



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### Fourteenth session

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Item 5 of the provisional agenda

**Consideration of reports submitted by States parties  
to the Convention under article 35**

### List of issues in relation to the initial report of Mauritius

#### Addendum

### Replies of Mauritius to the list of issues\*

[Date received: 1 July 2015]

## I. Introduction

1. In accordance with article 35 of the Convention, Mauritius submitted its initial State party report (CRPD/C/MUS/1) in May 2012. It is now being called to defend the report in front of the Committee on the Rights of the Persons with Disabilities in August 2015.
2. However, prior to this session, a list of issues (CRPD/C/MUS/Q/1) has been forwarded in advance and replies to these are submitted below.

## II. Replies to list of issues

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

#### Reply to the issues raised in paragraph 1 of the list of issues

##### (i) When Mauritius signed the Convention in 2007, it made a reservation to article 11

3. The rationale behind the reservation was that Mauritius is not at war or in conflict with other nations and entertains peaceful relations with all countries. Whilst this is still true, it is not free from natural catastrophes and humanitarian disasters. In fact, in 2013, it

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\* The present document is being issued without formal editing.



was a victim of flash floods during which ten persons perished and it is also visited periodically by tropical cyclones.

4. The calamities have prompted Government to come up with a comprehensive policy for the safety of people in times of humanitarian emergencies and situations of risks and disasters. In fact, a National Disaster Risk Reduction and Management Plan has been developed with the setting up of a National Disaster and Operations Coordination Centre within the Police Department to coordinate efforts of various agencies dealing with disaster mitigation and relief, assist agencies in initiating necessary actions to deal with disasters, both natural and man-made and harmonise decisions of various agencies for coordinated approach.

5. This Centre carries out regular sensitisation campaigns on disaster risk reduction and organises frequent simulation exercises and activities. During these campaigns and simulation exercises, the special needs of persons with disabilities are taken into consideration. Safe evacuation procedures are tested for implementation in case of occurrence of disasters.

6. However, with a view to aligning the national disaster risk reduction and management policy with international treaty bodies, a National Disaster Risk Reduction and Management Bill is under preparation. It is still in a draft form. Once it is finalised and enacted, the reservation to article 11 will be withdrawn.

**(ii) Reservation to article 9 (2) (d)**

7. While ratifying the Convention in 2010, Mauritius made a reservation to article 9 (2) (d).

8. The rationale for the reservation was that it would be too costly to provide signage in Braille and other accessible formats in all public buildings and facilities.

9. However, the importance of these services has been clearly grasped and understood by the authorities. That is why Section 3 of the new Building Control Act 2012 provides for the following:

“Every building shall be designed, constructed and maintained in such a way as to guarantee people’s safety, society’s well-being, full protection of the environment and aesthetic value, and satisfy the following:

- (a) accessibility 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;
- (b) access to telecommunication, audio-visual and information services; and
- (c) gender compliance to ensure that gender-specific requirements are integrated in the buildings”.

10. However, the above provisions are couched in general terms. To render them more specific, the Building Control Advisory Council set up a sub-committee to work on specific regulations pertaining to accessibility and gender aspects in buildings. The Head of Disability Unit of the Ministry of Social Security is represented in this sub-committee. He liaises with disability activists to ensure that the views, life experiences and personal knowledge of persons with disabilities are taken into consideration while drafting the regulations. At this stage, it is noted that the draft regulations already make provision for the following:

- (a) Talking features/Braille signage for automated teller machines (ATMs), lifts, museums and other places where appropriate;

- (b) Voice system in banks, lifts and other places where queues are required;
  - (c) Signage system for directional and informational purposes for visual access and audio-sign;
  - (d) Assistive listening system for persons who are hard of hearing in places such as conference rooms, auditoriums, etc.; and
  - (e) Tactile cues to indicate changes in directions and changes in level, etc.
11. Once the regulations are finalised and promulgated, the reservation to article 9 (2) will be withdrawn.

**(iii) Reservation to article 24 (2) (b)**

12. Once again while ratifying the Convention, a reservation was made to article 24 (2) (b) of the Convention.

13. The rationale behind the reservation was that Mauritius has a parallel system with regards to education of children with disabilities. On the one hand, there is a string of special schools and on the other we have mainstream schools. The existence of a parallel system can be explained by historical reasons. As in so many other countries, it is philanthropists, social workers and parents who started services for persons with disabilities. It is not a surprise therefore to see that it is non-governmental organisations (NGOs) which run special schools.

14. However, in line with its international obligations such as the Salamanca Statement and Framework for Action on Special Needs Education, Government began to assume its responsibility by integrating children and students with disabilities in mainstream institutions. To this end, a number of measures have been taken:

- (a) Transport is free for children with disabilities who attend special/mainstream schools and who can travel by public buses;
- (b) The policy of refund of bus fares for accompanying parents has been extended to children with disabilities attending mainstream schools;
- (c) A scholarship in the form of a monthly stipend is given to children with disabilities who have passed their primary examinations to encourage them to pursue secondary studies in mainstream institutions;
- (d) Every year the Ministry of Education issues a communiqué inviting parents to register their children with disabilities for the purpose of integrating them in mainstream schooling;
- (e) Taxi fare is refunded for students with disabilities who cannot travel by ordinary means of transport to enable them to follow courses at local universities; and
- (f) Education is free from primary and secondary to tertiary level in all government institutions.

15. As a result, it is clear that children with disabilities “can” access a free, quality and inclusive education in Mauritius.

16. In view of the above, a policy decision will soon be taken to remove the reservation to article 24 (2) (b) of the Convention.

**(iv) Ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities**

17. Mauritius has already signed the Optional Protocol but has not yet ratified it.

18. It is proposed to do so once the above reservations are removed from the Convention.

**Reply to the issues raised in paragraph 2 of the list of issues**

19. Following the publication of the National Policy Paper and Action Plan on Disability, a National Steering Committee was set up under the chairpersonship of the Minister of Social Security to oversee its implementation. This Steering Committee comprised different stakeholders and was broken into a number of sub-committees to facilitate implementation and monitoring. The Committee was disbanded once the major recommendations had been implemented as follows:

(a) A Special Education Needs Unit has been set up at the level of the Ministry of Education to ensure that no child is left behind on account of a disability;

(b) The Equal Opportunities Act has been promulgated in 2012 to, inter alia, prohibit discrimination on the basis of disability;

(c) The Employment Rights Act has been enacted in 2008 to put workers with disabilities on an equal footing with others and to specifically prohibit harassment on the basis of disability at the place of work;

(d) Voting procedures have been made disabled-friendly;

(e) The Training and Employment of Disabled Persons Act has been amended in 2012 to reinforce the rights of persons with disabilities to training and employment in line with the social and human rights model of disability;

(f) The Building Control Act 2012 has been enacted to enhance accessibility for all categories of persons with disabilities;

(g) Inclusion of access requirements in building plans is now mandatory prior to the delivery of building permits;

(h) The concept of low-floor buses is steadily gaining ground and a number of bus companies have already imported semi-low floor buses with the assistance of Government which provides subsidies for purchase of same;

(i) The Excise Regulations have been amended in 2012 to extend duty-free facilities for the purchase of cars on certain conditions to visually impaired and hearing impaired people and parents of severely disabled children on top of those with locomotor disabilities;

(j) Taxi fare is refunded for students with high support needs attending university and who cannot travel by ordinary means of transport;

(k) The Road Traffic Regulations have been amended to provide for buses to have Route Indicators in bold characters;

(l) The 2nd volume of Mauritian Sign Language Dictionary is currently under preparation and will be published soon;

(m) Mauritius has signed the Marakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and domesticated its provisions in the new Copyrights Act 2014;

(n) Mauritius has a highly developed welfare system which provides an extensive coverage to persons with disabilities. These range from Basic Invalidity Pension and Carer's Allowance to Social Aid and Special Allowances for Children with high support needs;

(o) The expenditure on social protection as a % of GDP has risen from 5% in 2007/8 to 7% in 2014;

(p) NGOs have decentralised their services and new NGOs have emerged to address new challenges whereas disabled persons' organizations (DPOs) have widened their democratic base and strengthened their voice;

(q) This has been facilitated by amendments brought to the Finance Act to make it compulsory for companies to devote 2% of their annual profits to fund NGO projects;

(r) With a view to developing a holistic approach and to have a global view, the Ministry of Social Security has set up a national database of persons with disabilities who access the various services provided by the Ministry;

(s) The Ministry of Arts and Culture has mainstreamed its programmes to integrate artists with disabilities on an equal basis with others.

## **Definitions (art. 2)**

### **Reply to the issues raised in paragraph 3 of the list of issues**

20. Following the signing and ratification of the Convention on the Rights of Persons with Disabilities, Mauritius has marked a paradigm shift on the issue of disability. It has formally adopted the social and human rights model of disability.

21. In fact, while conducting awareness-raising campaigns with different stakeholders, strong emphasis is being laid on the social and human rights model of disability.

22. This paradigm shift is also reflected in our newly drafted legislations. For example, in the Training and Employment of Disabled Persons (Amendment) Act 2012, alignment has been made with the provisions of the Convention. The very definition of the term "disabled person" has been changed to reflect the new approach.

23. The human rights approach has been further emphasized in section 4 of the Act which defines the functions of the Board, inter alia, as follows:

“(a) prevent, as provided under Section 16, discrimination against disabled persons resulting from or arising out of their disability”;

(b) educate and sensitize employers on the importance of employing disabled persons and contribute to remove barriers or prejudices with regard to the employment of such persons”.

24. The emphasis here is on removal of barriers which impede the integration of persons with disabilities in the world of work.

25. Another amendment brought to the Training and Employment of Disabled Persons Act and which reflects the social model is about the composition of the Board. In the previous legislation, that is the Training and Employment of Disabled Persons Act 1996, the composition of the Board comprised a Medical Director. To show that disability is not a medical issue per se, the Medical Director has been removed. Secondly, the previous law provided for “4 persons appointed by the Minister to represent the interests of disabled persons”. To ensure disability representation, this has been changed and it now reads as follows:

“4 disabled persons, to be appointed by the Minister, on the recommendation of the National Council for the Rehabilitation of Disabled Persons”.

26. Furthermore, a new dimension has been given with the inclusion of a representative of a Trade Union in line with the tripartite approach advocated by the International Labour Organization.

27. Fourthly, the new Training and Employment of Disabled Persons (Amendment) Act provides for a mediation mechanism in the form of a Hearing Committee.

28. Regarding the Equal Opportunities Act which has been promulgated in January 2012, it ensures protection from direct and indirect discrimination on the ground of the status of a person. Status is defined as age, caste, creed, ethnic origin, marital status, place of origin, political opinion, race, sex, sexual orientation and “impairment”. The Act prohibits discrimination in various spheres of activities such as employment, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, registered associations, clubs and access to premises and sports.

29. In the Act, impairment is defined as:

- “(a) total or partial loss of a bodily function;
- (b) the presence in the body of organisms that may cause disease;
- (c) total or partial loss of the body;
- (d) malfunctioning of a part of the body, including –
  - (i) a mental or psychological disease or disorder;
  - (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder;
- (e) malformation or disfigurement of the body”.

30. Although the above definition appears to be medical in its connotation and terminology, the Equal Opportunities Act espouses a human rights approach in the sense that it provides a safeguard to persons with disabilities against various discriminatory practices.

31. Regarding the draft Disability Bill currently being finalised, it is a piece of legislation completely and wholly underpinned by human rights principles. In fact, the overall objective of the Bill is to promote and protect the rights of persons with disabilities and to eliminate discrimination against them. Furthermore, the definition of disability in the draft Bill is the same as it appears in the Convention on the Rights of Persons with Disabilities.

32. As far as “reasonable accommodation” is concerned, awareness of the concept is being raised in sensitisation campaigns targeting employers, Human Resource Managers, Managers of schools and all other stakeholders in the field of education, accessibility and human rights.

## **General obligations (art. 4)**

### **Reply to the issues raised in paragraph 4 of the list of issues**

33. In line with the disability-inclusive development policy, steps are being taken to domesticate the provisions of the Convention on the Rights of Persons with Disabilities in our national legislation framework.

34. For example:

- (a) The Training and Employment of Disabled Persons (Amendment) Act has been aligned with the Convention;

- (b) The Equal Opportunities Act 2011 prohibits discrimination on the basis of disability;
- (c) The Employment Rights Act 2008 criminalises harassment of workers with disabilities on the basis of disability;
- (d) The Sports Act 2013 makes provision for participation of persons with disabilities in sport activities both at local and international level;
- (e) The Excise Regulations 2012 have been amended to extend duty-free facilities for the purchase of cars to different categories of persons with disabilities (previously only those with locomotor disabilities were benefitting);
- (f) The new Disaster Management Bill provides for the safe evacuation of persons with disabilities in situations of risk and humanitarian emergencies;
- (g) The Social Aid Act has been amended in 2009 to provide for special allowances to children with high support needs;
- (h) The Building Control Act 2012 provides for accessibility for different categories of persons with disabilities;
- (i) The Copyrights Act 2014 domesticates the provision of the Marrakesh Treaty by legalising access to published works in accessible format for visually impaired persons and persons with print disabilities;
- (j) The Small and Medium Enterprises Development Authority Act 2010 ensures disability representation as it stipulates that the Board should comprise a representative of “an association of impaired persons which is involved in entrepreneurship activities”;
- (k) A new Children’s Bill is under preparation that will provide for added protection to children with disabilities; and
- (l) A new Disability Bill is presently being finalised and will help to domesticate the provisions of the Convention on the Rights of Persons with Disabilities by providing for consequential amendments to be brought in other legislations which are not in line with the Convention.

35. Regarding the Disability Bill itself, its objectives are to provide for:

- (a) The promotion of the full enjoyment of human rights and fundamental freedoms by persons with disabilities;
- (b) The accessibility to physical, social, economic and cultural environment and to health, education, information, communication and technology for persons with disabilities;
- (c) The provision for the regulation and registration of organisations that provide services to persons with disabilities and organisations “of” and “for” persons with disabilities;
- (d) The domestication of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and other international instruments to which Mauritius is a party; and
- (e) The establishment of a National Agency for Persons with Disabilities.

36. The idea of a Disability Bill emanates from disability activists and NGOs and DPOs. In fact, a number of consultative workshops were organised for the elaboration of the new Disability Strategy and Action Plan 2015–2020. One of the core recommendations made by disability activists was the necessity to enact a comprehensive Disability Bill. This

recommendation appears not only in the Strategy Paper but is also embedded in Government Programme 2015–2020 which stipulates that “Government proposes to introduce a Disability Bill to provide for further protection to persons with disabilities”.

37. A Consultative Workshop will soon be held with different stakeholders comprising persons with disabilities, NGOs, DPOs, civil society, private sector and Government Departments to elicit their views and incorporate their proposals in the draft Disability Bill.

38. The next step would be the publication of the Draft Bill in the press and media and its exposure to the public so that the wider population gets the opportunity to express their views on the provisions of the Bill.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

39. A number of measures have been taken recently to improve the quality of life of persons with disabilities as follows:

(a) Free domiciliary medical visits which were available for persons with severe disabilities above 75 years have now been extended to children with high support needs;

(b) The income ceiling for eligibility to Social Aid and Carers’ Allowance in favour of children with disabilities has been raised to Rs 350,000/- annually, as compared to Rs 250,000 in 2013;

(c) In 2015, Government brought a momentous change in the lives of persons with disabilities by raising the Invalidity Pension from Rs 3,267 to Rs 5,000 monthly;

(d) Furthermore, it established a parity between the Basic Retirement Pension (for elderly) and the Basic Invalidity Pension (for disabled) as follows:

<i>Pension</i>	<i>2014</i>	<i>2015</i>
BRP	Rs 3,623	Rs 5,000
BIP	Rs 3,267	Rs 5,000

(e) The budget for social benefits surged from Rs 14.7 billion in 2014 to reach the whopping figure of Rs 27.5 billion in 2015/16 (almost a 100% increase);

(f) The expenditure on social protection as a % of total government expenditure has risen from 23% in 2007/8 to 31% in 2015/16 (estimates);

(g) An annual National Sports Tournament is organised to highlight the abilities of sportspersons with disabilities;

(h) A National Troupe of Artists with Disabilities is being set up to perform at local and international level in mainstream events and functions;

(i) A pool of sign language interpreters is being trained to provide sign language interpretation in different services and functions;

(j) In line with the disability-inclusive development policy, persons with disabilities are being integrated in mainstream development programmes. For example, the Service to Mauritius Programme, which is a placement scheme for unemployed graduates, has reserved a percentage of seats for graduates with disabilities who benefit from the same incentives and facilities;

(k) In the same vein, the Ministry of Arts and Culture is enlisting the participation of persons with disabilities in activities to mark the International Dance Day, the Music Day, the World Theatre Day and the World Mother Tongue Day;

(l) Government is providing new technologies such Braille personal computers, Braille notes, hand held magnifiers, etc. to enable persons with visual impairment to access education;

(m) In the same spirit of disability-inclusive development policies, the Employees Welfare Fund, which operates under the aegis of the Ministry of Finance, provides loans at a concessionary rate to persons with disabilities to purchase assistive devices and adapted cars and to pursue higher education or to retrofit their homes;

(n) Regarding duty-free facilities provided to parents having children with high support needs, the age limit has now been removed. In fact, previously such children had to be below 18 years for the parents to be eligible for duty-free facilities to purchase adapted cars;

(o) Sensitisation campaigns are being carried out in sexual and reproductive rights in alternate modes of communication for the benefit of blind and deaf people;

(p) Government has established parity on the amount of money spent on the education of children with disabilities as opposed to non-disabled children;

(q) The Mauritius Council of Social Service (MACOSS), the umbrella organisation for local NGOs, has a dedicated committee to deal the disability issues;

(r) “Dis-moi-Ocean Indien”, a human rights organisation based in Mauritius and which covers the Indian Ocean Islands, has a special branch to defend the rights of persons with disabilities;

(s) Financial assistance provided by Government for treatment abroad has been increased from Rs 500,000/- to Rs 800,000/-. On top of that, the National Solidarity Fund provides an additional assistance of Rs 200,000/- and meets the return airfare of two persons;

(t) An Equal Opportunities Commission has been set up to mediate between an alleged “discriminator” and an “aggrieved person”. In 2012, 10% of complaints received by the Commission were related to disability issues;

(u) In case the mediation fails, the matter is then referred to the Equal Opportunities Tribunal to adjudicate on the matter;

(v) The Tribunal, in its first adjudication, made a historic judgement by ordering the owner of a night club to pay compensation to a woman in a wheelchair for prejudice suffered in denying her access to the place of entertainment;

(w) In line with article 32 of the Convention on the Rights of Persons with Disabilities, the Ministry of Social Security has signed a number of instruments of cooperation with other States parties and foreign NGOs in the disability sector; and

(x) A new Disability Strategy and Action Plan and a Disability Bill are being finalised after consultations with NGOs, DPOs, disability activists, civil society and other relevant stakeholders.

#### *New Disability Strategy and Action Plan 2015–2020*

40. Following the quantum leap and notable achievements that have taken place in the disability sector and with the post-2015 development agenda as backdrop, a new Disability Strategy and Action Plan 2015–2020 is being finalised.

41. The core recommendations embedded in the Strategy Paper and Action Plan are as follows:

- (a) Amendment of Constitution to prohibit discrimination on the basis of disability;
- (b) Enactment of a comprehensive Disability Bill;
- (c) Setting up of an Integrated National Structure to avoid dispersal of resources;
- (d) Setting up of Disability Desks in different Ministries/Departments;
- (e) Removal of reservations to the Convention on the Rights of Persons with Disabilities and ratification of the Optional Protocol thereto;
- (f) Other major recommendations deal with the following:
  - (i) Review of service delivery regarding pensions, benefits and other entitlements and services;
  - (ii) Accessibility;
  - (iii) Training and employment;
  - (iv) Education;
  - (v) Sports, culture and leisure;
  - (vi) Human rights;
  - (vii) Women and girls with disabilities;
  - (viii) Awareness-raising; and
  - (ix) Habilitation and rehabilitation.

## **B. Specific rights**

### **Equality and non-discrimination (art. 5)**

#### **Reply to the issues raised in paragraph 6 of the list of issues**

42. As mentioned above, it is already illegal to discriminate against a person on the basis of disability as provided in the Equal Opportunities Act 2011. Whether the discrimination is direct or indirect or it is a discrimination by victimisation, it is proscribed under the Equal Opportunities Act.

43. Furthermore, the Constitution of Mauritius guarantees to all Mauritians the right to equal protection and benefit of the law without discrimination based on race, caste, place of origin, political opinions, colour, creed or sex in order to maintain and strengthen an environment conducive to equal opportunities and equality for all people.

44. However, to further consolidate the rights of persons with disabilities and create a bulwark against discrimination, the new Strategy Paper and Action Plan on Disability has a core recommendation which reads as follows:

“The practice of discrimination is incompatible with the concept of an inclusive society. Acceptance and celebration of differences and diversity are the hallmarks of a modern civilisation.

It is, therefore, unacceptable that persons with disabilities continue to be victims of discrimination in different spheres of life in the 21st Century.

To ban discriminatory practices towards persons with disabilities, it is imperative that the prohibition of discrimination on the basis of disability be entrenched in the very Constitution of the Republic of Mauritius.

As a result, it is recommended that Sections 3 and 16 of the Constitution be amended with a view to extending constitutional protection from discrimination to persons with disabilities”.

45. This recommendation has been adopted by Government which in its Government Programme 2015–2020 clearly states that:

“Government proposes to amend Sections 3 and 16 of the Constitution to prohibit discrimination and introduce a Disability Bill to provide further protection to persons with disabilities”.

46. Furthermore, it is proposed to include the concept of reasonable accommodation as a ground of discrimination in the forthcoming Disability Bill.

47. Discriminatory references, such as, “persons of unsound mind”, “state of imbecility” still exist in some local legislations. It is proposed to make use of the proposed Disability Bill to bring consequential amendments to laws which are discriminatory to persons with disabilities.

48. The legal avenues made available to persons with disabilities to dispute discriminatory laws and practices are detailed below.

49. The Constitution being the “supreme law of Mauritius”, it is the duty of the Court not only to interpret but also to ensure compliance with its provisions. It is up to the Supreme Court to determine the validity of any statute which is alleged to be unconstitutional, any law which contravenes the Constitution is, to the extent of the inconsistency, void. The Constitution itself makes provision under Section 17 for redress to be afforded by the Supreme Court to any individual whose rights under Chapter II have been, are being or are likely to be contravened.

50. Furthermore, the proposed amendments to Section 3 and 16 of the Constitution will provide additional avenues for redress.

51. Also, acts of public bodies may be challenged as well in Court by way of applications for Judicial Review on grounds of illegality, “Wednesbury” unreasonableness, abuse of power and procedural impropriety.

52. Civil actions before the relevant Courts of law may be entered for recovery of damages.

53. Complaints may also be made to the Equal Opportunities Commission set up in April 2012. The Commission plays the role of a watchdog by not only examining and investigating into complaints referred to it but by equally investigating *proprio motu* into cases where it believes that an act of discrimination may have been or may be committed. The Commission has, in the first instance, the duty to attempt to resolve matters through conciliation. Should the conciliatory procedure fail at the level of the Equal Opportunities Commission, the latter may with the consent of the complainant refer the matter to the Equal Opportunities Tribunal which has the power to issue orders, directives and make compensatory awards.

54. The Equal Opportunities Commission may also apply for interim orders before the Equal Opportunities Tribunal should the circumstances require urgent intervention in the public interest and in order to prevent further prejudice being caused to the aggrieved parties.

55. Complaints may also be made to the National Human Rights Commission which was established under the Protection of Human Rights Act. The Act was amended in 2012 to review its functions and to broaden its mandate so as to ensure better promotion and protection of human rights. The Human Rights Commission is now empowered to review safeguards provided by or under any enactment for the protection of human rights as well as factors or difficulties that inhibit the enjoyment of human rights.

56. Complaints may also be made to the Ombudsman. The Office of the Ombudsman addresses issues arising from alleged maladministration in the public sector and wrongs that may be found to have been committed. The Ombudsman does so through independent, objective and impartial investigations initiated upon receipt of written complaints or acting on his own initiative.

57. Where the rights of children are infringed upon or when they are victims of abuse, neglect and ill-treatment, the Office of the Ombudsperson for Children carries out appropriate investigations for remedial action.

58. Persons with disabilities can seize the Independent Commission Against Corruption (ICAC) as well when they feel they have been victims of corruption by public officials.

59. Regarding percentage of claims for which remedies have been available, figures are not available at this stage.

60. Finally, as Mauritius is a party to the Optional Protocol to the International Covenant on Civil and Political Rights, citizens of Mauritius may submit individual petitions to the Human Rights Committee.

## **Women with disabilities (art. 6)**

### **Reply to the issues raised in paragraph 7 of the list of issues**

61. Since July 2012, a Forum of Women with Disabilities has been set up with 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 propose among women with disabilities;

62. The Forum is a cross-disability organisation.

63. On the other hand, all activities against gender-based violence of the Ministry of Gender Equality, Child Development and Family Welfare include women and girls with disabilities.

64. The Protection from Domestic Violence Act, 1997, subsequently amended in 2004, 2007 and 2011 provides protection to all spouses, including those with disabilities, from violence and abuse.

65. Furthermore, a National Action Plan to End Gender-Based Violence (2012–2015) was launched in 2011 with the aim to ensure that a co-ordinated multi-sectoral approach is implemented by all stakeholders. It covers women and girls with disabilities as well.

## **Children with disabilities (art. 7)**

### **Reply to the issues raised in paragraph 8 of the list of issues**

66. The National Children's Policy and Action Plan makes provision for special and focused efforts in policies, practices, action and programmes for all children, including children with disabilities.

67. The National Child Protection Strategy provides for the protection of all children victims of violence, including children with disabilities.

68. The new Children's Bill currently being finalised will give added protection to children with disabilities.

69. The Education Act already prohibits all forms of corporal punishment on children, including children with disabilities.

## **Awareness-raising (art. 8)**

### **Reply to the issues raised in paragraph 9 of the list of issues**

70. Following the signature and ratification of the Convention on the Rights of Persons with Disabilities, a series of awareness-raising campaigns were organised throughout Mauritius and Rodrigues.

71. The core theme of the campaigns was "valuing people with disabilities".

72. The methodology used is as follows:

(a) The Resource Persons included persons with disabilities themselves who served as role models and who talked about their personal experiences, the barriers that they faced, how they overcame them and how their abilities and potential are being recognised at different levels; and

(b) The target groups aimed at were varied and represented cross-sections of the Mauritian population as well as different socio-economic groups and sectors.

73. The professionals of the built environment were also targeted. A number of seminars were held with architects, engineers, promoters and representatives of local authorities who deliver building permits and monitor construction projects. The seminars were organised in collaboration with the Mauritian Association of Architects. Explanations were given on accessibility standards, principles of universal design and the provisions of the Building (Accessibility) regulations.

74. The mass media have also been effectively used to combat stereotypes and prejudices. For example, the Human Rights Unit of the Prime Minister's Office carried out a number of sensitisation campaigns on human rights at peak hours on the national television. Resource Persons in the disability sector were invited to speak on the Convention on the Rights of Persons with Disabilities at prime time on the national television.

75. In popular talk shows on local radio stations, especially Radio-Plus, which has a very wide audience, debates are held on disability issues with the participation of parents, disability activists, NGOs and Government representatives.

76. In all these programmes, opportunity is seized to lay stress on the social model of disability with emphasis on the removal of handicapping barriers and highlighting the abilities of persons with disabilities as opposed to their medical conditions.

77. An evaluation of the impact of the campaigns is also carried out by members of the sub-committee on awareness-raising which comprises representatives of NGOs, disability activists and Disability Unit of the Ministry.

## Accessibility (art. 9)

### Reply to the issues raised in paragraph 10 of the list of issues

78. As mentioned earlier, the Building Act has been replaced by the Building Control Act 2012. It is a progressive legislation as it covers not only accessibility issues but takes on board gender compliance aspects as well. Regarding accessibility, it is not only physical aspects that have been taken into consideration but also communication issues relating to visually impaired and hearing impaired persons.

79. In the regulations that are presently being finalised and that would be appended to the schedules of the Building Control Act, new elements are being incorporated, as described below.

80. The list of designated buildings has been updated as follows:

<i>Existing</i>	<i>Additional</i>
Airport, Bus Terminal	Light Railway transport Systems, seaports
Bank	ATMs
Cinema, theatre, stadium or other places of public entertainment	Night clubs
Conference Centre	Auditorium
Court of Justice	
Factory, workshop or office building	
Hospital, clinic, dispensary, nursing home	Health Centres
Residential Care Home	Day Care Centres, Orphanages
Parking area capable of accommodating more than 25 vehicles	More than 10 vehicles
Hotel, Restaurant	
Post Office	
Place of worship	Pilgrimage sites
Public library	Cybercafés
Public swimming pool	Sport complex
Public toilet	
School, college, university	Training institutions or any other learning institutions
Shopping and multipurpose complex	
Social Welfare, Community Centres	Women Centres
Town and Village Hall	
	Museum, Art Gallery, Tourism venues, Monuments and Heritage sites
	Parliament, Prisons, Youth Centres, Citizen Advice Bureau
	Listed buildings

81. In most of the above, there will be additional features such as breastfeeding rooms, separate children's toilets, voice systems in lifts, Braille inscription where necessary, etc.

82. Communication aids such as loop induction or infra-red systems would be provided in conference halls as well as visual and audible alarms in lifts, lobbies and fire alarm systems. Also, tactile system in buildings would be equipped with keys having raised characters in Braille. Assembly areas would be equipped with assistive listening systems with audio amplification for hard of hearing persons. Where a two-way communication system is provided to gain admittance to buildings, the system would be equipped with audible and visual system.

83. To drive home the fact that accessibility is a comprehensive issue and concerns different services and different categories of persons with disabilities, the Chief Executive of the Ministry of Social Security held a meeting on 5 June with the different stakeholders such as National Archives, National Arts Gallery, National Heritage Fund, Rights Management Society, Cultural Centres, Mauritius Museum Council, Pointe Canon Open Air Theatre, Tourism Authority, National Library, Mauritius Council of Registers Librarian, Le Morne Heritage Trust Fund, Appravasi Ghat Trust Fund, Ministry of Arts and Culture, Ministry of Local Government, Ministry of Tourism and Ministry of Public Infrastructure.

84. Apart from physical accessibility, the Chief Executive emphasised on the need to have inscriptions in Braille, sign language interpretation and materials in accessible format.

85. Regarding the Roads Act, Morcellement Act and the Town and Country Planning Act, it is proposed to make use of the forthcoming Disability Bill to bring consequential amendments to incorporate accessibility issues to:

- (a) Section 5 of the Morcellement Act;
- (b) Section 6A of the Town and Country Planning Act; and
- (c) Section 39 of the Roads Act.

## **Situation of risk and humanitarian emergencies (art. 11)**

### **Reply to the issues raised in paragraph 11 of the list of issues**

86. The Mauritius Disaster Management Bill has already been prepared. It has been made public with the objective of eliciting the views of the general population before its finalisation.

87. As a result, NGOs and DPOs have been invited to submit their views, proposals and recommendations for possibility of incorporation in the Bill.

88. The Bill makes provisions for the setting up of a National Disaster Risk Reduction and Management Council, a National Disaster Risk Reduction and Management Centre and a National Disaster Risk Reduction and Management Strategic Framework.

89. The Council comprises representatives of different Ministries/Departments as well as NGOs.

90. The issue of disability is covered in Section 9 of the Disability Bill which deals with the functions of the National Disaster Risk Reduction and Management Centre, part (j) of which reads as follows:

“before, during and after the occurrence of a disaster, assist in response, including evacuation of persons at risk owing to age or some disability, women, children and persons detained in an institution and rehabilitation and recovery operations”.

91. The Bill also provides for a Crisis Committee which takes on board the issue of disability. In fact, Section 16 2(a) reads as follows:

“The Crisis Committee shall

(a) Take decisions to safeguard the life of persons in danger, including evacuation of persons at risk owing to age or some disability, women, children and persons detained in an institution”.

92. As per the provision of the National Disaster Risk Reduction and Management Bill, a participatory and bottom-up approach is envisaged.

93. In this connection, it is noted that Section 9(c) provides for community participation and reads as follows:

“implement disaster risk reduction and management programmes through community participation and public awareness campaigns”.

94. Section 9(r) also stipulates that the Centre shall:

“collaborate with all relevant stakeholders so that disaster risk reduction becomes an integral objective of environment-related policies and plans, land use, natural resource management, social development plans, economic and sectoral policies”.

95. Consequently, the above provision and the inclusion of civil society in the composition of the Council provide avenues to DPOs to advocate for their protection and accessibility needs to be taken into consideration.

## **Equal recognition before the law (art. 12)**

### **Reply to the issues raised in paragraph 12 of the list of issues**

#### *Institutionalised persons deprived of their rights*

96. It is provided under Section I of the Constitution that the Republic of Mauritius shall be a “sovereign democratic state”, this being clearly in consonance with the fundamental rights and freedom under Chapter II of the Constitution which is largely inspired from the European Convention on Human Rights. Those fundamental rights and freedoms include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection of the law, freedom of conscience, freedom of expression, freedom of assembly and associations, freedom of movement and protection from discrimination.

97. A person with disability is not prevented from entering into contracts, voting, marrying, taking decisions about health and accessing courts of law. However, if he is institutionalised, he cannot do so.

98. The right to vote is said not to be absolute under the Constitution of Mauritius. In case of *Cehl Mohammad Fakeermeah v/s the Commissioner of Police* (2001), the Court referred to article 25 of the International Covenant on Civil and Political Rights, which in the Court’s View “prescribed that the right to vote may be subject to limitations provided they are not unreasonable”.

99. However, in the new Disability Strategy Paper and Action Plan 2015–2020, it is recommended to:

(a) Pursue a policy of deinstitutionalisation of persons with disabilities and foster their integration in the community as far as possible; and

- (b) Enable persons with disabilities living in institutions to exercise their civil and political rights.

100. Necessary amendments will, therefore, have to be brought in our national legislative framework. Regarding measures planned to replace substituted decision-making by supported decision-making in the exercise of legal capacity, it is noted that in the Disability Strategy and Action Plan 2015–2020, it is recommended to:

- “(a) replace substituted decision-making where the surrogate makes the decision to supported decision-making where the focus is on the person with disability who is the decision-maker even though he may need extensive support in communicating that decision. Consequently, the “Code Napoleon” has to be amended to replace Primary Guardianship with Limited Guardianship; and
- (b) institute support measures for the exercise of legal capacity by persons with disabilities living in institutions and those with high support needs”.

### **Access to justice (art. 13)**

#### **Reply to the issues raised in paragraph 13 of the list of issues**

101. In so far as access to justice is concerned, for all citizens, including citizens with disabilities, Section 10 of the Constitution lays down provisions to secure the protection of the law, amongst which are the presumption of innocence, the right to be informed as soon as reasonably practicable of the nature of the offence and in a language that the accused understands, the right to be given adequate time and facilities for the preparation of one’s defence, the right to defend oneself in person or by a legal representative of one’s choice, or, where so prescribed, by a legal representative provided at the public expense, the right to the assistance of an interpreter if one cannot understand the language used at the trial.

102. If a person cannot afford to retain the services of a legal representative, there is the possibility to apply for legal aid under the Legal Aid Act which has been amended to provide respectively for a new threshold of Rs 500,000/- as regards the value of assets owned and Rs 10,000/- for monthly earnings so that a larger number of persons may benefit from legal aid.

103. Regarding accessible communication, the Judiciary makes use of the services of sign language interpreters who have been trained in Mauritian Sign Language.

104. On the other hand, the new Court of Justice is fully accessible and the Building Regulations provide for all new courts to be accessible.

105. Furthermore, the new Disability Strategy and Action Plan recommends that “free legal assistance and necessary support be provided to persons with disabilities victims of violence and abuse”.

106. On the other hand, regarding reasonable accommodation, the draft Disability Bill provides for the following:

- “(a) Where a person with disability is a party in any legal proceedings, the adjudicating body shall take into account the condition of the person with disability and provide procedural and other facilities to enable the person with disability to access justice and participate effectively in the proceedings;
- (b) Notwithstanding any other enactment related to criminal offence, law enforcement agencies shall take into consideration the disability of the person on arrest, detention, trial or confinement of the person with disability and make

reasonable accommodation for that person accordingly including at investigative and other preliminary stages of the matter”.

## **Liberty and security of the person (art. 14)**

### **Reply to the issues raised in paragraph 14 of the list of issues**

107. In general, hospitalisation of persons with disabilities is purely voluntary. Health services in public hospitals, Health Centres, Dispensaries and Medi-Clinics are free and any person can avail of these services. Even if a person with disability is hospitalised, he can ask for his discharge by signing a consent paper.

108. However, persons with psychiatric illnesses may be hospitalised involuntarily. To prevent abuse, the Mental Health Care Act 1999 lays down the provisions of forced hospitalisation and delineates the procedures by which a psychiatrically ill person may be interned. As far as possible, such persons are kept for short periods for treatment. They are then reintegrated in the community. The Mental Health Care Centres employ qualified social workers for such tasks.

109. Children with disabilities are kept for short period for treatment in hospitals just like other children. Institutionalisation in mental health care centres is not encouraged. In 2013, the case of 5 adolescents with intellectual impairment who were kept in the Brown Sequard Mental Hospital was raised by the media. An inter-ministerial committee looked into this issue and integrated the adolescents in family settings, residential homes and orphanages.

110. A number of persons who have committed crimes and found to be “mentally ill” are interned in the high security ward of the Brown Sequard Mental Health Care Centre.

111. Figures will be made available at a later stage.

## **Freedom from torture or cruel, inhuman or degrading treatment or punishment, and protecting the integrity of the person (arts. 15 and 17)**

### **Reply to the issues raised in paragraph 15 of the list of issues**

112. There is an established protocol for treatment of people in hospitals. In general hospitals any person, including a person with disability, can decline a proposed treatment. He has to sign a form specifying that he is not willing to undergo that treatment. Even if he agrees to be operated or undergo major surgical operations, the person or his relative/guardian has to sign a consent form.

113. Regarding admission and treatment of psychiatrically ill persons, the procedures are laid down in the Mental Health Care Act 1999.

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

### **Reply to the issues raised in paragraph 16 of the list of issues**

114. The Child Protection Act provides protection to children with disabilities against abuse, violence and exploitation. The Child Protection Unit conducts sensitisation campaigns throughout the island on protection of children. It has the power to withdraw a child in a setting where he is being exploited or abused and keep him in safe custody. There are several Child Watch Cells composed of voluntary social workers who report on cases of abuse against children, including children with disabilities. The Child Protection Unit has a

dedicated hotline which is free. The Family Protection Unit of the Ministry of Gender Equality, Child Development and Family Welfare provides protection to adults.

115. However, to coordinate efforts between the Ministry of Social Security and the Ministry of Gender Equality, Child Development and Family Welfare, a Memorandum of Understanding entitled “Working Together” has been drafted and contains the following clauses:

“The Ministry of Social Security shall:

- (a) refer all reported cases of children (including children with disabilities) victims of violence to the Ministry of Gender Equality, Child Development and Family Welfare;
- (b) refer children victims of violence (including children with disabilities) at any institution under its aegis and provide for assistance as appropriate;
- (c) provide appropriate financial assistance, social aids and benefits to children victims and to their parents as provided under the Social Aid Act;
- (d) refer children victims of violence (including children with disabilities) to be accommodated and rehabilitated when they are removed from their places of residence. It is felt that in line with the Convention on the Rights of Persons with Disabilities, the spirit of inclusiveness should prevail, that is, children with disabilities should be accommodated alongside other children;
- (e) assist in providing specialised services, such as sign language interpretation, Braille services, assistive devices as appropriate to children with disabilities victims of violence.”

116. Furthermore, to provide added protection to persons with disabilities, the draft Disability Bill has the following provisions:

- “(a) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is likely to be committed against any person with disability or a parent, guardian or next-of-kin is concealing a person with disability, so as to deny the opportunity and services available under the law, may report the case to the Permanent Secretary.
- (b) Where the Permanent Secretary reasonably believes that a person with disability is a victim of abuse, neglect, violence or exploitation, he may apply to the District Magistrate to pass such an order as he deems fit for the protection of such person with disability, including an order to rescue the victim, by authorising the police or any reliable organisation to provide for his safe custody if the person with disability so desires”.

117. Data on cases of violence and abuse will be made available at a later stage.

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

### **Reply to the issues raised in paragraph 17 of the list of issues**

118. In Mauritius, the majority of persons with disabilities live with their families. Institutionalisation is a marginal phenomenon and occurs in cases where there are no families, no relatives to look after the persons with disabilities or the family is unable to cope with the situation.

119. Below is a table on the number of persons with disabilities living in charitable institutions as disaggregated by age, sex and type of disabilities:

**Return on Persons with Disabilities living in Charitable Institutions**

Age group						Disability type						Total
0-18		19-59		60+		P		M		Both		
Male	Female	Male	Female	Male	Female	M	F	M	F	M	F	
			8		25		4		20		9	66
		4	6	6	10	3	8	7	8			52
			4		11		7		8			30
			43		33		12		36		28	152
					2						2	4
					1						1	2
		1	1	8	9	8	10	1				38
		9	3	12	16	12	16	9	3			80
				10						10		20
					8						8	16
		13		14		4		23				54
		2	6		2	2			8			20
				10	34	6	23	4	11			88
			5		8		8		2		3	26
		4		8		11		1				24
		5		37		32		10				84
		2	3	10	8	8	5	4	4		2	46
			5		7		6		6			24
			3		37		29		6		5	80
		1								1		2
				2	19		3	2	14		2	42
41		87		117	230	86	131	61	126	11	60	950

120. The total sum spent on persons with disabilities living in institutions is around Rs 294,279,648/- in the form of grant for maintenance of building, grant for staff and contribution in respect of each inmate.

121. However, Government spends a much higher sum on persons with disabilities who live within the community. The benefits range from Basic Invalidity Pension, Enhanced Invalidity Pension to Carers' Allowance, Social Aid and Special Allowances.

122. The amount spent every year on benefits for persons with disabilities living within the community hovers around the following figure:- Rs 2,000,500,000/-. Only around 1,000 persons with disabilities live in institutions. The rest, that is, 58,000 live within the family and in the community.

**Respect for home and the family (art. 23)****Reply to the issues raised in paragraph 18 of the list of issues**

123. A range of financial support is provided to parents with disabilities. They themselves benefit from the Basic Invalidity Pension if they have a 60% degree of

disability. In case they are severely disabled, they benefit from a Carers' Allowance of Rs 2,500 on top of their disability. They also benefit from allowances for their children as follows:

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a.	for every child under the age of 3	:	Rs 510 monthly
b.	for every child aged 3 and below 10	:	Rs 490 monthly
c.	for every child who is receiving full time education and is aged 15 years and over and until the end of the school year when he attains the age of 20	:	Rs 750 p.m.
d.	for every child who is between the age of 15–20 and who is unable to earn a living on account of a disability	:	Rs 1,315 p.m.
e.	for every child of the age of 20 but not more than 23 who is pursuing full time studies in a tertiary institution	:	Rs 750 p.m.

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124. Parents with disabilities also benefit from free assistive devices, free medical care and free transport.

125. They are also visited by NGOs and community-based Rehabilitation Officers for counselling, support and referral to services.

126. To prevent concealment and abandonment of children with disabilities, the draft Disability Bill has included the following provision:-

“Any persons or organisation who or which has reason to believe ... a parent, guardian or next-of-kin is concealing a person with disability, so as to deny him the opportunities and services under the law, may report the case to the Permanent Secretary”.

127. Also, to prevent discrimination against girls with disabilities, the same benefits are given to both boys and girls.

## **Education (art. 24)**

### **Reply to the issues raised in paragraph 19 of the list of issues**

128. It is true that Section 17(3) of the Equal Opportunities Act leaves a door open for discrimination in the field of education on the basis of disability.

129. However, it is proposed to correct this anomaly as a recommendation in this sense appears in the Disability Strategy and Action Plan 2015–2020 which reads as follows:

“To amend Section 17(3) (a) (i) (ii) of the Equal Opportunities Act which allows discrimination on the basis of impairment by an educational institution where ‘the person requires or would require special service or facilities’”.

### **Reply to the issues raised in paragraph 20 of the list of issues**

130. Regarding inclusive education, it is the official policy of the Government since 2006. It is proposed to inscribe this right in the forthcoming Disability Bill. In fact, Section 11 of the Draft Disability Bill reads as follows:

“(1) Persons with disabilities of all types and gender shall have the same rights to education, training, in inclusive settings

(2) Every child with disability shall attend as far as possible a mainstream public or private school and shall be provided with appropriate disability related support services.

(3) Special schools shall be for transitional periods towards inclusive schools”.

131. The Ministry of Education endeavours to admit each and every child in a school that best caters for his specific needs, whether it is a Government School or a private one or an NGO school functioning with the support of Government. In fact, the vision of the Ministry is that no child should be left out on account of any disability.

132. However, there are some a number of children with disabilities who are not attending or were not attending any school in 2011. To remedy this situation, the Ministry of Education issues a communiqué every year to invite parents to register their disabled children for admission in schools. This communiqué is given wide publicity in the press and on radio and television. Furthermore, sensitisation campaigns are carried out at community level to invite parents to send their children with disabilities to school.

#### **Number of children with disabilities not attending school**

Male	287
Female	227
Total	514

133. To sum up, it is noted that out of 3,165 children with disabilities of school going age, 514 are not attending any school/learning institution, 1,780 are attending special schools and 1,385 are in mainstream education. The proportion is 0:1.

134. It cannot be denied that there has been a quantum leap in educational achievement of children with disabilities in mainstream education, as the following comparative table indicates:

#### **Breakdown in terms of level of Educational Attainment 2000–2011**

	2000	2011
Nil and Pre-Primary	13,338	13,035
Standard I – VI (but not passed CPE)	16,573	21,494
CPE passed	1,659	6,881
Form I – III	2,096	4,420
From IV – V (but not passed SC)	2,424	4,112
Passed SC or equivalent	1,517	3,969
Passed HSC or equivalent	409	1,209
University degree or equivalent	164	545
<b>Total</b>	<b>38,180</b>	<b>55,665</b>

*Source:* Statistics Mauritius.

135. A number of measures have been taken to push forward the agenda of inclusive education which englobes the concept of reasonable accommodation and can be summarised as follows:

- (a) All existing schools are being retrofitted with ramps, hand rails and other accessibility features;
  - (b) All new learning institutions (primary, secondary, tertiary and vocational) are incorporated with access features as per the Building Regulations;
  - (c) Facilities like music room, library, science laboratory and computer room and usually located on the ground floor itself;
  - (d) Whenever necessary Headmasters and Rectors of Primary and Secondary Schools make reasonable accommodation to move a whole class to the ground floor to accommodate students with disabilities;
  - (e) Students with disabilities are released earlier than the other students so that they do not face movement difficulties;
  - (f) Teachers are encouraged to provide individual extra assistance to children with disabilities so as to allow them to keep pace with their non-disabled peers;
  - (g) Adapted chairs, desks and equipment are provided to children with disabilities together with the necessary assistive devices;
  - (h) Children with high support needs benefit from the services of carers in schools;
  - (i) School materials are provided in accessible format;
  - (j) Services of psychologists, occupational therapists and speech therapists are provided through the Special Education Needs Resource and Development Centres;
  - (k) Sign language interpreters are made available to students with hearing impairment through the services of specialised NGOs;
  - (l) Students with disabilities benefit from extra time and other facilities such as services of scribes, sign language interpreters and materials in accessible format and provision of specialised equipment during examinations;
  - (m) Transport costs of accompanying parents are refunded;
  - (n) Home schooling programmes have been introduced whereby individual teaching is prescribed to students with high support needs;
  - (o) 14 integrated units have been set up in mainstream schools;
  - (p) Grant-in-aid to special schools has been revised by way of a 100% increase;
- and
- (q) Scholarships are provided to encourage children with disabilities to pursue higher studies;

136. Regarding training of teachers, the Mauritius Institute of Education has the following programmes:

- (a) Certificate Course in Special Education for teachers working in the Special Needs Sector and in NGO Schools;
- (b) Diploma Course In Inclusive and Special Education for Primary School Teachers;
- (c) Adapted curriculum for children with disabilities;

(d) Foundation Course for all teachers working in special schools run by NGOs; and

(e) Training syllabus of mainstream teachers includes a module on special education needs.

137. Targeted training is also provided to specialist teachers. For example, last year, resource persons from the Blind People's Association of India provided training in mobility and orientation and Braille methodology. The Ali Javar Jung National Institute for the Hearing Handicapped (India) also provided training to specialist teachers in sign language interpretation.

## **Health, habilitation and rehabilitation (arts. 25 and 26)**

### **Reply to the issues raised in paragraph 21 of the list of issues**

138. Mauritius has a wide network of central and regional hospitals, dispensaries, health centres, medi-clinics and private health institutions.

139. Pregnant women attend the above facilities where a regular follow-up is done. All deliveries are done in public hospitals or private clinics. Post-natal care continues to be provided after delivery. As a result, once a disability is detected in a child, the case is referred to specialist services.

140. Community-based Rehabilitation Officers also effect home visits throughout the country for early detection of disability and they make the necessary referrals.

141. On the other hand, the Ministry of Education has a School Health Programme whereby doctors make regular visits to schools to detect cases of impairment for necessary follow-up.

## **Work and employment (art. 25)**

### **Reply to the issues raised in paragraph 22 of the list of issues**

142. The following table gives the unemployment rate of persons with disabilities.

**Disabled Population by Activity Status, 2011 Population Census**

	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>
Population aged 16 and above	26,500	29,114	55,614
Employed population	5,893	2,542	8,435
Unemployed population	516	348	864
Inactive population <sup>a</sup>	19,984	26,087	46,071
Unemployment rate (90)	8.1	12.0	9.3
Unemployment rate – whole population	5.6	11.5	7.7

*Source:* Statistics Mauritius.

<sup>a</sup> Include students, retired and sick persons and persons with household responsibilities.

143. Regarding cases where employers have been exempted from their obligations to employ persons with disabilities, there is none so far.

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

### **Reply to the issues raised in paragraph 23 of the list of issues**

144. A Carer's Allowance of Rs 2,460/- is paid under the Social Aid Regulations to children having a disability of 60% or more and requiring constant care and attention and aged between 6 months to 18 years.

145. On top of this Carer's Allowance, Special Allowances are paid as follows:

- (a) Rs 450/- for being bed-ridden;
- (b) Rs 450/- for being incontinent; and
- (c) Rs 450/- for severity of disability.

146. However, as the above allowances are paid under the Social Aid Act, they are subject to means testing. The annual income of parents should not exceed Rs 350,000/- (previously it was Rs 250,000/-).

147. Regarding adequacy of the amount, one can say that parents earning around Rs 29,000/- monthly are eligible for the special allowances in favour of their children. Such families fall within the middle-income bracket.

148. However, with the development in medical care in Mauritius, more and more children with very high support needs (100% disabled) are now surviving. Most of them necessitate 24-hour care and specialised treatment. Instead of institutionalising them, it is felt that families should be supported to provide care for such children.

149. In this connection, it is proposed to rationalise the system by merging the 3 special allowances with the Social Aid of Rs 2,460/- and topping it up to reach the figure of Rs 5,000/-, thus aligning it with the Basic Invalidity Pension as follows:-

$$\text{Rs } 2,460/- + \text{Rs } 450 + \text{Rs } 450 + \text{Rs } 450 + \text{Rs } 1,190 = \text{Rs } 5,000.$$

## **Participation in political and public life (art. 29)**

### **Reply to the issues raised in paragraph 24 of the list of issues**

150. Since 2012, a number of measures have been taken to make voting procedures disabled-friendly, thus consolidating the human rights of persons with disabilities.

151. However, further recommendations have been made in the Disability Strategy and action Plan to enhance the participation of persons with disabilities in political and public life as follows:

- “(a) To enable persons with disabilities living in institutions to exercise their civil and political rights.
- (b) To promote disability representation of persons with disabilities at all levels, including Parliament.
- (c) Materials related to the electoral process should be in accessible format, for example, a number of ballot papers to be in Braille and also a support system should be made available for people with intellectual disabilities during political campaigns and voting”.

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

### Reply to the issues raised in paragraph 25 of the list of issues

152. As mentioned above, a meeting was held with stakeholders to increase the accessibility of libraries, audio-visual materials and broadcast services to all persons with disabilities.

153. Regular follow-up would be done with all the stakeholders.

## C. Specific obligations

### Statistics and data collection (art. 31)

#### Reply to the issues raised in paragraph 26 of the list of issues

154. The following is an updated information on persons with disabilities, collected through Population Census 2011 as compared to 2000:

#### Cases of disability by type in Republic of Mauritius, 2011 Population Census

	2000		2011	
	Total Population of Mauritius	Disabled Population of Mauritius	Total Population of Mauritius	Disabled Population of Mauritius
Male	583,756	20,576	610,848	28,987
Female	595,092	20,214	625,969	30,881
<b>Total</b>	<b>1,178,848</b>	<b>40,790</b>	<b>1,236,817</b>	<b>59,868</b>
Incidence of disability		3.5%		4.8%

Source: Statistics Mauritius.

155. A database on disability was also launched on 2012. The objective is to keep track of persons with disabilities who access the various services of the Ministry of Social Security with a view to having a holistic picture. Hence, apart from data that are captured at the Disability Unit on persons who come for specific services, data from other sections providing other services are uploaded on the database.

156. Below is a report on data captured:-

157. The following information is accurate as at 26.06.15.

#### Cases of disability by type in Republic of Mauritius, 2011 Population Census

Total number of persons with disabilities (PWDs) registered	37,659
Total Number of PWDs registered at Disability Unit	1,670
Total Number of PWDs registered at Benefits (or Pensions) Unit	35,989
<i>Gender</i>	
Male	17,567
Female	20,092

<i>Age Groups (years)</i>	
0 – 4	20
5 – 9	383
10 – 14	624
15 – 19	1,126
20 – 24	1,393
25 – 29	1,452
30 – 34	1,761
35 – 39	2,179
40 – 44	2,401
45 – 49	3,568
50 – 54	4,645
55 – 59	4,703
60 – 64	2,200
65 – 69	1,470
70 – 74	1,583
75 +	8,151
<hr/>	
Bed-ridden PWDs	53
Number of PWDs applied for disabled bus passes	169 (aged 3-18 years old)
Number of PWDs requesting for passport rebate	36 since 2011
Number of PWDs requesting BLUE parking coupon	46
Number of PWDs requesting YELLOW parking coupon	161
Number of Individual requesting disabled parking coupon	189
Number of NGOs requesting disabled parking coupon	18
Number of Active François Sockalingum Award (Scholarship) Beneficiaries	1
Number of PWDs requesting Airfare Rebate	81
Bus fare refund to accompanying parents	1,900
Beneficiaries of duty free facilities to purchase adapted cars	150

## National implementation and monitoring (art. 33)

### Reply to the issues raised in paragraph 27 of the list of issues

158. Following the signature of the Convention on the Rights of Persons with Disabilities by Mauritius, Government set up in 2007 a Steering Committee under the chairpersonship of the Minister of Social Security, comprising representatives of Ministries/Departments, Private Sector, Civil Society, NGOs, DPOs and Disability Activists.

159. This Committee recommended that the Convention be ratified and that was done in 2010.

160. After the ratification of the Convention, a new National Monitoring and Implementation Committee was set up under the chairpersonship of the Hon. Minister of Social Security and comprised different stakeholders representing Ministries/Departments/Civil Society/NGOs/DPOs and Disability Activists. This

Committee was broken down into a number of sub-committees which worked on different aspects of the Convention on the Rights of Persons with Disabilities: Human Rights, Accessibility, Education,, Awareness-raising, Sports/Culture/Leisure. The various sub-committees served as feeders for the elaboration of the State Party Report that was submitted in May 2012.

161. The sub-committees are continuing their work and they have made huge contributions in the elaboration of the New Disability Strategy and Action Plan 2015–2020.

## **Conclusion**

162. Mauritius is committed to aligning itself with the provisions of the Convention on the Rights of Persons with Disabilities. A slew of measures have been taken to implement the civil and political rights of persons with disabilities whereas the economic and social rights are being implemented progressively.

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