Chambers or Supreme Court (on an appeal) has ordered that the person who suffers from a mental or physical disability as stipulated under article 494 of the Civil Code should be under the guardianship of a *tuteur* and a *subrogé tuteur*. The physical or mental disability must be confirmed by at least one specialist doctor.

95. Articles 492 to 510 of the Code Civil Mauricien, in relation to guardianship and the substituted decision making process for persons with disabilities, make provision for cases of *tutelle* i.e. guardianship for cases of minors, persons who have attained the age of majority but whose mental state does not allow them to administer their state of affairs in their everyday life, and, under Article 494 alinea 2, in the case of a person who has attained the

age of majority but because of his physical disability is unable to express his will and has to be represented for the administration of his affairs.

96. The process for the placement of a person under guardianship is examined by the *Ministère Public* (under the aegis of the Attorney General's Office), when its conclusions is sought prior to making an order of guardianship by the Court.

97. Thus, subject to the above, persons with intellectual or psychosocial disabilities, exercise their legal capacity on an equal basis with others, including 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.

98. To protect persons with disabilities from discrimination, there are other legal instruments to safeguard their interests. For instance, the Equal Opportunities Act (EOA) (2008) provides protection from discrimination as it prevents both direct and indirect discrimination on the ground of inter alia impairment, subject to certain limited exceptions. The EOA also prohibits discrimination by victimisation.

99. In addition to this, Section 13 of the Training and Employment of Disabled Persons Act (1996), makes provision for any enterprise, public or private having 35 or more workers to employ disabled persons up to 3% of its workforce and for a Hearing Committee in relation to non-compliant employers.

100. Moreover, following the repeal of the Employment Rights Act, Section 5 prohibits discrimination in employment and occupation. Furthermore, Section 26 of the Workers' Rights Act (WRA) provides for equal remuneration for work of equal value for all employees including persons with disabilities. The WRA provides necessary safeguards and protection indistinctively and indiscriminately to all workers.

Reply to paragraph 10 (b) of the list of issues

101. Paragraphs 89 to 91 above refer.

102. The abolishment of the guardianship regime is not being contemplated for the time being.

Access to justice (art. 13)

Reply to paragraph 11 (a) of the list of issues

103. If a person, including a person with a disability cannot afford to retain the services of a legal representative, he/she may apply for legal aid and legal assistance under the Legal Aid and Legal Assistance Act provided that he/she makes a sworn statement to the effect that (*except for his/her "wearing apparel and tools of trade and the subject matter of the proceedings"*), he/she is not worth 500,000 rupees (USD 12,500), and his/her total monthly earnings are less than 15,000 rupees (USD 375).

104. The Courts Act (1945) allows for the appointment of interpreters to enable the interpretation of evidence and this includes evidence given in sign language and allows a person with speech impairment to express himself through an interpreter trained in Mauritian Sign Language (see for example case of *Police v Bheeky Moonesh Kumar* 2006 INT 234, at Annex VI). The services of trained sign language interpreters are provided to persons with disabilities free of charge in cases before the Court.

105. The Constitution of the Republic of Mauritius, which is the supreme law of the country, has been translated into Braille.

106. A new Supreme Court has been constructed and is accessible to persons with disabilities. Ramps and lifts are available to facilitate access to court rooms for persons with disabilities. Moreover, arrangements are also made to hear cases involving persons with disabilities in the court room on ground floor and provision for special chairs are made available for witnesses with disabilities to depose.

107. Cases involving children and cases of domestic violence are not heard in open court. In so far as an accused party is concerned, the Criminal Code (section 42) provides that there is neither crime nor misdemeanour, where an accused person was in a state of insanity (which includes mental disorder rendering the accused incapable of appreciating the nature and quality of the act or of knowing that it was wrong) at the time of the act, and in consequence he must be acquitted.

108. Furthermore, as per Section 10 of the Constitution, all citizens, including persons with disabilities have the rights to secure protection of law.

109. Whenever cases of human right violations and abuses are reported by persons with disabilities at Police Stations, the services of resource persons are sought to assist them. The Mauritius Police Force ensures that the rights of persons with disabilities are respected.

110. The Police Family Protection Unit, The Crime Prevention Unit, Brigade Des Mineurs and Traffic Branch work in close collaboration with other stakeholders to attend to the requests and needs of persons with disabilities.

111. First hand counselling, psychological counselling and family counselling are also provided to victims of violence and abuse as and when required. These counselling services, including the legal counselling, are offered free of charge to the members of the public including persons with disabilities.

112. The Criminal Code contains provisions for harsher penalties in cases where the victims are minors, or physically or mentally handicapped persons, such as in cases of sexual offences, assault, unlawful arrest, detention and sequestration and swindling.

113. Moreover, the Melrose prison has a special designated unit, namely the Geriatric Unit which caters for the welfare of persons with disabilities and the elderly. The Unit is equipped with facilities which cater for the welfare of the detainees belonging to this particular vulnerable group, primarily to facilitate mobility including wheelchair access, library, exercise room and association yard.

Reply to paragraph 11 (b) of the list of issues

114. Human rights are now an integral part of the syllabus for recruits of the Mauritius Police Force, as well as the staff of the Prison Department. The training also covers the Convention on the Rights of Persons with Disabilities.

115. Staff working in the field of justice also attends training sessions, workshops and seminars on the rights of persons with disabilities organised by the National Human Rights Institutions or the Institute of Judicial and Legal Studies.

Liberty and security of the person (art. 14)

Reply to paragraph 12 (a) of the list of issues

116. A person may be admitted to a centre only if he/she suffers from a mental disorder requiring admission, and he/she or his/her next of kin consents to the admission. Where a person is unable to give his/her consent and his/her next of kin cannot be traced or refuses to give consent, the treating psychiatrist forthwith submits a treatment plan forthwith to the Commission for approval before any treatment is given.

117. Forced treatment or admission is effected only in cases where the person constitutes a danger for the safety of himself or other persons as a consequence of a mental disorder. Where the person has not consented to his admission and treatment, within 24 hours of his admission in a declared mental health care centre, the Superintendent or other person in charge of the centre has to forward to the Magistrate of the District where that patient ordinarily resides a copy of the admission report with a request for validation of the admission.

118. Furthermore, no treatment by way of psychosurgery or electroconvulsive therapy or any non-psychiatric treatment shall be administered to any person without the informed consent of the person and the consent of his next of kin and the advice of the treating psychiatrist.

119. The Mental Health Care Act was amended in 2019 to enhance the legal framework for the proper functioning of mental health care centre to inter alia prevent prolonged hospitalisation and institutionalisation of persons with disabilities. The Mental Health Commission and the Managerial Committee, which are set up under the Act, are responsible to ensure that no patient is admitted against his/her will. In this regard, the Commission conducts inquiries into cases where patients have been admitted or are being kept into a centre against his/her will. The Managerial Committee is also responsible for reviewing matters relating to the involuntary admissions, treatment, leave, discharge and continued treatment of patients. The Mental Health Commission also oversees the Managerial Committee from which it receives quarterly reports to make sure that there is no abuse of the person's rights. Where the Commission or the Managerial Committee are satisfied that the condition of the patient is such that his/her continued stay for treatment in the centre is no longer necessary, the patient shall be discharged as soon as reasonably practicable.

120. Furthermore, the Act provides for an automatic reviewing process, whereby the Commission reviews the case of every patient at its first meeting after the admission; every fortnight thereafter for 3 months; every 4 months thereafter for 3 years; and once a year subsequently. On review, the Commission determines whether the continued stay of the patient is necessary and whether the treatment and living conditions of the patient are satisfactory. The result of the review is communicated to the patient or his/her next of kin.

121. Where it is satisfied that the patient does not represent any danger to himself and to others and adequate family or community support is available for him/her, the Commission and the Managerial Committee may grant leave to him/her for a period of 3 months.

122. Individual treatment plans are drawn by a psychiatrist for each admitted patient, and submitted to the Commission or Committee for approval. The patient or his/her next of kin may participate in the formulation of the treatment plan.

123. Families and next of kin are made to understand that admission is required when patients are unwell, but that they should be taken home upon discharge. The rights of the persons with mental disabilities have always been at the centre of the Mental Health Care Act. The rights of persons with disabilities are emphasised during working sessions and continuous professional development programmes for doctors, nurses and allied professionals working in the mental health sector. An extract of the Mental Health Act is at Annex VII.

Reply to paragraph 12 (b) of the list of issues

124. The training provided to new recruits of the Mauritius Police Force and the Mauritius Prison Service includes a module on human rights. The training also covers the Convention on the Rights of Persons with Disabilities. Moreover, police officers already in post are regularly called upon to attend training on human rights.

125. Staff working in the field of justice also attends training sessions, workshops and seminars on the rights of persons with disabilities.

126. Training on the rights of persons with disabilities is also an integral part of the curriculum for the training of all health personnel.

127. Moreover, the Ministry of Social Integration, Social Security and National Solidarity in collaboration with the Mauritius Institute of Health and the Mauritius Institute of Training and Development have developed training programmes for prospective carers. They are trained on how to better care to Persons with disabilities. For the financial year 2018–2019, 30 carers successfully completed the formal carers' course. For the financial year 2019–2020, 43 persons have been enrolled and are presently following the formal carers' course.

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

Reply to paragraph 13 of the list of issues

128. Section 7 (1) of the Constitution of Mauritius stipulates that “No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.”

129. Mauritius does not perform any forced treatment or forced sterilization on any person with or without disabilities.

130. The Ministry of Health and Wellness has an established protocol for the treatment of any individual in public hospitals. Any individual who refuses treatment advised by a medical practitioner, has a right to do so by signing a form stating that he/she is refusing to undergo any treatment at his/her own risks and perils.

131. It is apt to note that as per section 235A of the Criminal Code, a termination of pregnancy can only be carried out in specific circumstances and with the informed consent of the pregnant person. Where the person is severely mentally disabled to such an extent that she is incapable of understanding the nature of, or the consequences of undergoing the treatment to terminate her pregnancy, her pregnancy may be terminated upon the request and informed consent of her partner, spouse, parents or legal guardian. Furthermore, it is an offence to coerce, intimidate, compel or induce a pregnant person to undergo treatment to terminate a pregnancy against her will. Any person who contravenes this section of the Code is liable on conviction to imprisonment for a term not exceeding 5 years and a fine not exceeding Rs. 100,000.

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

Reply to paragraph 14 of the list of issues

132. The following table shows the number of cases of all forms of violence against persons with disabilities that have been lodged in courts for the year period 2015–2020:

<i>Number of cases of all forms of violence against persons with disabilities</i>		
<i>Year</i>	<i>No. of cases investigated</i>	<i>No. of Prosecutions and Convictions</i>
2015	8	3
2016	15	3
2017	17	3
2018	5	1
2019	13	3
2020 (Jan–July)	3	0

Source: Supreme Court.

133. The table hereunder depicts the number of registered complaints made to the police regarding all forms of violence against persons with disabilities for period 2015 to 2019:

<i>Number of cases of all forms of violence against persons with disabilities</i>			
<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2015	0	0	0
2016	1	1	2
2017	1	3	4
2018	2	2	4
2019	4	4	8
2020 (Jan–July)	2	4	6

Source: Mauritius Police Force.

134. With a view to facilitating the reporting of cases of violence on persons with disabilities, several mechanisms have been set up. The Child Services Unit has a free hotline for the reporting of cases of abuse of children, including children with disabilities. Moreover, several Child Watch Cells are in operation around the island. They are composed of voluntary social workers who report on cases of abuse against children, including children with disabilities.

135. Other Units of the Mauritius Police Force, namely the Police Family Protection Unit, the Crime Prevention Unit, the Brigade des Mineurs and the Traffic Branch work in close collaboration with other stakeholders to ensure timely intervention in reported cases.

136. Awareness campaigns and sensitisation campaigns are conducted by the Crime Prevention Unit in all the institutions dealing with persons with disabilities.

137. It is to be noted that data on cases of violence against persons with disabilities are reported and collected in a gender-based manner at the Ministry of Gender Equality and Family Welfare and other departments but not according to disabilities. Needful has been done vis-à-vis all concerned institutions which look after cases of violence against persons with disabilities to collect data by disability. In this respect, the Ministry of Gender Equality and Family Welfare is presently reviewing its questionnaire for data collection whereby provision is being made to capture statistics on cases of victims with disabilities.

138. All persons with disabilities who are allegedly victims of violence are provided with necessary support including counselling, psychological services, legal assistance and any other specialised facilities.

Reply to paragraph 15 (a) of the list of issues

139. The State of Mauritius does not tolerate exploitations, violence, abuse and harmful practices against women and children including those with disabilities.

140. The Mental Health Care Act provides for the setting up of the Mental Health Board, which is responsible for the protection of patients' rights. The Mental Health Commission, which is also established under the Act, carries out investigations into any breach or suspected breach of discipline, professional misconduct and violation of human rights or patients' rights.

141. Under the Protection from Domestic Violence Act, victims of gender-based violence, including women and children with disabilities, may apply for the following orders: Protection Order, Tenancy Order Ancillary Order and Occupation Order. In 2016, the Act was amended to broaden the definition of domestic violence to include stalking, insulting, psychological, sexual and economic abuse and wilfully inflicting or attempting to inflict a wound or blow.

142. The Child Protection Act was amended in 2008 with respect to sexual offences on children with mental impairment. Section 18 (5)(a) provides for penal servitude for a term not exceeding 30 years on conviction for the offences relating to child sexual abuse and child pornography under sections 14 and 15 of the Child Protection Act respectively.

143. We do not have any traditional harmful practices in the state of Mauritius.

144. As regards corporal punishment, the forthcoming Children's Bill proposes to prohibit corporal punishment in all settings.

Reply to paragraph 15 (b) of the list of issues

145. Several measures have been taken by the Ministry of Gender Equality and Family Welfare to provide psychological support to victims of violence and abuse including persons with disabilities so as to enable them to overcome emotional and psychological trauma related to abuse or violence. Support is also provided at their residence in case they are unable to attend the outstation.

146. The Ministry of Gender Equality and Family Welfare has enlisted the services of a Psychiatric Nurse since January 2019, especially to assist the residents with specific mental health issues placed in Shelters and Residential Care Institutions. The officer forms part of a

multi-disciplinary team attending to emergency cases and monitoring residents, especially those suffering from psychiatric problems.

147. The Ministry of Gender Equality and Family Welfare in collaboration with the “Association des Handicapés de Malherbes”, a non-governmental Residential Care Institution is also providing accommodation and care to disabled children who have been victims of violence and abuse. This institution is well-equipped and has properly trained staff to cater for the special needs of the residents. Currently, 29 disabled children who have been victims of violence are placed thereat.

Reply to paragraph 15 (c) of the list of issues

148. The Ministry of Gender Equality and Family Welfare has a team of Family Welfare and Protection Officers and Enforcement Officers dedicated towards conducting regular monitoring visits at the Shelters and Residential Care Institutions where children under court orders are placed. The team ensures that these places uphold the highest quality of care and service provision to all children therein, in line with the Child Protection Act and the Child Protection (Place of Safety for the Welfare and Protection of Children) Regulations 2019. A reporting system has also been developed.

149. Licences to operate Residential Care Homes are issued by the Residential Care Home Board which operates under the aegis of the Ministry of Social Integration, Social Security and National Solidarity for an initial period of 12 months and thereafter it is renewed on a yearly basis subject to satisfying the conditions of the Residential Care Homes Act and Residential Care Homes Regulations 2005 which stipulates, inter alia:

- (a) The building and amenities should be suitable for the purpose for which the licence is being sought or renewed;
- (b) The number of staff as required for the type of service proposed, should be adequate and they should possess the appropriate qualifications;
- (c) The applicant should hold the necessary clearances from relevant Authorities.

150. On receipt of an application, the Board inquires and consults such persons or authorities as necessary to ascertain whether the applicant is a fit and proper person to be granted a licence. A licensee cannot employ a person or allow a person to work as volunteer unless the latter is a fit and proper person to act as such. All licensees are further required to keep the Board informed of:

- (a) The death of any resident and of the circumstances of his death;
- (b) The outbreak of any infectious disease on the licensed premises;
- (c) The unexplained absence of any resident;
- (d) Any serious injury to any resident;
- (e) Any serious illness of a resident at licensed premises where nursing is not provided;
- (f) Any event in the licensed premises which affects the well-being or safety of any resident;
- (g) Any theft, burglary, fire, or serious accident which occurs on the licensed premises; and
- (h) Any allegation of misconduct made against any person who works on the licensed premises.

151. CCTV Cameras have been installed in all Private Homes and Charitable Institutions to further enhance security. Moreover, the number of Inspectors who inspect homes to ensure compliance have been increased from thirty-five (35) to about 400. These Inspectors are required to carry out regular inspections in Charitable Institutions and Private Homes to ensure compliance with the Act and Regulations.

152. All shortcomings identified during inspection visits are brought to the attention of the Officer in Charge of the Homes before consideration is given for the renewal of licence.

153. There are also 26 Elderly Watch Committees around the island, including Rodrigues, which sensitize the community regarding services and facilities that are available to the elderly including persons with disabilities.

154. In line with the vision of the State of Mauritius of making the country safer for all citizens including persons with disabilities, a Safe City Project was launched in 2019. The project comprises the installation of 4,000 intelligent surveillance cameras, 4,500 trunking smart handsets, 350 vehicle-mounted radios and 150 fixed desktop terminals to be installed in Police Stations. This project provides for an integrated and advanced technological system to ensure safety and security of the public in general in the Republic of Mauritius.

Reply to paragraph 16 of the list of issues

155. The Republic of Mauritius is party to the Convention on the Elimination of Discrimination Against Women (CEDAW). The Constitution of Mauritius provides for protection from discrimination and states that no law shall make any provision that is discriminatory either of itself or in its effect. As such, all legislations, including laws addressing gender-based violence, cater for girls and women including those with disabilities.

156. The Equal Opportunities Act also provides for protection from direct and indirect discrimination on the ground of a person's status, which includes a person's impairment (except in limited circumstances), as well as discrimination by victimisation. Any aggrieved person, including persons with disabilities, may lodge a complaint with the Equal Opportunities Commission as provided under section 28 of the Act, setting out the details of the alleged discrimination.

157. The provisions of the Protection from Domestic Violence Act apply indiscriminately between the sexes, and therefore protect women and girls with disabilities. All legislative and policy measures initiated in favour of women's rights apply equally to women with disabilities.

Protecting the integrity of the person (art. 17)

Reply to paragraph 17 of the list of issues

158. A person may be admitted to a declared mental health care centre if he suffers from a mental disorder requiring admission and he or his next-of-kin consent to the admission. Where the person has not consented to his admission and treatment, within 24 hours of his admission to a declared mental health care centre, the Superintendent or other person in charge of the centre has to forward to the Magistrate of the District where that patient ordinarily resides, a copy of the admission report with a request for validation of the admission. In this context, the Mental Health Care Act was amended in 2019 in order to enhance the legal framework for the proper functioning of mental health care centres to, inter alia, prevent indefinite and prolonged hospitalisation of any individual.

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

Reply to paragraph 18 (a) of the list of issues

159. Persons with disabilities are free to exercise their rights on where and with whom to live, on an equal basis with others.

160. Article 494 of the Code Civil provides for protection regime for persons with physical or mental disabilities, as detailed above. It is to be noted that this regime is aimed towards the protection of the person with disabilities, and before reaching any decision on the issue, social enquiries are usually carried out to determine where the best interests of the person lie as well as whether the guardian and sub-guardian are apt to fulfil their responsibilities under the Civil Code in respect of the person concerned.

161. Moreover, under section 19 of the Equal Opportunities Act, no person shall discriminate against another person in the provision of accommodation. Section 18 of the Act also provides that a person who provides goods, services or facilities, which includes

accommodation in a hotel, guest house or similar establishment, cannot discriminate against another person by refusing or failing to provide him with those goods, services or facilities, or, in the terms or conditions on which, or the manner in which, he provides that other person with those goods, services or facilities.

162. The Civil Status Office is disability-friendly and persons with disabilities can easily access its services, including celebration of marriages. Moreover, specialised services are put at their disposal including services of sign language interpreters. As regards celebration of marriages, same can be celebrated at the Civil Status Office or a place of their choice.

Reply to paragraph 18 (b) of the list of issues

163. The Ministry of Gender Equality also works in collaboration with the Ministry of Health and Wellness to prevent institutionalisation of persons with disabilities. Reinsertion in the family or in a shelter is encouraged at the earliest possible once the situation of crisis is over.

164. The Back-to-Home programme was set up by the Ministry of Gender Equality and Family Welfare in October/November 2018. The main objective of the Programme is to reintegrate children who are placed in Shelters/Residential Care Institutions into a family setting by empowering their parents or next-to-kin to better care for them.

165. From July 2018 to January 2020, 143 children, including a child who suffers from cognitive and speech disorders have returned to the homes of their biological families/next-of-kin.

166. The Foster Care Section of the Ministry of Gender Equality and Family Welfare aims to give children who are placed under court order in Shelters/Residential Care Institutions the opportunity to live in a substitute family on a temporary basis. Such children cannot usually be re-inserted into their biological families. From 2009 till January 2020, 117 children have been placed in 108 foster families.

167. The Ministry of Gender Equality and Family Welfare is proposing to consolidate further the Foster Care System so that a greater number of children with disabilities is placed into Foster Care. The concept of Foster Care is yet to be instilled in the Mauritian culture. The tendency presently is more for adoption.

168. The Ministry of Gender Equality and Family Welfare ensures that children with disabilities who are re-integrated within a family setting receive the best possible care. Referrals are made to relevant stakeholders, including the Ministry of Social Integration, Social Security and National Solidarity for social grants and other aid.

Personal mobility (art. 20)

Reply to paragraph 19 of the list of issues

169. To ensure that they are benefitting from equal opportunities and to facilitate their personal mobility, persons with disabilities are given the opportunity to be holder of driving licences. Their tests are carried out in vehicles adapted to their disability in order to avoid discrimination.

170. With a view to encouraging personal mobility of persons with disabilities, full duty free facilities are provided to them if they satisfy the criteria to purchase adapted cars.

171. Since the year 2018, 100% duty free facilities on adapted and normal cars are being granted to persons with disabilities and to parents having children with severe disabilities, compared to 85% duty free which was given to them prior to the year 2014.

172. A series of other services are provided to persons with disabilities to facilitate their personal mobility. These include inter-alia:

- (a) Free travel bus-pass and metro e-card;
- (b) Refund of bus and taxi fares;

- (c) Wheelchairs;
- (d) Walking sticks, elbow crutch, hearing aids, spectacles, concessionary air-fare;
- (e) Other assistive devices; and
- (f) Dedicated parking facilities.

173. The table below shows statistics with regard to the services provided by the Ministry of Social Integration, Social Security and National Solidarity to enhance the personal mobility of persons with disabilities from year 2015 to 2019.

<i>Services provided</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Beneficiaries of free parking coupons	180	190	222	240	246
Beneficiaries of refund of taxi fares	3	3	4	3	30
Beneficiaries of 20% rebate on the cost of air tickets on Air Mauritius flight	15	20	22	25	30
Beneficiaries of refund of bus fares to accompanying parents	1 600	1 600	1 500	1 700	1 700
Special Loan for persons with disabilities	8	13	12	15	15
Duty-free facilities to purchase cars	12	16	20	34	63

Source: Ministry of Social Integration, Social Security and National Solidarity.

174. Additionally, there are around 56 parking slots reserved for persons with disabilities around the island. The Ministry of Social Integration, Social Security and National Solidarity carries out regular crackdown operations to ensure that the rights of persons with disabilities are respected and that no unauthorised persons occupy those designated parking spaces.

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

Reply to paragraph 20 (a) of the list of issues

175. The Ministry of Social Integration, Social Security and National Solidarity has set up a website on disability with the main objective to provide persons with disabilities and other users a specific portal on the disability sector in Mauritius. Through this website, persons with disabilities can apply online for a number of services provided by the Ministry, and at the same time they can have access to other related information. The website is enhanced with special features such as magnifier, high contrast and colour filters for persons with visual impairment. The link to the website on disability is <http://disability.govmu.org>.

176. Paragraph 76 refers.

177. Section 23 of the Copyright Act authorises the reproduction of published works, without the consent of the author and subject to certain conditions, in accessible format for the benefit of persons with visual impairment and those who are print disabled. The Marrakesh Treaty will soon be acceded to as it will facilitate access to published works for persons who are blind or visually impaired in line with the Marrakesh Treaty.

178. In 2016, a digital version of the second volume of the Mauritian Sign Language digital dictionary was launched. Around 1,200 new signs have been compiled in the 2nd Volume of the Dictionary.

179. To ensure better digital inclusion of vulnerable groups, including persons with disabilities, Government has, in the Budget 2019/2020, made provision for some 11,000 families who are on the Social Register of Mauritius (SRM) to benefit from free access to Broadband Internet.

180. The National television station, the Mauritius Broadcasting Corporation, in collaboration with the Ministry of Social Security provides an 8 to 10-minute news bulletin

in Mauritian Sign Language. Over and above this, during the lockdown period, a comprehensive video in Mauritian Sign Language was also launched and broadcast by the Mauritius Broadcasting Corporation on a daily basis to sensitize people with hearing impairment on COVID-19.

181. Ongoing campaigns on health issues such as dengue, chikungunya and others are projected on the National TV in Mauritian Sign Language in collaboration with the Ministry of Health and Wellness and the Mauritius Broadcasting Corporation.

182. During the general elections voting procedures are also explained using the Mauritian Sign Language on the national Television.

183. The Ministry of Education, Tertiary Education, Science and Technology has procured 58 Personal Computers built-in with Screen Reader and Screen Magnifier Software which have been distributed to all students with Visual Impairment for accessing training and information as per their respective needs.

184. Around 21 Braille displays were distributed to blind students which allow them to read information from their computer screen. Moreover, the Ministry of Education, Tertiary Education, Science and Technology is in the process of procuring Braille Note for blind students in secondary schools so that they can access information easily.

Reply to paragraph 20 (b) of the list of issues

Promotion of training of sign language interpreters

185. The Society for the Welfare of the Deaf is mandated, by virtue of the Society for the Welfare of the Deaf Act, to ‘ erect, open and manage training centres, schools and hostels for deaf persons’.

186. The Association de Parents de Déficiants Auditifs, a non-governmental organisation, offers training of sign language interpreters and also provides sign language interpretation services for deaf persons. Around six persons have been trained as live interpreters by the Society for the Welfare of the Deaf. Seven persons with hearing impairment have also been trained to act as interpreters and three among them already work for the Mauritius Broadcasting Corporation to present the weekly news bulletin in Mauritian Sign Language.

187. The Mauritius Institute of Education (MIE) which provides training to teachers at the pre-primary, primary, secondary and tertiary level, has incorporated, the basics of Mauritian Sign Language and hearing impairment in the teacher training foundation courses and the other courses for Special Education Needs sector.

Provision of sign language interpretation services for deaf persons

188. Section 14 Courts Act provides that before the Supreme Court, a person who is required to give evidence (whether as a party or witness), may give his evidence in the language which he is best acquainted with. Thus, where a witness in proceedings is unable, on account of a disability to give evidence in English, French or Creole, the Court will have recourse to an interpreter. The services of an interpreter will also be provided to an accused party who is unable to understand the proceedings on account of a disability. Sections 31 and 32 of the Courts Act cater for interpreters.

189. The judiciary retains the services of sign language interpreters who have been trained in Mauritian Sign Language to facilitate all persons with hearing impairment during court procedures.

190. The weekly news bulletin is now being broadcast on the channels of the Mauritius Broadcasting Corporation, the national television station, in Mauritian Sign Language.

191. Children with hearing impairment are provided with specialised teachers/interpreters in mainstream secondary schools with the active collaboration of NGOs. Those specialised teachers/interpreters also assist them for examinations.

Respect for home and the family (art. 23)**Reply to paragraph 21 (a) of the list of issues**

192. 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 is not a practice in Mauritius. Provision has been made in the Child Protection Act to allow the court to remove children from the custody of parents only when the Permanent Secretary of the Ministry of Gender Equality and Family Welfare has reasonable cause to believe that a child is suffering or likely to suffer significant harm or where he has reasonable ground to believe that a child is ill-treated, neglected, abandoned, destitute or otherwise exposed to harm.

193. In cases of separation or divorce, the court grants the provisional custody or the custody of the child to one of the parents depending on where the best interests of the child lies and the right of access and visit to the other.

194. It is to be noted that, in an attempt to support families where a parent or a child may be suffering from a disability of not less than 60% for a period of at least one year, Basic Invalidity Pension and a Carer's Allowance are provided to them. They may also benefit from the following:

- (a) Child allowance;
- (b) Free domiciliary medical visits;
- (c) Refunds of the bus fares to accompanying parents of students with disabilities attending NGOs and mainstream schools;
- (d) Refunds of the taxi fares to students with severe disabilities attending mainstream schools and universities; and
- (e) Duty-free facilities to purchase adapted cars.

195. All these facilities are designed to promote the well-being of such families.

Reply to paragraph 21 (b) of the list of issues

196. Every child has the right to benefit from Social Security. The State of Mauritius provides Social Security including financial support and other benefits to families in need of assistance.

197. The Ministry of Social Integration, Social Security and National Solidarity provides financial assistance such as Basic Invalidity Pension and carer's allowance to support persons with disabilities and their families in catering for their needs.

198. Financial help is also provided under the Social Aid Scheme to parents having children with disabilities.

199. Parents in receipt of social aid from the State are entitled to financial assistance for the education of their children including children with disabilities and for the payment of examination fees for a second sitting. There is free transport for students irrespective of the type of disability. Furthermore, families with persons with disabilities are also provided inter-alia the following services:

- (a) Refunds of the bus fares to accompanying parents of students with disabilities attending NGOs and mainstream schools;
- (b) Refunds of the taxi fares to students with severe disabilities attending mainstream schools and universities. Following a budgetary measure announced in 2019/2020, this refund has now been extended to students attending primary and secondary institutions also;
- (c) Since the year 2018, 100% duty free facilities on adapted and normal cars are being granted to persons with disabilities and to parents having children with severe disabilities compared to 85% duty free which existed prior to the year 2014; and

(d) Special loan schemes provided by the Employee Welfare Fund at a very low interest rate.

200. Information about the abovementioned services is available on the website of the Ministry of Social Integration, Social Security and National Solidarity, and is also disseminated through pamphlets, talks and other awareness-raising initiatives.

Education (art. 24)

Reply to paragraph 22 (a) of the list of issues

201. The Ministry of Education, Tertiary Education, Science and Technology has come up with a revised Policy Framework and Strategy Document for the Special Education Needs Sector. It focuses more on Inclusive Education for Children and Youth with Special Education Needs (SEN) in Mauritius and is also in line with the policy directions of the Sustainable Development Goals and the National Curriculum for Nine Years of Continuous Basic Education.

202. In line with the above policy, the Special Education Needs Authority Act was enacted on 21 November 2018 and proclaimed on 19 December 2018. This Act provides for a regulatory framework for learners with special education needs and for the setting up of an institutional body, the Special Education Needs Authority which is responsible for:

(a) Monitoring and facilitating the implementation of special education needs policies of the Government;

(b) Advising the Minister on the formulation of policies and on the criteria for the registration of

(i) Special education needs institutions;

(ii) The teaching and non-teaching staff, and any other resource person, of special education needs institutions;

(c) Providing guidelines for the design and development of curriculum for special education needs; and

(d) The harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs, in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

203. In recent years, a number of measures have been taken by the Government to improve the Special Education Needs sector. Details of these measures are at Annex VIII.

Reply to paragraph 22 (b) of the list of issues

204. The Mauritius Institute of Education (MIE) is responsible for the training of teachers in mainstream pre-primary, primary and secondary schools in the Republic of Mauritius. The mandate of the MIE is also to engage in educational research, curriculum development and to raise awareness on the values and principles of inclusive education.

205. Moreover, the MIE provides ongoing training to special needs education teachers. The Ministry of Education, Tertiary Education, Science and Technology in collaboration with the MIE and the Centre International d'Etudes Pédagogiques (CIEP) has started a collaborative programme for the training of trainers at the MIE as well as in Reunion Island to empower participants in the context of inclusive education. The main objective of the training programme is to build capacity among staff from different sectors of education. The duration of the training is expected to be 3 years. Reading materials in large print and books in Braille are provided. This is being done phase-wise. Twenty-four participants including SEN educators, educational psychologists, educators at pre-primary and secondary schools have been roped in to follow the Training of Trainers Programme. These participants will act as facilitators to train around 125 educators in the education system in Mauritius.

206. The MIE also runs the following courses for the SEN sector:

- (a) Post graduate Diploma in Special Education (PGDISE);
- (b) Certificate in Special Education for Teachers working in the SEN Sector including NGOs;
- (c) Diploma in SEN;
- (d) Diploma in Inclusive and Special Education for Primary school teachers;
- (e) Educators' License in Special Education for Teachers already working in SEN schools (ELSEN).

207. The budget allocation for the Grant-in-Aid to the Special Needs Education (SEN Unit) of the Ministry of Education, Tertiary Education, Science and Technology has increased from Rs 61.2 million (USD 1.53 million) in 2015 to Rs 138 million (USD 3.45 million) in 2020. Following a budgetary measure announced in 2020/2021, the Government has made provision for a one-off grant of Rs 100,000 (USD 2500) to some 53 Special Education Needs (SEN) schools run by NGOs to help them improve their learning environment.

Reply to paragraph 22 (c) of the list of issues

208. The Ministry of Education, Tertiary Education, Science and Technology provides Personal Computers (PC) fitted with Screen Reader and Screen Magnifier Software to all students with visual impairment. These PCs enable these students to follow the curriculum more easily. Braille displays were also distributed to blind students in Mauritius.

209. Classrooms have been digitalised through innovative ICT equipment (Sankoré project) so as to enhance the teaching/learning experience of student with disabilities. The Ministry of Education is also providing Braille Note for visually impaired students at secondary level.

210. It should be noted that with a view to assisting students with disabilities who attend mainstream schools at all levels, the Ministry of Social Integration, Social Security and National Solidarity, provides the following assistance:

- (a) Provision of wheelchairs, spectacles and hearing aids to students with disabilities;
- (b) Refunds of travelling expenses to accompanying parents of children with disabilities;
- (c) Refunds of the taxi fares to students with severe disabilities;
- (d) Duty free facilities to parents for the purchase of cars for conveyance of their children to schools and other places;
- (e) Payment of examination fees for a second sitting to students whose parents are eligible for social assistance from the state; and
- (f) Scholarships for the benefit of students with disabilities in mainstream schools to pursue their studies.

211. Moreover, in 2016, Government launched a special scholarship scheme for students with disabilities who are pursuing tertiary studies locally. The scholarship covers course fees and provides a monthly stipend of Rs. 5,000 (USD 125). Several additional measures have also been initiated to assist in the education of students with disabilities. As at date, there are 15 students with disabilities who have benefited from the scholarship. The details of the students are at Annex IX.

Reply to paragraph 23 of the list of issues

212. In view of the fact that education is compulsory up to the age of 16, the majority of children attend mainstream schools. Some children with severe disabilities attend either Integrated Units or Special Needs Resource and Development Centres run by the Ministry of Education, Tertiary Education, Science and Technology or specialised schools run by NGOs.

213. Several measures have been implemented at the level of the Ministry Education, Tertiary Education, Science and Technology for the revision of pedagogical facilities for learners with disabilities. The main ones are:

- (a) The provision of adapted textbooks for learners with visual and hearing impairment;
- (b) The provision of personal computers fitted with screen readers and screen magnifier software for visually impaired learners;
- (c) The provision of brail displays for blind learners;
- (d) The support of assistant teachers as well as carers;
- (e) Extra assistance from the educators and support teachers;
- (f) The provision of assistance for reading and writing assessment and examinations as well as provision of extra time when asked for;
- (g) Assistance of specialist teachers, interpreters for learners with hearing impairment in secondary schools and for examination purposes as well, and
- (h) Provision of adapted furniture and wheelchairs when asked for.

214. For the year 2019, 2,790 children with disabilities were attending 54 Specialised Schools in Mauritius. One hundred and ninety students with disabilities were attending Special Education Needs Resource and Development Centres while ninety students were attending Integrated Units in mainstream primary schools.

215. Furthermore, with a view to promoting training and employment of persons with disabilities, the Training and Employment of Disabled Persons Board (TEDPB) is working in close collaboration with the Mauritius Institute of Training and Development (MITD) to provide vocational training. Currently, trainees with disabilities are following housekeeping and waiter training courses through the MITD at "Ecole Hôtelière Sir Gaetan Duval". The support of the private sector is also being sought to provide training to persons with disabilities.

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

Reply to paragraph 24 (a) of the list of issues

216. Health care services for all specialisations including sexual and reproductive healthcare provided free of charge to all citizens of the State of Mauritius. Persons with disabilities also enjoy the same health care services.

217. Moreover, there is no disparity in services provided in urban and rural areas. Persons with disabilities actually benefit from priority health care services in all public hospitals.

218. Free domiciliary medical visits on a monthly basis are provided to all bedridden and persons with severe disabilities irrespective of age by the Ministry of Social Integration, Social Security and National Solidarity. In this respect, the services of 250 medical practitioners have been enlisted on a sessional basis.

219. Private paid health services are also accessible to all citizens including persons with disabilities.

Reply to paragraph 24 (b) of the list of issues

220. As indicated above, in Mauritius, health care services in public health institutions are free of charge for all citizens including persons with disabilities. The matter of medical expenses arises only in private health care institutions. Furthermore, the onus of having a health insurance and the premium to be paid lies on the individuals and the companies providing the health insurance scheme.

221. The Ministry of Health and Wellness also provides financial assistance of Rs 1,000,000 (USD 25,000) for treatment abroad. In addition, the National Solidarity Fund,

under the aegis of the Ministry of Social Security, National Solidarity and Social Integration provides further financial assistance to beneficiaries whose treatment cost exceeds the amount provided by the Ministry of Health and Wellness. The National Solidarity Fund refunds 50% of the excess amount up to a maximum of Rs 200,000 (USD 5,000). This scheme is also available to children with disabilities.

Reply to paragraph 24 (c) of the list of issues

222. The Ministry of Social Integration, Social Security and National Solidarity provides rehabilitation services to all children suffering from Muscular Dystrophy and those attending SEN Schools. Physiotherapy and occupational therapy services are also provided to persons with disabilities in all the charitable institutions. Habilitation and rehabilitation services are also offered free of charge by various organisations such as Lois Lagesse Trust Fund, Association de Parents d'Enfants Inadaptés de l'Ile Maurice(APEIM), Society for the Welfare of the Deaf, Lizié dan la Main and Association de Parents de Déficients Auditifs. Details on the organisations and their objectives are at Annex X.

223. The Ministry of Health and Wellness also carries out the Community Based Rehabilitation (CBR) of regular and ongoing outreach and community based rehabilitation services for persons with disabilities. A total of 224,098 regular visits have been effected for the period 2015 to mid-July 2020 by CBR officers around the island.

Work and employment (art. 27)

Reply to paragraph 25 (a) of the list of issues

224. According to the last Census conducted in 2011 by Statistics Mauritius, it was reported that 8,435 persons with disabilities were employed in the State of Mauritius in different industries of the open labour market. The population census which will be carried out in the year 2021 will provide an updated figure of the number of persons with disabilities in employment in both the public and private sectors.

225. The table illustrates the number of employed persons with disabilities aged 16 years and above by industry and gender:

Employed disabled population aged 16 years and above by industry and sex, 2011
Population Census – Republic of Mauritius

Industry	Persons employed			% distribution		
	Male	Female	Both sexes	Male	Female	Both sexes
Agriculture, forestry and fishing	769	307	1,076	13.0	12.1	12.8
Mining and quarrying	18	3	21	0.3	0.1	0.2
Manufacturing	965	569	1,534	16.4	22.4	18.2
Electricity, gas, steam and air conditioning supply	31	4	35	0.5	0.2	0.4
Water supply; sewerage, waste management and remediation activities	34	5	39	0.6	0.2	0.5
Construction	938	18	956	15.9	0.7	11.3
Wholesale and retail trade; repair of motor vehicles and motorcycles	817	369	1,186	13.9	14.5	14.1
Transportation and storage	494	26	520	8.4	1.0	6.2
Accommodation and food service activities	308	184	492	5.2	7.2	5.8
Information and communication	65	27	92	1.1	1.1	1.1
Financial and insurance activities	64	45	109	1.1	1.8	1.3
Real estate activities	19	7	26	0.3	0.3	0.3
Professional, scientific and technical activities	109	18	127	1.8	0.7	1.5
Administrative and support service activities	287	104	391	4.9	4.1	4.6
Public administration and defence; compulsory social security	344	71	415	5.8	2.8	4.9
Education	200	162	362	3.4	6.4	4.3
Human health and social work activities	137	132	269	2.3	5.2	3.2
Arts, entertainment and recreation	59	16	75	1.0	0.6	0.9
Other service activities	87	50	137	1.5	2.0	1.6
Activities of households as employers	133	422	555	2.3	16.6	6.6
Activities of extra territorial organisations and bodies	2	-	2	0.0	0.0	0.0
Activities not stated	13	3	16	0.2	0.1	0.2
All Activities	5,893	2,542	8,435	100.0	100.0	100.0

Source: Statistics Mauritius.

226. The Equal Opportunities Act affords protection against discrimination for persons with disabilities (except in prescribed limited circumstances) in the job advertising, selection and recruitment process. It also prohibits discrimination in job training programmes. Following the amendments to the Training and Employment of Disabled Persons Act in 2012, employers who have a workforce of 35 or above are required to employ 3% of persons with disabilities. Failure to do so entails a statutory monthly contribution of Rs 4,000 (USD 100) for each person with disabilities not yet recruited. Furthermore, the amended Act provides for a Hearing Committee to examine cases of non-compliant employers. Furthermore, the Act provides that in case of prosecution before a Court of law, the non-compliant employer is liable to a fine not exceeding Rs 75,000 (USD 1875) or to imprisonment for a term not exceeding 6 months.

227. The Ministry of Social Integration, Social Security and National Solidarity is currently in the process of revamping the TEDPB. As part of this exercise, the database of persons with disabilities is being updated. In August 2020, a sensitisation campaign was carried out in newspapers, on the radio and through social media. The assistance of NGOs working with persons with disabilities was solicited to facilitate the registration process.

228. In the same vein, a new register of employers has been created and they have been requested to register themselves with the TEDPB.

229. As part of the revamping process, the TEDPB is working in close collaboration with the Mauritius Institute of Training and Development (MITD) to provide vocational training. Currently, trainees with disabilities are following housekeeping and waiter training courses through the MITD at “Ecole Hotelière Sir Gaetan Duval”. The support of the private sector is also being sought to provide training to persons with disabilities.

230. With a view to promoting employment of persons with disabilities, the Ministry of Labour, Human Resource Development and Training provide jobseekers with disabilities opportunities to participate in training programmes such as Youth Employment Programme, Back to Work Programme and Dual Training Programme. Upon request from employer’s perspectives, list of registered jobseekers, including persons with disabilities, are extracted through job matching on the Labour Market Information System (LMIS) and submitted to employers. No discrimination is made against person with disabilities.

231. The table below provides information regarding placement of unemployed persons with disabilities registered with the Employment Information Centres of the Ministry of Labour, Human Resource Development and Training during period January 2012 to date.

232. As regard to the number of persons with disabilities who are seeking employment, the table hereunder gives an indication on the number of registrations received by the Ministry of Labour, Human Resource Development and Training for the period 2012 to August 2020.

Year	<i>Persons with Disabilities who are not in employment</i>			<i>Persons with Disabilities who are already in employment</i>			Grand Total
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	
2012	3	6	9		3	3	12
2013	1	11	12	1	7	8	20
2014	4	13	17	3	5	8	25
2015	6	16	22		5	5	27
2016	12	15	27	2	5	7	34
2017	7	5	12	1	3	4	16
2018	6	12	18	1	3	4	22
2019	6	10	16	1	1	2	18
2020	6	16	22		1	1	23
Grand total	51	104	155	9	33	42	197

Source: Ministry of Labour, Human Resource Development and Training.

Reply to paragraph 25 (b) of the list of issues

233. The Equal Opportunities Act, the Equal Opportunities Tribunal and the Workers’ Rights Act provide for protection against discrimination. Details are at Annex XI.

Reply to paragraph 25 (c) of the list of issues

234. Following the amendments to the Training and Employment of Disabled Persons Act in 2012, employers who have a workforce of 35 or above are required to employ 3% of persons with disabilities.

235. The Ministry of Social Integration, Social Security and National Solidarity is currently in the process of revamping the TEDPB. As part of this exercise, in August 2020, a new register of employers has been created and employers have been requested to register with the TEDPB. The TEDPB is also working in close collaboration with private companies to sensitise them and to encourage them to employ persons with disabilities.

236. Under Section 13 of the Training and Employment of Disabled Persons Act, the Board has to set up a Hearing Committee to determine whether an employer cannot reasonably be expected, having regard to the nature of the business, to provide suitable employment to or to create suitable employment opportunities for the employment of persons with disabilities. It is only after the findings and the recommendations made by the Hearing Committee that

any sanction can be taken against the employer, that is a statutory monthly contribution of Rs 4,000(USD 100) per person not employed. In case of non-compliance, the employer will be criminally liable to a fine not exceeding Rs 75,000 (USD1,875) and to imprisonment for a term not exceeding 6 months.

237. Moreover, the Ministry of Social Integration, Social Security and National Solidarity is in process of reconstituting the Hearing Committee.

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

Reply to paragraph 26 (a) of the list of issues

238. There are numerous social protection schemes for persons with disabilities in Mauritius. In line with the National Pensions Act, all persons with disabilities who are under the age of 60 and who suffer from a disability of not less than 60% for a period of at least one year are entitled to a Basic Invalidity Pension. As from December 2019, the Basic Invalidity Pension has increased from Rs 6210 (USD 155) to Rs 9000 (USD 225) per month.

239. Persons with disabilities who need the constant care and attendance of another person are entitled to a carer's allowance. As from December 2019, the carer's allowance has increased from Rs 3,000 (USD 75) to Rs 3,500 (USD 87.5) monthly.

240. Persons with disabilities are also entitled to assistive devices such as wheelchairs, hearing aids, dentures and spectacles.

241. Furthermore, a person who has suffered from an industrial injury resulting in temporary total incapacity benefits from an injury allowance from the National Pensions Fund as from the third week of incapacity. In addition, his employer is under the duty, within 2 weeks of receiving medical evidence of the incapacity, to pay him a compensation for the whole period of the incapacity at the same rate that he was being remunerated at the time the industrial injury occurred.

242. It is worth pointing out that, in order to provide better services to persons with disabilities amongst others, the budget allocated for the financial year 2020–2021 to the Ministry of Social Integration, Social Security and National Solidarity represents 25.48% of the total National Budget.

Reply to paragraph 26 (b) of the list of issues

243. Once the beneficiaries of a Basic Invalidity Pension reach the age of 60, they become entitled to the Basic Retirement Pension amounting to Rs 9,000 (USD 225) which is equivalent to the Basic Invalidity Pension. In case they require the constant care and attention of another person, they continue to benefit from the carer's allowance of Rs 3,500 (USD 87.5). Therefore, persons with disabilities may benefit from a total of Rs 12,500 (USD 312.5) which is greater than the basic minimum wage in Mauritius.

244. In December 2014, Government brought a historic change by raising the Basic Invalidity Pension from Rs 3,267 (USD 81.68) to Rs 5,000 (USD 125) monthly. Since December 2019, this pension has been increased to Rs 9,000 (USD 225) representing an increase of more than 100% over the past 5 years.

245. In addition, persons with disabilities benefit from the following assistance:

(a) Persons above the age of 60 and below the age of 18 who are bedridden, or who suffer from a severe disability, benefit from monthly medical domiciliary visits. Following budgetary measure announced in 2020/2021, the age criterion has been removed. This service has been extended to all bedridden persons and persons with severe disabilities;

(b) The monthly rate for incontinence allowance to persons with severe disabilities and/or bed-ridden persons has been increased two-fold from Rs 450 (USD 11.25) in 2014 to Rs 900 (USD 22.5) in July 2019. The age criterion for benefitting from the incontinence allowance has also been revised. Prior to July 2019, persons with severe disabilities above the age of 75 years were eligible for the allowance. Now the age criterion is 70 years and above;

(c) during the lockdown, instead of carrying out the yearly anti-influenza vaccination exercise in community centres across the island, door to door vaccinations were effected for around 117,000 elderly persons including those with disabilities and some 3000 children with disabilities;

(d) Financial assistance from the National Solidarity Fund; and

(e) Physiotherapy services at community level through the Ministry of Health and Wellness.

246. In the context of the COVID-19 during the lockdown which lasted from 23 March 2020 to 30 May 2020, awareness campaigns, in line with the recommendations of the World Health Organization, were initiated through television, radio, posters, and pamphlets and through the Internet to sensitize the entire population on COVID-19. It should be noted that the national television station, the Mauritius Broadcasting Corporation, in collaboration with the Ministry of Social Integration, Social Security and National Solidarity provided an 8 to 10-minute news bulletin in Mauritian Sign Language. Over and above this, during the lockdown period, a comprehensive video in Mauritian Sign Language was launched and broadcast by the Mauritius Broadcasting Corporation on a daily basis to sensitize people with hearing impairment on COVID-19.

247. With a view to assisting needy people and persons with disabilities, the Ministry of Social Integration, Social Security and National Solidarity distributed 27,000 free food packs to vulnerable persons and persons in receipt of a carer's allowance.

248. In an attempt to better protect elderly persons and persons with disabilities who are beneficiaries of basic pensions and who are usually paid through post offices around the island, the Ministry of Social Integration, Social Security and National Solidarity took the decision to make the payment of pensions at home. This measure concerned around 58,600 persons.

249. During the lockdown/sanitary curfew, arrangements were made for persons with disabilities to have priority access to supermarkets.

250. Government also launched a Wage Assistance Scheme in order to provide financial support to employees of the private sector including employees with disabilities who became technically unemployed due the impact of COVID-19.

251. A Self-Employed Assistance Scheme was also set up to provide financial support to the informal sector including persons with disabilities.

Reply to paragraph 26 (c) of the list of issues

252. Different means of communication are used to inform persons with disabilities of their rights including their right to any financial assistance. Pamphlets and posters are published in French, English and Creole and are distributed through the offices of the Ministry of Social Integration, Social Security and National Solidarity around the island, as well as through NGOs.

253. There are regular talks and sensitisation campaigns carried out by the Ministry of Social Integration, Social Security and National Solidarity and other stakeholders, through social welfare centres and community centres. These talks focus on the rights of persons with disabilities and other vulnerable groups as well as the types of assistance, including financial, provided to them. The Senior Citizens Council, the Citizens Advice Bureaux, the National Human Rights Commission, the Citizens Support Unit, the National Children's Council, the National Women's Council and other NGOs also serve as a platform to disseminate information and raise awareness on the rights, and types of assistance, available to persons with disabilities.

254. Paragraph 76 refers:

- The Society for the Welfare of the Deaf Act also aims to “(a) aid, train and educate all deaf persons; (b) assist deaf persons in obtaining medical treatment and suitable employment; (c) grant deaf persons any material relief of which they may be in need; and (d) erect, open and manage training centres, schools and hostels for deaf persons.”;

- The Ministry of Social Integration, Social Security and National Solidarity has set up a website with access to a specific portal to inter alia enable disabled persons to avail themselves of online application facilities for a number of services provided by the Ministry of Social Integration, Social Security and National Solidarity as well as to access other related information. The website is enhanced with special features for persons with visual impairment. The link to the website is as follows: <http://disability.govmu.org>.

Participation in political and public life (art. 29)

Reply to paragraph 27 (a) of the list of issues

255. The Constitution of Mauritius provides an unequivocal right for every citizen to be treated equally and to live a life free from discrimination. Section 16 of the Constitution, inter alia, provides that “no law shall make any provision that is discriminatory either of itself or in its effect”. The term “discriminatory” is defined as “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description”.

256. Section 42 of the Constitution provides specifically that “a person shall be entitled to be registered as an elector if, (...) (a) he is a Commonwealth citizen of not less than the age of 18 years; and (b) either he has resided in Mauritius for a period of not less than 2 years immediately before such date as may be prescribed by Parliament or he is domiciled in Mauritius and is resident there on the prescribed date”. However, no person shall vote at any election for any constituency who is not registered as an elector in that constituency.

257. Section 44 of the Constitution provides that any person who is registered as an elector in a constituency shall be entitled to vote in such manner as may be prescribed at any election for that constituency unless he is prohibited from so voting by any law in force in Mauritius. In this regard the right to vote, upon attaining the age of 18, is guaranteed to all Mauritian citizens including persons with disabilities, whether they live in institutions or not.

258. Section 19 of the Local Government Act provides that the right to vote at Municipal City Council, Municipal Town Council or Village Council election is extended to any person, and this irrespective of whether that person may suffer any disability, who is registered as an elector in a city, town or village shall be entitled to vote in such manner as may be prescribed at any election for that city, town or village, unless he is prohibited from so doing by any enactment where he is either a returning officer or he has committed an offence connected with elections. It is only in the case that a person is adjudged to be of unsound mind that he will not qualify to be registered as an elector.

259. As far as qualification for membership to the National Assembly is concerned, section 34(1)(e) of the Constitution only provides that a person shall not be qualified to be elected as a member or a person to be if he has been adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius. Section 69 of the Representation of People Act provides further that “every person who is convicted of bribery, treating, undue influence or personation, shall, without prejudice to any other punishment, be incapable, during a period of 7 years from the date of his conviction, of— (a) being registered as an elector, or of voting at an election; or (b) being a candidate at an election or, if elected before his conviction, of retaining his seat.”.

260. Furthermore, the Local Government Act provides that a person who is adjudged to be of unsound mind shall not be qualified to be elected, or nominated, as a Municipal City Councillor, Municipal Town Councillor or Village Councillor, or having been so elected or nominated, shall not sit or vote at a meeting of that authority.

261. This right to vote which is given to persons with disabilities is provided for in the Constitution, the Representation of People Act, the Rodrigues Regional Assembly Act, the Local Government Act and this right is fully enforced in the Republic of Mauritius. The more

so that a wide array of measures has been put in place by the Electoral Commissioners' Office to ensure access to these persons to the voting booths. Paragraphs 260–261 refer.

262. The need is therefore not being felt at this stage to bring any amendments to the Constitution or above referred laws as persons with disabilities are already guaranteed the exercise of their right to vote and to be elected on an equal basis.

Reply to paragraph 27 (b) of the list of issues

263. The Office of the Electoral Commissioner has taken a series of measures to make voting procedures disability-friendly during both local and national elections. The Electoral Commissioner has, inter alia, issued clear instructions to the polling staff to ensure that incapacitated voters are given special consideration. Some incapacitated voters may be assisted by an authorised companion, whilst others who are not accompanied may request the assistance of the polling staff to mark their ballot paper. Additional measures include:

(a) Allowing vehicles conveying disabled and incapacitated voters to drop off passengers at the gate of the polling station, which facility is not extended to other voters;

(b) A “Special Needs Voting Room” is identified on the ground floor of every polling station, close to the entrance of a polling station in order to enable electors with disabilities or special needs to cast their votes without undue hardship;

(c) Each “Special Needs Voting Room” is provided with ramp and a “Specially designed booth” for electors on wheelchair;

(d) Ramps and wheelchairs are provided in all polling stations to mainly disabled or elderly persons with mobility restrictions; and

(e) Designated members of staff have a duty to accompany the person requiring wheelchair assistance from the gate of the polling station to the voting booth and back;

264. As far as election material and electoral campaigning is concerned, voting procedures are explained in Mauritian Sign Language on national television. Adverts in Mauritian Sign Language are broadcast on the national television to reach out to electors with hearing impairment. The introduction of Braille may also be envisaged for future elections. However, currently persons with visual impairment may be accompanied by a person of their choice.

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

Reply to paragraph 28 (a) of the list of issues

265. Several measures have been taken to ensure that sports infrastructure in Mauritius are accessible to persons with disabilities. In the context of the last Indian Ocean Island Games which was held in July 2019, eighteen sports facilities were renovated to ease the access for persons with disabilities (e.g. construction of ramps, adapted toilets). For the construction of new sports complexes, accessibility features for disabled athletes are integrated at the design stage itself.

266. Presently there are two main schemes under the Ministry of Youth Empowerment, Sports and Recreation which encourage persons with disabilities to participate in sports of their choice without any barriers. These two schemes are:

(a) The Athlete Assistance Scheme which provides for a monthly allowance to both elite Senior and Youth athletes including athletes with disabilities to motivate them to achieve a higher level of performance at major international competitions. Presently there are 20 athletes benefiting from the scheme;

(b) The Cash Prize Scheme which are granted to both elite Senior and Youth athletes including athletes with disabilities who have won medals at major international competitions.

267. Moreover, several facilities are put at the disposal of the athletes with disabilities to facilitate their participation in sport activities such as athletics and swimming amongst others. Some of the facilities include:

- (a) Training and coaching;
- (b) Physical preparation;
- (c) Training camps and participation in competitions locally and abroad;
- (d) Access to sports infrastructures through ramps;
- (e) Transport facilities;
- (f) Medical check-up and treatment;
- (g) Paramedical facilities (psychologist, nutritionist and mental preparation); and
- (h) Insurance cover.

268. The major sports infrastructure of the Ministry of Youth Empowerment, Sports and Recreation are accessible to persons with disabilities. Four Sports Federations for four different categories of persons with disabilities, namely those with visual, hearing, physical and intellectual impairment are recognised. Each of them benefit from an annual budget with a view to allowing sportspersons with disabilities to participate in sporting events at school, local, regional and international level.

269. As regards to international sports events, the State of Mauritius sent a delegation to compete in the 2016 Summer Paralympics in Rio de Janeiro, Brazil, from 7 to 18 September 2016. This was the fifth time the country took part in Paralympic Games after its debut at the 1996 Summer Paralympics. The Mauritian delegation to Rio de Janeiro consisted of two athletes: one wheelchair racer and short-distance swimmer. The nation's best result was tenth overall, in the women's 100 metres event.

270. A young amputee athlete has graduated with a Bachelor Degree in Web and Multimedia Development from the University of Mauritius. She started training in handisports in February 2015 and is the National Champion holding a record in 100 metre, 400 metre, 800 metre, 1500 metre and 5000 metre in wheelchair race. She also broke the record for the 1500 metre wheelchair race among African athletes, during the "Handisport Open Paris 2018". She was also awarded the best sportswoman in Mauritius in 2015, 2018 and 2019. Furthermore, she won the Gold medal at the Indian Ocean Games 2019 in the 1500metre wheelchair race and several other Gold medals at International level namely in Dubai, Switzerland, Italy, France, Australia, Germany and England.

271. With regard to cultural facilities, there are currently four National Heritage Sites which have ramps to facilitate access for persons with disabilities namely, Fort Frederik Henrik Museum at Grand Port, the National History Museum of Mahebourg, the National History Museum of Port Louis and the Plaza Theatre at Rose Hill. Accessibility facilities for persons with disabilities are also available at the Serge Constantin Theatre at Vacoas. The Conservatoire National de Musique Francois Mitterrand (CNMFM) operating under the aegis of this Ministry of Arts and Cultural Heritage is also equipped with facilities for the access of persons with disabilities. For all students with physical or mental disabilities, the CNMFM offers a 'Special Needs Scheme', whereby no time constraints or exams are imposed, and students develop at their own pace. It has been observed that every year, there has been an increase in the number students with different disabilities joining the CNMFM.

272. Since 2015, the Ministry of Tourism is involved in the organisation of outdoor leisure activities whereby buses are provided to registered clubs and associations across Mauritius in line with the Ministry's policy. Special arrangements are made with bus companies for the provision of low floor buses for easy accessibility for people with disabilities.

273. Several registered associations/clubs have benefited from sponsorship from the Ministry of Tourism for the promotion of leisure, recreational and sports activities within their local community. Sponsorship is mainly offered for logistics arrangements, prizes and medals and entertainment. Many associations involving participation of people with disabilities benefit from such sponsorship.

274. Moreover, in view of providing some relief to parents having children with disabilities, the Ministry of Social Integration, Social Security and National Solidarity has a free respite care programme in place. Some 1,000 children with disabilities benefit from a two-night stay

at any one of the three recreation centres of the Ministry of Social Integration, Social Security and National Solidarity.

275. It is to be noted that during the COVID-19 lockdown period, following a request from an NGO specialised in the care of autistic children, derogation was granted by the State of Mauritius to allow autistic children to go out regularly for one hour.

276. As regards Rodrigues Island, there are 2,112 persons with disabilities. In view of enhancing the quality of life of persons with disabilities in Rodrigues, the Commission for Social Security, Housing, Labour and Industrial Relations, Consumer Protection and Employment has undertaken a series of programmes geared towards Capacity building for officers of the Rodrigues Regional Assembly and NGOs on training and placement, sensitization campaign, meeting of NGOs in the Disability Sector.

Reply to paragraph 28 (b) of the list of issues

277. Different Ministries encourage persons with disabilities to take part equally in activities organized at both National and International levels. The aim is to strive for an equitable society that promotes the inclusion of people with disabilities.

278. As regards to the Ministry of Social Integration, Social Security and National Solidarity, it organises the Yogeesh Patroo Award which is a competition that provides artists with disabilities opportunities to showcase their talents and skills in the following areas:

- (a) Music;
- (b) Dance;
- (c) Song;
- (d) Poetry; and
- (e) Slam.

279. The Ministry of Arts and Cultural Heritage provides financial assistance to artists with disabilities for their creative works and encourages their participation in its cultural programmes and National events. Visually impaired artists are given the opportunity to perform at National events. Several schemes have been set up with the aim of promoting the rights of persons with disabilities and encouraging them to take part in such events on an equal basis with others. Some of these schemes include namely:

- (a) Assistance Scheme for artists (Production of CD);
- (b) International Travel Grant;
- (c) National Arts Fund;
- (d) Assistance/Publication of book (President Fund for Creative Writing);
- (e) Accessing Film Shooting application form for a fast-tracking process (Mauritius Film and Development Corporation); and
- (f) Organising and conducting training in artistic fields (Centre de Formation Artistique)

280. Moreover, the National Anthem is performed in Mauritian Sign Language by deaf children from the Society for the Welfare of the Deaf during national events and National Day celebrations. A national troupe of artists with disabilities has been set up by the National Council for the Rehabilitation of Disabled Persons (NCRD) to promote the artistic talents of persons with disabilities. The Ministry of Arts and Cultural Heritage has a non-exhaustive register of artists with disabilities who are specialised in different fields.

281. In line with the post COVID-19 Action Plan of the Ministry of Arts and Cultural Heritage, several projects were launched. One of them was 'Moris Nou Kiltir nou Talan' where a paraplegic artist namely Mr Harishsingh Ramgoolam participated in this project.

282. The Ministry of Tourism organizes national events which target the whole population including persons with disabilities. These events include open day at nature parks and leisure parks.

283. Moreover, the Ministry of Social Integration, Social Security and National Solidarity and other stakeholders are recognising and promoting the right of persons with disabilities to take part on an equal basis with others in cultural life. A concrete example is Ms Jane Constance, a young Mauritian blind artist, who participated in *The Voice Kids* (France) in 2015, and was the winner of the show. Following her victory, she released her first album on 25 November 2016, titled ‘Through Your Eyes’. She was also named Artist for Peace by UNESCO and is now the ambassador for the Louis Braille Museum in France. Furthermore, she was entrusted with the title of ambassador by the European Union for the project *Rise and Shine* in Mauritius. It is worth noting that she also benefitted from the *Francois Sockalingum Award* from the Ministry of Social Integration, Social Security and National Solidarity for the period 2012 to 2017. Ms. Jane Constance was also awarded a cash prize of Rs 10,000 (USD 250) as the winner of the *Yogeesh Patroo Award* in 2013.

C. Specific Obligations (arts. 31–33)

Statistics and data collection (art. 31)

Reply to paragraph 29 (a) of the list of issues

284. As regards data pertaining to disability certification procedure, it is to be noted that upon request/application from persons with disabilities for Basic Invalidity Pension, these persons are first examined by a Medical Board, set up by the Ministry of Social Integration, Social Security and National Solidarity, to determine their eligibility for same. Basic Invalidity Pension is given for a specific period of time. Three months prior to the expiry of the Basic Invalidity Pension, the person is again examined by the Medical Board to determine the continuity of the pension. The Management Information System systematically auto generate the data disaggregated by gender, age, disability, place and residence.

285. Given that the State of Mauritius promotes national unity, it does not intend to come up with disability data based on ethnicity as this may have impacts on the fragile social fabric of Mauritius.

Reply to paragraph 29 (b) of the list of issues

286. Statistics Mauritius conducts a population census every 10 years in order to collect data on all citizens. Door to door visits are conducted to ensure that all persons concerned are interviewed personally. The last census was conducted in 2011 and the data on disability is disaggregated by gender, age, type of disability, locality, marital status and other criteria such as school attendance, educational attainment, activity status and employment.

287. Statistics Mauritius already collects comprehensive data and has adopted the Washington Group short set of questions to identify persons with disabilities. This method would also be used for the upcoming population census in 2021. The Ministry of Social Integration Social Security and National Solidarity is consulted by Statistics Mauritius with regard to the collection of data on beneficiaries of pensions.

288. Furthermore, the Ministry of Social Integration Social Security and National Solidarity has a database regarding persons with disabilities who receive basic pensions and other disability benefits.

289. The database on the disability of the Ministry of Social Integration Social Security and National Solidarity was developed on the basis of information provided by representative organisations of persons with disabilities, NGOs, relevant Ministries, organisations in the disability sector such as the National Council for the Rehabilitation of Disabled Persons, Training and Employment of Disabled Persons Board and other stakeholders as well as calls for registration by means of press communiqué or radio or televised broadcast.

290. The support of NGOs is enlisted in the collection and updating of data. Moreover, NGOs working with children with disabilities are provided per capita head of Rs 5,400 (USD 135) annually. One such NGO, the Global Rainbow Foundation has recently published a book, entitled ‘I rise’ which comprises the compilation of the life stories of 20 selected

persons with disabilities. This project is a premiere, and aims at giving the visibility, space and voice for these people whose lives and stories are enriching, inspiring and replete with positive energies.

291. The table below illustrates the compilation of data on contributory and non-contributory pensions by Statistics Mauritius for the month of June 2020:

Beneficiaries of contributory and non-contributory pensions by Island, June 2020				
	Republic of Mauritius	Island of Mauritius	Island of Rodrigues	Monthly Rate (Rs)
Retirement				
Basic	230,602	225,279	5,323	
- (60-89) years	226,071	220,865	5,206	9,000
- (90-99) years	4,371	4,258	113	16,710
- 100 years and above	160	156	4	21,710
Of whom Severely Handicapped	(16,889)	(15,696)	(1,193)	3,500
Contributory	117,370	116,672	698	
BRP cases drawing child allowance	215 *	205 *	10 *	
Beneficiaries of child allowance	236 *	224 *	12 *	
- Under 10 years	13 *	11 *	2 *	1,600
- 10 years and above	223 *	213 *	10 *	1,700
Food Aid	2,443	2,397	46	285
Income Support	35,276	34,814	462	285
Widows				
Basic	18,117	17,710	407	9,000
Contributory(All Ages)	30,449	30,333	116	
- Under 60 years	11,034	10,949	85	
- 60 years and above	19,415	19,384	31	
BWP cases drawing child allowance	3,635 *	3,505 *	130 *	
Beneficiaries of child allowance	4,883 *	4,692 *	191 *	
- Under 10 years	842 *	806 *	36 *	1,600
- 10 years and above	4,041 *	3,886 *	155 *	1,700
Food Aid	30	28	2	285
Income Support	1,822	1,783	39	285
Invalids				
Basic	32,575	31,409	1,166	9,000
Contributory	10,093	10,039	54	
BIP cases drawing child allowance	5,350 *	5,105 *	245 *	
Beneficiaries of child allowance	8,483 *	8,042 *	441 *	
- Under 10 years	2,803 *	2,609 *	194 *	1,600
- 10 years and above	5,680 *	5,433 *	247 *	1,700
Carers Allowance (ABIP)	7,319	6,772	547	3,500
Food Aid	318	315	3	285
Income Support	3,376	3,264	112	285
Orphans				
Basic	510 *	455 *	55 *	
Contributory	185 *	180 *	5 *	
Guardians	295 *	265 *	30 *	1,100
Food Aid	0 *	0 *	0 *	285
Income Support	5 *	5 *	0 *	285

* Provisional

Source: Statistics Mauritius.

Reply to paragraph 29 (c) of the list of issues

292. Statistics Mauritius already collects comprehensive data based on gender, age, type of disability, locality, marital status, school attendance, educational attainment, activity status and employment.

Reply to paragraph 29 (d) of the list of issues

293. Statistics Mauritius already collects comprehensive data and has adopted the Washington Group short set of questions to identify persons with disabilities. This method would also be used for the upcoming population census in 2021.

294. The data below illustrates the report published by Statistics Mauritius taking into consideration the Washington Group short set of questions on disability.

295. The most common types of disabilities reported following the Census 2011 were related to:

- Walking or climbing stairs (42%);
- Seeing even if wearing glasses (24%);
- Remembering, concentrating or acquiring education and learning (20%).

Source: Statistics Mauritius.

296. Moreover, the Ministry of Social Integration Social Security and National Solidarity is encouraging all its stakeholders, that is relevant Ministries and Departments as well as NGOs to keep disaggregated data as far as possible.

International cooperation (art. 32)

Reply to paragraph 30 of the list of issues

297. With regard to international cooperation, the Government is implementing various memoranda of understanding (MOU) that have been signed with various countries such as Seychelles, India, France, UK and others. MOUs relating to disability are implemented by the Ministry of Social Integration, Social Security and National Solidarity, more specifically, the Disability Empowerment Unit, the Training and Employment of Disabled Persons Board (TEDPB) and the National Council for the Rehabilitation of Disabled Persons (NCRD) among others. These organisations are responsible for the welfare of persons with disabilities and their representative organisations are fully represented in the implementation and monitoring of projects.

298. One such MOU that Mauritius has benefitted from was signed between the National Council for Rehabilitation of Disabled persons (NCRD), Autisme Reunion and l'Association Laïque pour l'Education, la Formation, la Prevention et l'Autonomie (ALEFPA) in March 2016 in the field of autism. It was signed under the aegis of the Ministry of Social Integration, Social Security and National Solidarity with a view to developing programmes on capacity building on autism. Two-day training sessions were conducted whereby 408 participants comprising of officers from the Ministry of Social Integration, Social Security and National Solidarity, the Mauritius Police Department, the Ministry of Health and Wellness, the Ministry of Education, Tertiary Education, Science and Technology, the Ministry of Youth Empowerment, Sports and Recreation, teachers of pre-primary schools and representatives from several NGOs attended the workshop. The Ministry of Social Integration, Social Security and National Solidarity is now in process of renewing the MOU.

299. Furthermore, Mauritius is committed to the implementation and monitoring of the UN Agenda 2030 for Sustainable Development Goals. In this context, the Ministry of Foreign Affairs, Regional Integration and International Trade has consulted a number of NGOs, including NGOs in the disability sector, which operate under the umbrella of Mauritius Council of Social Service (MACOSS), during the preparation of the Voluntary National Review Report for Mauritius in 2019.

National implementation and monitoring (art. 33)

Reply to paragraph 31 (a) of the list of issues

300. Over the years, the State of Mauritius has established several institutions with a view to affording better protection of the of the rights of its people, namely the;

- (a) National Human Rights Commission under the Protection of Human Rights Act;
- (b) Equal Opportunities Commission, under the Equal Opportunities Act;
- (c) Office of the Ombudsman, under the Ombudsman Act;

- (d) Ombudsperson for Children's Office, under the Ombudsperson for Children's Act;
- (e) Independent Police Complaints Commission, under the Independent Police Complaints Commission Act; and
- (f) Ombudsperson for Financial Services, under the Ombudsperson for Financial Services Act.

301. Extracts of the above mentioned Acts are at Annex XII.

Reply to paragraph 31 (b) of the list of issues

302. In December 2017, a National Mechanism for Reporting and Follow-Up (NMRF) was set up under the then Ministry of Justice, Human Rights and Institutional Reforms as per the recommendations of the Office of the High Commissioner for Human Rights. The NMRF has become, inter-alia, the platform for consultations with Ministries, Departments, NGOs and civil society on a regular basis. The NMRF is presently chaired by the Honourable Minister of Foreign Affairs, Regional Integration and International Trade, who holds the portfolio for Human Rights. A dedicated Human Rights Division is responsible for all issues pertaining to NMRF and all Human Rights Conventions and Protocols, the State of Mauritius is party to.

303. The NMRF aims to ensure that Human Rights obligations be it at the United Nations (UN) or African Union (AU) level are kept under review for proper follow up. Periodic reports and mid-term Review/Progress Reports are submitted in a timely manner after consultations with all stakeholders.

304. The NMRF also ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights obligations. In this respect, a fully manned Human Rights Secretariat has been put in place at the level of the Human Rights Division, to assist the NMRF. The website of the Division provides all relevant information on various issues pertaining to the State of Mauritius in respect of its obligations as regards the Convention on the Rights of Persons with Disabilities.
