
**Implementation of the UN
Convention on the Rights of
Persons with Disabilities**

**Initial report submitted by
States parties under Article 35
of the Covenant**

Republic of Mauritius

CONTENTS

	<i>Page</i>
I. Introduction.....	4
II. Treaty Specific Report.....	
Articles 1-4: Purpose, Definitions, General Principles, General Obligations.....	7
Article 5: Equality and non-discrimination.....	10
Article 6: Women with disabilities.....	14
Article 7: Children with disabilities.....	16
Article 8: Awareness-raising.....	18
Article 9: Accessibility.....	19
Article 10: Right to life.....	22
Article 11: Situations of risk and humanitarian emergencies.....	23
Article 12: Equal recognition before the law.....	24
Article 13: Access to justice.....	26
Article 14: Liberty and security of person.....	27
Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment.....	29
Article 16: Freedom from exploitation, violence and abuse.....	30
Article 17: Protecting the integrity of the person.....	30
Article 18: Liberty of movement and nationality.....	30
Article 19: Living independently and being included in the community.....	31
Article 20: Personal mobility.....	33
Article 21: Freedom of expression and opinion, and access to information.....	35
Article 22: Respect for privacy.....	36
Article 23: Respect for home and the family.....	36
Article 24: Education.....	37
Article 25 and 26: Health, Habilitation and Rehabilitation.....	43
Article 27: Work and employment.....	43
Article 28: Adequate standard of living and social protection.....	48
Article 29: Participation in political and public life.....	52
Article 30: Participation in cultural life, recreation, leisure and sport.....	53
Article 31: Statistics and data collection.....	55
Article 32: International cooperation.....	56
Article 33: National implementation and monitoring.....	57

LIST OF TABLES

Table 1	Disabled population by sex - 1990 and 2000 Population Census
Table 2	Cases of disability by type, 1990 and 2000 Population Census
Table 3	Disabled population by type of disability and sex, 1990 and 2000 Population Census - Republic of Mauritius
Table 4	Percentage age distribution of the disabled population and of the total population, 2000 Population Census -Republic of Mauritius
Table 5	Summary Table of Expenditure- Emergency, Disaster Management and Surveillance
Table 6	Summary of persons with disabilities visited by CBR Officers, by end of 2011
Table 7	Summary of persons with disabilities who have secured training and employment, 1990 - 2000
Table 8	Social Aid received by adults with permanent disabilities, 2010
Table 9	Social Aid (ex-gratia payments) received by children with severe disabilities, 2010

I. INTRODUCTION

1. The Republic of Mauritius signed the Convention on the Rights of Persons with Disabilities on 25th September 2007 and subsequently ratified same on 08th January 2010. The present Report on the Rights of Persons with Disabilities in the Republic of Mauritius is submitted pursuant to article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (CRPD).

2. The Report was prepared after wide consultations at national level with all stakeholders such as representatives of various Ministries and Parastatal Bodies, Civil Society, Non-Governmental Organisations and Disabled Persons' Organisations – i.e. persons and organisations directly or indirectly involved with the implementation of the Convention.

3. The consultative process at national level was the result of a Workshop held on 12th December 2011. This was an opportunity for all the stakeholders to analyse the Report in-depth and take stock of achievements and gaps in the implementation of the CRPD. The Workshop analysed in particular the different strategies adopted by the Republic of Mauritius to mainstream disability issues.

4. On 23rd February 2012 a National Validation Workshop was organized. Multiple stakeholders- Government, Parastatal Bodies, NGOs, DPOs and the Private Sector were invited to review the Draft Report and share their views and suggestions. These comments were duly considered and incorporated into the Report prior to its finalization.

5. The present Report highlights the legislative and administrative measures taken by the State of Mauritius to fulfil its obligations under the CRPD. At the same time the Report points out Government's commitment to ensure the full realisation of the rights of persons with disabilities.

6. The CRPD Guidelines Reference (CRPD/C/2/3) issued by the Committee on the Convention on the Rights of Persons with Disabilities have been strictly adhered to.

7. Before elaborating on the implementation of the Convention, set below are some data on disability in Mauritius - disability prevalence disaggregated by type of disability, gender, age and cause of disability.

8. At Census 2000, 1,178,848 persons (583,756 males and 595,092 females) were enumerated in the Republic of Mauritius. Out of this total population, 40,790 were persons with disabilities (20,576 males and 20,214 females).

9. In 2000, the crude disability rate, defined as the number of persons with disabilities per 1,000 mid-year population was 34.6 (35.2 for the males and 34.0 for the females). Corresponding figure for 1990 was 26.4 (27.7 for the males and 25.0 for the females). The higher prevalence rates observed at the last census may be due to a change in the age structure of the population between 1990 and 2000. In order to remove the effect of the age structure, standardised rates for year 2000 using the population of 1990 as standard have been calculated. The standardised rate worked out to 30.6 for both sexes (31.6 for the

males and 29.7 for the females). The results still point to higher prevalence in 2000 and the same trend, more or less, is observed for 2011.

10 In fact, the latest Population Census was carried out in 2011 and, according to Statistics Mauritius, the provisional estimate of persons with disabilities as at July 2011 stood at 60,000.

Table 1: Disabled population by sex - 1990 and 2000 Population Census

Sex	1990			2000		
	Island of Mauritius	Island of Rodrigues	Republic of Mauritius	Island of Mauritius	Island of Rodrigues	Republic of Mauritius
Male	14,230	383	14,613	20,034	542	20,576
Female	12,867	372	13,239	19,606	608	20,214
Both sexes	27,097	755	27,852	39,640	1,150	40,790

Table 2: Cases of disability by type, 1990 and 2000 Population Census

Type of disability	Number of Cases					
	1990			2000		
	Male	Female	Both Sexes	Male	Female	Both Sexes
Walking, running & other ambulation disabilities (MTION)	4,100	3,012	7,112	6,427	5,590	12,017
Manual activity disabilities	2,109	1,425	3,534	2,100	1,745	3,845
Seeing disabilities	2,892	3,871	6,763	3,519	4,435	7,954
Hearing & listening disabilities	1,254	1,552	2,806	1,648	2,123	3,771
Speaking & talking disabilities	1,091	913	2,004	2,023	1,578	3,601
Disturbance of ability to learn	912	799	1,711	1,216	1,072	2,288
Disturbances of behavior (BEH)						
Inability to look after oneself, with regard to personal care & hygiene, feeding etc. (CARE)	5,146	4,282	9,428			
Other disabilities				2,576	3,674	6,250
				2,850	2,854	5,704
All disabilities	17,504	15,854	33,358	25,475	25,589	51,064

Table 3: Disabled population by type of disability and sex, 1990 and 2000 Population Census - Republic of Mauritius

Type of disability	1990			2000		
	Male	Female	Both sexes	Male	Female	Both sexes
Walking, running & other ambulation disabilities (MTION)	3,034	2,239	5,273	4,996	4,148	9,144
Manual activity disabilities (MANU)	813	463	1,276	1,321	974	2,295
Ambulation & manual activity disabilities (MTION & MANU)	972	717	1,689	417	386	803
Seeing disabilities (EYE)	2,476	3,237	5,713	2,977	3,693	6,670
Hearing & listening disabilities (EAR)	712	885	1,597	887	1,146	2,033
Seeing, hearing & listening disabilities (EYE & EAR)	206	333	539	322	533	855
Speaking & talking disabilities (SPCH)	631	514	1,145	1,523	1,107	2,630
Hearing & listening & speaking & talking disabilities (EAR & SPCH)	253	233	486	403	398	801
Disturbance of ability to learn (LEARN)	767	641	1,408	813	689	1,502
Disturbances of behavior (BEH)				2,755	2,150	4,905
Inability to look after oneself, with regard to personal care & hygiene, feeding, etc. (CARE)	4,749	3,977	8,726	1,571	2,412	3,983
Other				2,591	2,578	5,169
Total	14,613	13,239	27,852	20,576	20,214	40,790

Table 4: Percentage age distribution of the disabled population and of the total population, 2000 Population Census -Republic of Mauritius

Age Group	Disabled Population			Total Population		
	Male	Female	Both Sexes	Male	Female	Both Sexes
0-14	8.3	6.0	7.2	25.7	24.7	25.2
15-44	35.1	24.7	29.9	51.5	50.0	50.8
45-59	25.0	23.4	24.2	14.8	15.0	14.9
60-74	19.9	22.7	21.3	6.3	7.4	6.8
75+	11.6	23.2	17.4	1.7	2.8	2.3
All ages-%	100.0	100.0	100.0	100.0	100.0	100.0
No.	20,576	20,214	40,790	583,756	595,092	1,178,848

10. Mauritius Reservations: The Republic of Mauritius has placed the following reservations on the CRPD-

- i) During the signature of the Convention, a reservation was placed on Article 11 of the Convention which deals with situations of risks and humanitarian emergencies. However, the Government of Mauritius is considering removing the reservation on Article 11 in the short-term in view of the forthcoming Mauritius Disaster Management Bill.
- ii) A reservation was placed on Article 9.2 (d) which calls on Member States “to provide in buildings and other facilities open to the public signage in Braille and in easy to read and understandable forms;” The reservation has been made in view of the costs involved in providing access through Braille signage in all public facilities. The Government proposes to remove this reservation in due course as further developments take place.
- iii) During the ratification of the Convention, a reservation was placed on Article 24.2(b) which states that “persons with disabilities can access inclusive, quality and free primary and secondary education...” This is because though Mauritius has a policy of inclusive education, given the current situation wherein educational provisioning for children with disabilities is largely taken care of through special schools, it is expected that special schools will continue to operate alongside inclusive education until there is total mainstreaming. The Government is working towards this goal and proposes to remove the reservation in due course.

II TREATY SPECIFIC REPORT

ARTICLES 1 TO 4 PURPOSE, DEFINITIONS, GENERAL PRINCIPLES AND GENERAL OBLIGATIONS

1.1 The Government of Mauritius is fully committed to promoting, protecting and ensuring the rights of persons with disabilities.

1.2 **Definition:** It should be pointed out that the term “a person with disability” is nowhere specifically defined in the Constitution of Mauritius. There are, however, different definitions in different pieces of legislation.

Below are a few examples:

The Equal Opportunities Act defines “impairment” as

- (i) total or partial loss of a bodily function;
- (ii) the presence in the body of organisms that may cause disease;
- (iii) total or partial loss of a part of the body;
- (iv) malfunction 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;
- (v) malformation or disfigurement of a part of the body;

In the Training and Employment of Disabled Persons Act “a disabled person” means a person-

- (a) with a physical, mental or sensory disability, including a visual, hearing or speech functional disability, which gives rise to barriers inhibiting him from participating at an equal level with other members of society in activities, undertakings or fields of employment that are open to other members of society; and
- (b) who is willing and able to work.

The National Pensions Act defines disability in the following way-

"disabled" means-

- (i) for the purpose of sections 8, 21 and 28 (3), suffering from a disablement of not less than 60% and resulting from loss of mental or physical faculty;*
- (ii) for the purpose of section 26, suffering from a disablement of not less than one per cent and resulting from a loss of mental or physical faculty caused by an industrial accident or a prescribed disease;*

1.3 Following the signing and ratification of the Convention, the Government of Mauritius has adopted a new approach to **disability** with a view to shifting from a medical model to a social model which is in line with the spirit of the CRPD.

2.1 Definition of “reasonable accommodation”. This concept has so far not been the subject of any legislative definition. However, the Mauritius Employers’ Federation in its Guidebook on the recruitment of persons with disabilities entitled “Employment Guide on Benefits for Business: Why and How to Employ People with Disabilities in Mauritius” (2010) states that reasonable accommodation may include “modification of machinery and equipment and/or modification of the job content, work organization or adaptation of the work environment, to facilitate the employment of individuals with disabilities.”

2.2 In line with the CRPD, the Mauritian Government has sensitized and encouraged the Federations of Employers in Mauritius to make reasonable accommodations to their physical environment.

2.3 Definition of discrimination: Section 16 of the Constitution of Mauritius states:

“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 another person of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.”

3.1 General Principles and Obligations- The Republic of Mauritius is committed to the General Principles and Obligations outlined under Articles 3 and 4 of the Convention.

3.2 In the **Government Programme 2005 – 2010**, provision has been made for a broad vision and framework for priority actions to be put into place in order to achieve the objectives of *Building an Inclusive Society*.

3.3 The **Government Programme 2010-2015** states the following:

- (i) *“Government will further promote the integration of persons with disabilities by facilitating their access to training, education, employment, health, and ensure the protection of their human rights amongst others”.*
- (ii) *“The Special Needs Education Sector will be restructured in order to ensure that no child is deprived of education on account of any form of impairment or disability”.*
- (iii) *“Government will maintain payment of Basic Pensions to all elderly persons, widows, orphans and persons with disabilities”.*
- (iv) *“Government will review the social protection system to ensure that the most vulnerable groups of society are provided with adequate protection”.*
- (v) *“Government will proceed with the extension of the Foyer Trochetia with two additional units in order to cater for a greater number of severely disabled elderly persons”.*
- (vi) *“Government will proceed with the construction of a Respite Care Centre for children with disabilities. These children will benefit from specialised services and rehabilitation, including leisure facilities. The respite care facilities will be beneficial not only to the disabled children but also to their parents who require some respite”.*

3.4 The new Government Programme 2012-2015 stipulates the following:

(i) *“Government will further pursue the implementation of the UN Convention on the Rights of Persons with Disabilities by giving a new boost to training and employment of persons with disabilities. Relevant amendments will be brought to the Training and Employment of Disabled Persons Act and the National Council for Rehabilitation of Disabled Persons Act”.*

(ii) *“Government proposes to introduce a Disability Bill in line with the Convention to provide further protection to persons with disabilities against all forms of discrimination”.*

(iii) *“In the Special Education Needs sector, Government will introduce an early identification and assessment programme to profile the needs of differently-abled learners to enable timely intervention”.*

(iv) *“Government believes students with disabilities should be placed on an equal footing in terms of education and access to new technologies. Therefore Government will provide a Braille PC to all visually impaired students over the coming three years”.*

3.5 The Ministry of Social Security, National Solidarity and Reform Institutions (the Ministry) has the responsibility to ensure that Government Strategy is being implemented to enhance the quality of life of people with disabilities in the Republic of Mauritius. Following the signature of the Convention by Mauritius, the Ministry came up with a **“National Policy Paper and Action Plan on Disability: Valuing People with Disabilities”** in December 2007. The policy celebrates and values diversity and as such states, “in the new world, you not only have the right to have rights but also have the right to be different.”

3.6 The National Policy Paper outlines a comprehensive set of recommendations to facilitate the fulfilment of the economic, social, cultural, political and civil rights of persons with disabilities. These are discussed at length in relevant sections of this Report.

3.7 The Government of Mauritius adheres to the principles of the Convention and is fully committed to its implementation. It proposes to carry out a systematic review of Mauritian legislation to bring it into harmony with CRPD. The Ministry is currently working on the formulation of a comprehensive piece of legislation (a Disability Bill) with a view to prohibiting discrimination against persons with disabilities. The Government has committed itself to ensure that any such legislation should domesticate all the principles enshrined in the Convention.

ARTICLE 5 - EQUALITY AND NON-DISCRIMINATION

Legislative Framework

5.1 The Constitution of Mauritius firmly establishes the right of every citizen to be treated equally and to live a life free from discrimination. Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect. The term “discriminatory” means 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. It is to be noted that in the course of the consultative process for the elaboration of this Report, Disabled Persons' Organisations (DPOs) have strongly recommended amendment of section 16 of the Constitution of Mauritius in order that 'disability' be specifically addressed. The Ministry has referred the matter to the Attorney General's Office. The matter is under consideration.

5.2 Section 3 of the Constitution entitled "Fundamental rights and freedoms of the individual" reads as follows:-

"It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms –

- (a) the right of the individual to life, liberty, security of the person and the protection to the law;*
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and*
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest."*

5.3 Part II of the Equal Opportunities Act deals with forms of discrimination, which are equally applicable to persons with disabilities.

Section 5 of the Equal Opportunities Act provides as follows –

5. Direct Discrimination

(1) A person ("the discriminator") discriminates directly against another person ("the aggrieved person") on the ground of the status of the aggrieved person where –

(a) in the same or similar circumstances, the discriminator treats or proposes to treat the aggrieved person less favourably than he treats or would treat a person of a different status; and

(b) the discriminator does so by reason of –

(i) the status of the aggrieved person; or

(ii) *a characteristic that generally appertains or is imputed to persons of the status of the aggrieved person.*

(2) *In determining whether the discriminator directly discriminates, it is irrelevant –*

- (a) *whether or not he is aware of the discrimination or considers the treatment less favourable;*
- (b) *whether or not the status of the aggrieved person is the only or dominant reason for the discrimination, as long as it is a substantial reason.*

Section 6 of the Equal Opportunities Act provides as follows -

6. Indirect discrimination

(1) *A person (“the discriminator”) discriminates indirectly against another person (“the aggrieved person”) on the ground of the status of the aggrieved person where –*

- (a) *the discriminator imposes, or proposes to impose, a condition, requirement or practice on the aggrieved person;*
- (b) *the condition, requirement or practice is not justifiable in the circumstances; and*
- (c) *the condition, requirement or practice has, or is likely to have, the effect of disadvantaging the aggrieved person when compared to other persons of the same status.*

(2) *For the purposes of subsection (1) (b), the burden of proving that a condition, requirement or practice is justifiable in the circumstances lies on the discriminator.*

(3) *The matters to be taken into account in determining whether or not a condition, requirement or practice is justifiable in the circumstances include –*

- (a) *the nature and extent of the disadvantage resulting, or likely to result, from the imposition or proposed imposition of the condition, requirement or practice;*
- (b) *the likelihood of overcoming or mitigating the disadvantage; and*
- (c) *whether the disadvantage is proportionate to the result sought to be achieved by the discriminator.*

(4) *In determining whether the discriminator indirectly discriminates, it is irrelevant –*

- (a) *whether or not he is aware of the discrimination;*

- (b) *whether or not the status of the aggrieved person is the only or dominant reason for the discrimination, as long as it is a substantial reason.*

Section 7 of the Equal Opportunities Act provides as follows –

7. Discrimination by victimisation

(1) Subject to subsection (2), a person (“the discriminator”) discriminates by victimisation against another person (“the aggrieved person”) where he subjects or threatens to subject the aggrieved person to any detriment or where he treats the aggrieved person less favourably than in those circumstances he treats or would treat other persons, and does so –

(a) on the ground that the aggrieved person –

- (i) has made, or proposes to make, a complaint against the discriminator or any other person under this Act;*
- (ii) has brought, or proposes to bring proceedings under this Act against the discriminator or any other person;*
- (iii) has furnished or proposes to furnish, any information or has produced, or proposes to produce a document to a person exercising or performing any power or function under this Act;*
- (iv) has attended or proposes to attend an inquiry under this Act or to provide evidence or testimony as a witness; or*
- (v) has made in good faith an allegation that the discriminator or any other person has committed an act of discrimination in contravention of this Act; or*

(b) on the ground that the discriminator believes that the aggrieved person has done or proposes to do any of the things referred to in paragraph (a).

(2) Subsection (1) does not apply to the treatment of a person by reason of any allegation made by him where the allegation was false and not made in good faith.

5.4 Training and Employment of Disabled Persons Act - The Equal Opportunities Act notes that it is in addition to, and not in derogation of, the Training and Employment of Disabled Persons Act of 1996. The Training and Employment of Disabled Persons Act prohibits discrimination against any person with disability in relation to –

- (a) any advertisement of employment;*
- (b) recruitment for and advancement in employment;*
- (c) determination or allocation of wages, salaries, pensions, leave or other such benefits;*

- (d) *the provision of facilities related to or connected with any employment; or*
(e) *any other matter related to employment.*

Administrative Framework.

5.5 Section 3 of the Training and Employment of Disabled Persons Act sets up the Training and Employment of Disabled Persons Board (TEDPB) and its functions are, inter alia, to –

- prevent discrimination against disabled persons resulting from or arising out of their disability;*
- encourage the establishment of appropriate vocational centres and other institutions for the training of disabled persons;*
- operate, and encourage, schemes and projects for the training and employment of disabled persons; and*
- improve generally the social and economic status and conditions of disabled persons.*

5.6 Section 29 of the Equal Opportunities Act enables a person who is unable to lodge a complaint because of an impairment, to authorise another person to act on his behalf in relation to the complaint.

ARTICLE 6 -WOMEN WITH DISABILITIES

Legislative Framework

6.1 The Republic of Mauritius is party to the Convention on the Elimination of Discrimination Against Women (CEDAW). The legislative and policy measures initiated in favour of women's rights equally apply to women with disabilities. It should be noted that Mauritius played a key advocacy role in the inclusion of a separate article on women with disabilities. The Honourable Minister of Social Security, National Solidarity and Reform Institutions, Mrs S. Bappoo, GOSK, made an appeal during the 7th session of the UN Adhoc Committee for the inclusion of a separate article on women with disabilities in the Convention on the Rights of Persons with Disabilities.

6.2 The Sex Discrimination Act, which came into force on 08 March 2003 and provided for the elimination of gender discrimination and sexual harassment in certain areas of public activity, has now been repealed due to the coming into force of the Equal Opportunities Act. The Equal Opportunities Act provides for equal access to opportunities as it prohibits discrimination on all the different grounds covered under section 3 and 16 of the Constitution, as well as on age, pregnancy, mental and physical disability and sexual orientation in areas dealing with employment, education, the provision of accommodation, goods, services and other facilities, sports, the disposal of immovable property, admission to private clubs and premises open to the public. The Act also provides for the establishment of an Equal Opportunities Commission and an Equal Opportunities Tribunal.

6.3 With regard to the legislative framework to address the issue of domestic violence against women and children, the Protection from Domestic Violence Act was passed in 1997. This Act provides for the issue of protection orders, occupation orders and tenancy orders. The Protection from Domestic Violence Act has subsequently been amended in 2004 and 2007 to make it more responsive to the needs of victims of domestic violence. The amendments brought in 2007 allow the Courts to have wider discretionary powers, including the issue of an ancillary order as to alimony in respect to an aggrieved spouse or child. Further amendments brought in 2011 provide for uniformity and consistency in the procedure for the hearing of application for protection orders, occupation orders and tenancy orders.

Administrative Framework:

6.4 The Ministry of Gender Equality, Child Development and Family Welfare is responsible for the formulation of policy and administrative measures in favour of women's rights. These measures also benefit women with disabilities.

6.5 The measures include:

- a. *Setting up of Police Family Protection Unit to advise on appropriate procedures.*
- b. *Temporary shelter for victims in distress and/ or victims of violence.*
- c. *Massive ongoing sensitisation campaigns on family welfare and domestic violence.*

6.6 A National Action Plan to combat domestic violence at national level was launched on 23rd November 2007.

6.7 The Lois Lagesse Trust Fund, set up by an Act of Parliament in 1983 to promote education, training and employment of blind and visually impaired persons, has set up a Women's Wing in January 2012.

6.8 Also, the National Council for the Rehabilitation of Disabled Persons (NCRD) is in the process of setting up a Forum of Women with Disabilities to enable them to advocate their rights. The NCRD is mainly an advisory body which groups non-governmental organisations (NGOs) in the disability sector and disabled persons' organisations (DPOs).

6.9 In the new Government Programme of April 2012, the following new measures have been announced and which will also benefit women with disabilities:

- (i) *"Women's economic empowerment is an integral part of Government's democratisation agenda. Government will therefore reinforce support to Women Entrepreneurs through innovative SME schemes".*
- (ii) *"Government will present a White Paper on Reproductive Health to facilitate the formulation of modern policies that provide women with better information and services in this area".*
- (iii) *"Government will implement a National Action Plan to end gender-based violence and to promote family welfare".*

ARTICLE 7-CHILDREN WITH DISABILITIES

7.1 The Government of Mauritius is highly committed to protecting and upholding the rights of all children, including children with disabilities.

7.2 The African Report on Child Well-being 2008 recognised the Government of Mauritius as the most child-friendly government in Africa. This was mainly for three reasons: first, as a result of the Government of Mauritius putting in place appropriate legal provisions to protect children against abuse and exploitation; secondly, because of its high commitment in allocating a relatively higher share of the national budget to provide for the basic needs of children; and thirdly, as a result of the effort and success in achieving favourable outcomes on the well-being of children themselves. Children with disabilities have benefitted from the different measures.

7.3 The Child Protection Act was amended in 2005 to provide for higher penalties for sexual offences committed on victims with intellectual impairment. The Government of Mauritius is in the process of reviewing the legislation regarding children with a view to ensuring full compliance with the principles and provisions of the Convention on the Rights of the Child (CRC). Mauritius has acceded to the two Optional Protocols to the CRC, namely the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography.

7.4 A National Children's Policy/National Plan of Action is currently being implemented.

7.5 A Fast Track System is in place to ensure that children whose births have not been registered within the prescribed delay be tardily declared.

7.6 A National Parental Empowerment Program, set up on 30 May 2007, provides guidance to parents in all regions regarding protection of children against all forms of abuse.

7.7 A Child Mentoring Scheme was launched in October 2011. The objective of the Scheme is to help children aged between 10 and 16 years suffering from moderate behavioural problems to develop a stable personality.

7.8 A Community Child Protection Programme (CCPP) was launched in August 2007. The CCPP provides for the development of a formal mechanism to be set up in each district for grassroots and local level participation in community development, especially in respect of child protection and welfare.

7.9 School Child Protection Clubs have been set up in primary and secondary schools. Sensitization campaigns on sexual and reproductive health have been organized for children who are members of Children's Clubs and for parents regionwise. The Health and Physical Education Teachers' Guide for primary schools includes information on alcohol, tobacco, drugs and HIV/AIDS.

7.10 The National Children's Council ensures coordination of workshops and training sessions for teachers, resource persons working with children in Children's Clubs, Pre-Primary Schools and other groups like Scout Associations.

7.11 A Special Collaborative Programme for support of women and children in distress has been put in place. Under this programme, Ngos providing services to children with severe disabilities have received funding to the tune of Rs 9,676,962 to implement projects.

7.12 A residential care centre has been set up for children who are victims of commercial sexual exploitation and who need to be committed to a place of safety.

7.13 **Office of the Ombudsperson for Children:** The office of the Ombudsperson for Children was set up under the Ombudsperson for Children's Act 2003. Its objects as set out in section 5 of the Act are to:

- (a) *ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individual;*
- (b) *promote the rights and best interests of children; and*
- (c) *promote compliance with the Convention on the Rights of the Child.*

7.14 Since the setting up of the office in 2004, children with disabilities have been given due consideration by the Ombudsperson for Children and her investigators. They work in close collaboration with NGOs offering services and care to these children. The Ombudsperson for Children intervened several times in favour of children with disabilities to ensure that their rights and interests are given due consideration by the different Ministries and Departments. Namely, the Ombudsperson intervened in the field of access to education, leisure, special care, social security and support to parents having a child with disability.

7.15 For instance, the Ombudsperson for Children addressed the problem of late payment of the per-capita grants to NGOs running schools for children with disabilities. As a result, these institutions are now receiving their grants in advance and a Coordinating Committee has been set up at the level of the Ministry of Education and Human Resources comprising representatives of NGOs and officials of the Ministry.

7.16 The Government is proposing to come with a new Children's Bill to protect children from ill-treatment, abuse, neglect, degradation and discrimination, to promote the development and well-being of children in general and to ensure full compliance with the provisions of the CRC. In fact, the new Government Programme 2012 stipulates the following:

- (i) *"Government will also introduce a Consolidated Children's Bill to address the issues of safety for children as well as cases of abuse of children".*
- (ii) *"To further enhance the rights of children, Government will formulate and implement a rights-based and comprehensive National Child Protection Strategy".*

7.17 Family Counselling Officers, Family Protection Officers and Psychologists provide counselling to clients in strict confidentiality. Legal assistance is also provided by legal resource persons. As for the Child Welfare Officers (CWOs) they extend assistance to children victims of abuse and provide advice to parents on problems relating to ill-treatment of children, including those with disabilities. Both the FWPO and CWO refer clients to psychologists for counselling purposes.

7.18 Hotlines are also operational on a 24-hour basis to cater for family related problems and officers intervene promptly to assist victims who call on the said Hotlines.

7.19 The local branch of Leonard Cheshire Disability has set up a 'Young Voices Forum' to enable adolescents with disabilities to express themselves.

7.20 Since the signing of the Convention in 2007, the Ministry of Social Security has come up with a Respite Care Programme for children with disabilities. On the other hand, new social benefits targeting children with severe disabilities are being provided since 2009.

ARTICLE 8- AWARENESS-RAISING

8.1 In December 2010, the Ministry organized a workshop facilitated by an international expert on the CRPD to build awareness and an understanding of the rights of persons with disabilities and mechanisms for operationalizing a multi-sectoral strategy for the implementation of the Convention. More than 100 disability activists, NGOs in the disability sector, DPOs and representatives of Ministries/Departments participated in the workshop.

8.2 More than 100 sensitization campaigns have been conducted by the Ministry at the Social Welfare and Community Centres to sensitize the local communities, youth clubs, women's organisations and opinion leaders on the UN Convention of the Rights of Persons with Disabilities.

8.3 The Ministry has regularly been organizing events to celebrate and highlight achievements of persons with disabilities. One of the key aims of these events is to create awareness about the contributing role and achievements of persons with disabilities within society. For example, children with disabilities who have passed their CPE examinations (end of primary schooling) and students with disabilities who have excelled in their studies are rewarded each year. So are athletes with disabilities who have excelled in sport activities.

8.4 The Mauritius College of the Air (MCA) has in the past few years produced several television programmes and short films on persons with disabilities who have been role-models, thereby promoting and raising awareness on the rights of persons with disabilities. The programmes are frequently broadcast on the Knowledge Channel and the Learning Channel of the MBC. MBC regularly gives coverage to events related to disability in a positive manner; it organises a debate on the occasion of International Day of Persons with Disabilities. Same is true for private radio stations which give voice to the common people.

8.5 From 6-10 Feb 2012, the Ministry organised a Disability Film Festival in collaboration with the Ministry of Arts and Culture, the Mauritius Film Development Corporation and

“We Care Film Festival” of India. There was a Gala Show and 8 regional shows which were attended by some 2000 disabled and nondisabled persons. “We Care Film Festival” has given the rights of some 50 films to be used by the Ministry for its sensitisation campaigns.

8.6 The Ministry produces a regular e-newsletter to raise awareness on issues and progress on disability rights.

8.7 The Government Information Service ensures that all the initiatives taken with regard to the rights of persons with disabilities are disseminated through releases and articles on the Government Portal.

8.8 Awareness building and sensitization talks were carried out in schools, higher education colleges, local communities, media and television. This has led to a greater acceptance of persons with disabilities in mainstream society.

8.9 There is now more visibility of persons with disabilities in the media as media representatives have been sensitized to positively portray persons with disabilities and issues of disability.

8.10 The Mauritius Institute of Education has in collaboration with the Mauritius College of Air produced a film in 2010-2011 to sensitize and build awareness of teacher trainees on Deaf Education.

8.11 An Open Day was organised on 15 December 2011 by the Mauritius Institute of Education in collaboration with the National Council for the Rehabilitation of Disabled Persons to celebrate abilities of children with disabilities with the participation of 42 NGOs and 653 children with disabilities.

8.12 To mark the International Day of Persons with Disabilities, cultural programmes are organised in prime spots to showcase talents of persons with disabilities. Artists with disabilities are also invited to perform with non-disabled artists in the context of National Day Celebrations.

ARTICLE 9- ACCESSIBILITY

Legislative Framework:

9.1 **The Building Act:** Section 15 A of the Act which deals with accessibility and parking, provides that the local authority may, in respect of the construction of a building, or extensive alterations, additions or repairs to a building, to which the public may have access, impose such conditions as it thinks fit for the provision of suitable means of access to any part of the building, car park or curtilage for the use of the building and its facilities by disabled persons. Building (Accessibility to and Facilities for Disabled Persons) Regulations were promulgated in 2005 in order to ensure that access features for persons with disabilities are included in all designated buildings as listed in the first schedule to the said Regulations. As a result, most of the new buildings in Mauritius meet access requirements of persons with disabilities.

9.2 The said Regulations also make provision for the said Authority to direct the owner of a building, other than a designated building, to alter his building so that the building meets the accessibility requirements.

9.3 The Land and Building Permits Guidelines have also been amended to provide for the inclusion of accessibility features in the design of all new public development projects before the delivery of building permits by the local authorities.

Administrative Measures

9.4 The issue of accessibility is crucial to the integration of persons with disabilities in the mainstream of society. There can be no integration of persons with disabilities if the latter do not have access to schools, colleges, libraries, shopping centres, hotels, government offices, banks and other public buildings. To meet the obligations under Article 9 of the Convention, the Ministry has set up a Sub-Committee on Accessibility under the National Committee on the implementation of the CRPD which is chaired by the Hon. Minister of Social Security, National Solidarity and Reform Institutions. The Sub-Committee on Accessibility is a multi-sectoral committee comprising the following representatives – Deputy Director (Architecture) of the Ministry of Public Infrastructure, NDU, Land Transport and Shipping (Chair), members and representatives of the Ministry of Social Security, NS and RI, Ministry of Local Government, Road Development Authority, National Development Unit, Traffic Management and Road Safety Unit and Local Authorities.

9.5 To sensitize stakeholders on the issue of accessibility, a number of workshops were organized for the architects and engineers from both the public and private sector. The workshops were organized in collaboration with the Ministry of Public Infrastructure, NDU, Land Transport and Shipping and the Mauritian Association of Architects.

9.6 In partnership with Mauritius Telecom, the Ministry of Social Security launched a Directory of Emergency Services in Braille. 100 copies of the Directory were produced in Braille. Also, copies of the CRPD in Braille version were produced by an NGO, Lizié dan la Main in 2009.

9.7 **Travel:** The National Transport Authority (NTA) has made provision of modern direction indicators in buses. The Road Traffic (Construction and Use of Vehicles) Regulations have been amended in 2010 to make it mandatory for all future buses to have electronic type route indicators in bold characters which are more visible. Flashing bells have been installed in buses belonging to the National Transport Authority as well as in some private buses. Many traffic lights have been fitted with buzzers to enable persons with visual impairment to access roads and navigate crossings safely and independently.

9.8 As per NTA Guidelines, 2 rows are assigned as priority seats for persons with disabilities in public buses. Priority is also given to persons with disabilities in waiting queues.

9.9 **Accessibility of Public Buildings:** In view of the commitment of the Government of Mauritius to the accessibility needs of persons with disabilities and following the promulgation of the Building Regulations in 2005, the Ministry issued

a memorandum to all Ministries and Local Authorities to make it mandatory for all public buildings to have access features. The Ministry also took the decision to rent only those buildings for its own use which are accessible to persons with disabilities and has issued similar directives to other Ministries to follow suit.

9.10 Local authorities have been issued with guidance on the accessibility requirements for all public buildings. So far nearly 60% of public buildings belonging to the 9 local authorities have been retrofitted to meet accessibility standards. Some examples of such buildings are: Multipurpose Complexes, Children's playgrounds, Social Halls, Village Halls, Markets, Public Toilets, Information Service Centres, etc.

9.11 As an incentive to local authorities to do more and encourage others to enhance accessibility of facilities and services for persons with disabilities, it is proposed to institute an Award for the Municipality/District Council which has done the most for accessibility in its jurisdiction.

9.12 The Beach Authority is equipping all new toilets on the beaches with access features.

9.13 All the 57 Social Welfare Centres have been retrofitted.

9.14 A Guide on Accessibility is being prepared.

9.15 The Road Transport Authority is designing a training programme for its crew of bus drivers to better meet the needs of persons with disabilities.

9.16 The National Identity Card Unit of the Civil Status Division has set up a unit on the ground floor to facilitate access for persons with disabilities.

9.17 The Commonwealth Foundation chose Mauritius as the venue for the international launching of a joint braille and written version of the CRPD. The Ministry of Social Security is proposing to produce a simplified version for the intellectually impaired and a version in sign language and in the local language, Creole. The Lois Lagesse Trust Fund is preparing an audio version of CRPD.

9.18 The Road Development Authority is making new pavements accessible throughout the country.

9.19 The National Development Unit is incorporating access features in all its infrastructural projects.

9.20 The website of the Ministry on services to persons with disabilities is accessible to persons with visual impairment. It was launched in January 2012. Persons with disabilities can now apply for services online.

9.21 The Government Portal will be revamped to incorporate access features in all Government Websites.

9.22 The Building Act will be reviewed shortly and the Ministry has been invited by the Ministry of Public Infrastructure, NDU, Land Transport and Shipping to submit suggestions regarding additional accessibility issues for persons with disabilities. On the other hand, the Sub-Committee on Accessibility has made recommendations for the amendment of the following legislation: the Roads Act, the Morcellement Act and the Town and Country Planning Act.

ARTICLE 10 –RIGHT TO LIFE

10.1 Section 4 of the Constitution provides for the protection of the right to life except in circumstances where there has been a pronouncement of a Court of Law to the effect that a person shall be deprived of his life. However, the Abolition of the Death Penalty Act was passed in 1995 and all death sentences imposed before the passing of the said Act have been commuted to sentences of penal servitude for life.

10.2 The National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act and is operational since April 2001. It was granted accreditation A by the International Coordination Committee of National Human Rights Institutions in 2002 and is governed by the Principles Relating to the Status of National Institutions, Competence and Responsibilities (“Paris Principles”). The NHRC mainly enquires into complaints from persons alleging violation of their rights under Chapter II of the Constitution by the acts of public bodies or public officers and also complaints against police officers. It can also enquire of its own motion into such acts. Its functions also include visiting police stations, prisons and other places of detention to study detainees’ living conditions.

10.3 Furthermore, in all alleged cases of police brutality, the National Human Rights Commission carries out an enquiry and concludes as to the existence or non-existence of foul play after hearing witnesses. Should the Commission find that there has been foul play, the matter is referred to the Director of Public Prosecutions for any action deemed necessary.

10.4 In all matters where death is suspicious or violent, the Director of Public Prosecutions is empowered by virtue of Section 111 of the District and Intermediate Courts (Criminal Jurisdiction) Act to require a Magistrate to hold an enquiry into the cause of death.

10.5 In June 1998, Mauritius signed the Rome Statute of the International Criminal Court and subsequently ratified same on 5 March 2002. The International Criminal Court Act has been passed by Parliament as at 21 June 2011. This Act which provides for the effective implementation of the Rome Statute of the International Criminal Court in the laws of Mauritius, ensures the fulfilment of the obligations of Mauritius under the Statute, and extends the jurisdiction of the Mauritian Courts to try persons charged with international crimes and lays down the procedure for the surrender of persons to the International Criminal Court and for other forms of cooperation with that body.

10.6 The Medical Council (Code of Practice) Regulations promulgated in 2000 provides for a Code of Practice for the medical profession in standards of professional conduct and medical ethics. Clause 6 of Part 1 of the Code of Practice

stipulates that patients have a right to life and it is the registered medical practitioner's duty to, inter alia, respect life from the time of conception and respect it at all times irrespective of whatever pressure from outside that may be exerted to the contrary.

ARTICLE 11- SITUATIONS OF RISK AND HUMANITARIAN EMERGENCIES

Legislative Framework-

11.1 Although the Republic of Mauritius has placed a reservation on Article 11 of the CRPD, it is to be noted that this reservation is being reviewed.

11.2 The commitment of the Government towards its citizens and its obligations under international humanitarian law creates an environment of safety and protection which applies equally to persons with disabilities. The status of IHL instruments signed, ratified or acceded to and related domestic legislation is as follows-

- 1949 Geneva Conventions - acceded to on 18 August 1970-Geneva Conventions Act 1970
- 1977 Protocols I and II - acceded to on 22 March 1982-Geneva Conventions (Amendment) Act 2003
- The Biological Weapons Conventions-signed on 10 April 1972 and ratified on 07 August 1972 - Biological and Toxin Weapons Convention Act 2004
- The Chemical Weapons Convention- ratified on 09 February 1993- Chemical Weapons Convention Act 2003
- The CCW and its Protocols - acceded to on 06 May 1996- Draft Bill under consideration
- The Ottawa Treaty – acceded to on 24 December 2002- Anti-Personnel Mines (Prohibition) Act 2001
- The Rome Statute - signed in June 1998 and ratified on 05 March 2002- The International Criminal Court Act has been passed by Parliament as at 21 June 2011.
- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict was ratified on 12 February 2009.
- The Convention for the Protection of Cultural Property in the Event of Armed Conflict was ratified on 22 December 2006- Draft Bill is under consideration.

Administrative Measures-

11.3 A **Central Cyclone and other Natural Disasters Committee** has been set up under the Prime Minister's Office and is chaired by the Secretary to the Cabinet and Head of the Civil Service and comprises representatives from different Ministries, the

police force, the paramilitary force, local authorities and the meteorological department. It is responsible for managing the Cyclone and other Natural Disasters Scheme which is updated and approved by Government annually.

11.4 A National Disaster and Operations Coordinating Committee has also been set up administratively within the Police Department to take charge of the management of disasters in Mauritius. It coordinates efforts of various agencies dealing with disaster mitigation and relief.

11.5 **Refugee centres** - The Government of Mauritius has set up a chain of refugee centres across the islands of Mauritius and Rodrigues with a view to providing shelter and protection to local communities in the event of humanitarian emergencies and natural disasters such as cyclones and tsunamis. All the new refugee centres have been designed and built with access ramps and accessible toilets. Each refugee centre has been equipped with wheelchairs for suitable use by adults and children with mobility related disabilities. Staff and supervisors at the refugee centres have been trained to meet the needs of persons with disabilities.

11.6 The Government of Mauritius has made provisions for the grant of cash assistance to victims of natural disasters through its Social Aid scheme to support poor and vulnerable groups of people, including persons with disabilities, to cope with the impact of natural disasters.

Table 5: SUMMARY TABLE OF EXPENDITURE

Actual expenditure and allocations for Emergency, Disaster Management and Surveillance (Rs'000)					
Jul-Dec 2009 Actual Expenditure	2010 Revised Estimates	2010 Approved Estimates	2011 Estimates	2012 Planned	2013 Planned
887,583	1,280,025	1,546,635	1,766,366	2,092,402	1,363,746

Source: Budget 2011 Ministry of Finance¹ pg.13

11.7 It is to be noted that a Mauritius Disaster Management Bill is currently under preparation.

ARTICLE 12- EQUAL RECOGNITION BEFORE THE LAW

Legislative Framework-

12.1 **Section 3 of Chapter I of the Constitution** entitled “Fundamental rights and freedoms of the individual” reads as follows:-

“It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and

¹ <http://www.gov.mu/portal/goc/mof/PBB2011.pdf>

freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms –

- (a) the right of the individual to life, liberty, security of the person and the protection to the law;*
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and*
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.”*

12.2 **Section 16 of the Constitution** provides that no law shall make any provision that is discriminatory either of itself or in its effect. The term “discriminatory” means 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. Section 17 of the Constitution provides that a citizen who alleges that his right under, inter alia, section 16 of the Constitution is being or is likely to be contravened may apply to the Supreme Court for redress.

12.3 The **Equal Opportunities Act** which has been promulgated in January 2012 ensures further protection from discrimination as it prohibits both direct and indirect discrimination on the ground of age, caste, creed, ethnic origin, **impairment**, marital status, place of origin, political opinion, race, sex or sexual orientation. The EOA prohibits discrimination in various spheres of activities, namely employment, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, “société” or registered associations, clubs and access to premises and sports. The EOA also prohibits discrimination by victimization and makes provision for the establishment of an Equal Opportunities Commission.

12.4 In Mauritius the question of guardianship or substituted decision making for persons with disabilities is dealt with in the Code Civil Mauricien in Articles 492 to 510 which make provision for cases of “tutelle”- guardianship for cases of minors, persons who have attained the age of majority but whose mental state does not allow them to administer their affairs in their everyday life or as per 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.

12.5 Otherwise, a person with disability, unless institutionalized, is not prevented from entering into contracts, voting, marrying, taking decisions about health and accessing courts of law.

ARTICLE 13 - ACCESS TO JUSTICE

Legislative Framework-

13.1 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 own 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.

13.2 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 just 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.

13.3 Furthermore, it is a well established practice that an accused party should be questioned in line with the Judges' Rules which are administrative rules but which have gained the force of law over the years.

13.4 A suspect can also avail himself of the procedure of Habeas Corpus if he contends that he has been illegally detained. A writ of habeas corpus is in effect a procedure to secure, as a matter of urgency, the release of a person who is illegally detained.

13.5 Any person whose right under Chapter II of the Constitution has been, is being or is likely to be contravened may apply to the Supreme Court for redress under section 17 of the Constitution. Any law which is inconsistent with the Constitution shall, to the extent of the inconsistency, be void. Acts of public bodies may also be challenged in Court by way of applications for Judicial Review on grounds of illegality, "Wednesbury" unreasonableness, abuse of power and procedural impropriety.

13.6 The National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act 1998 and is operational since April 2001. Please see comments at Para 10.2.

13.7 The office of the Ombudsman was created under section 96 of the Constitution in 1968 in order to address 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. He attempts to strike a fair balance between what the citizen expects from Government services (including local authorities) and the Government (or local authority) that provides these services. In this context, it is worth pointing out that the Office of the Ombudsman regularly receives complaints regarding

non-payments or delay in payments of benefits and allowances to persons with disabilities and carries out full investigations thereon.

13.8 Minor petitions can equally be addressed to the Attorney General, who, in turn can refer the matter to the competent authorities for enquiry.

13.9 Complaints can also be made to the Director of Public Prosecutions.

Administrative Measures

LEGAL AID:

13.10 Legal aid is available to needy persons, including persons with disabilities. With a view to bolstering justice, the monthly income limit for entitlement to legal aid has been raised from Rs 5,000 to Rs 10,000. Please see comments at paragraph 13.2.

13.11 **Legal Aid to Minors:** Every minor, including minors with disabilities, charged with any crime or misdemeanor is entitled to legal aid.

13.12 **Physical and Procedural Access** - The Supreme Court maintains a list of independent sign language interpreters to enable persons with hearing and speech disabilities to access the justice system and participate in court procedures on an equal basis with others. The Intermediate Court is physically accessible to persons with disabilities with the provision of appropriate lifts and ramps.

13.13 Police personnel have been sensitized to the needs of persons with disabilities and have received training to serve them with promptness and without delay. Priority is given to them and their complaints are handled on a fast track basis. The services of an interpreter, psychologist or appropriate persons from organisations in the disability sector are sought, if need be.

13.14 Out of the 78 Police Stations in Mauritius, 12 are accessible. However, in all new facilities that are being set up, access requirements are being catered for.

13.15 *Number of cases of a sexual nature involving children and adults with intellectual disability-* The number of cases of sexual nature (2010- 2011) is 21. However, for certain specific offences, such as in cases of sexual harassment, unlawful arrest, detention and sequestration, sexual intercourse with a person with intellectual disability and certain cases of larceny with aggravating circumstances, the law has provided for more severe punishment, whenever it is averred that the complainant is a physically or intellectually disabled person.

13.16 The Budget 2012 provides for the setting up of a Victims Assistance Scheme for child victims and victims of sexual offences.

ARTICLE 14 - LIBERTY AND SECURITY OF THE PERSON

14.1 **Section 5** of the Constitution states that no person shall be deprived of his personal liberty save as may be authorized by law in a number of circumstances, including where there is the need to ensure his appearance in Court in answer to a

Court order, a reasonable suspicion that a person has committed or is about to commit an offence or that he is likely to commit breaches of the peace. The fact that a person suffers from a disability is not a basis for the deprivation of liberty unless his mental state is such as would constitute a danger to himself and society at large, and his internship at the Brown Sequard Hospital is so warranted and after medical diagnosis on the person's mental state.

14.2 A person who is arrested or detained should be brought before a Court of law without undue delay and if such a person is not tried within a reasonable time, he should be released, with or without conditions, without prejudice to the appropriate authority's power to bring fresh proceedings subsequently, including his right to be released on bail. The Bail Act sets out the grounds on which bail may be refused by the Court as well as the conditions that may be imposed by the Court for the release of the defendant or detainee.

14.3 **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 own 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.

14.4 Section 10 of the Constitution of Mauritius also stipulates that any person who is charged with an offence must be tried within a reasonable delay by an independent court which is impartial. The courts in Mauritius have, for successive case law, reminded the prosecution authorities and police of the duty to respect and enhance their obligation under section 10 of the Constitution.

14.5 A suspect can also avail himself of the procedure of Habeas Corpus if he contends that he has illegally been detained. A writ of habeas corpus is in effect a procedure to secure, as a matter of urgency, the release of a person who is illegally detained. Section 188 of the Criminal Procedure Act provides as follows:

“Where a Judge receives complaint by or on behalf of a person that he is illegally committed or restrained of his liberty, he may order all persons whom it may concern to:

- *return to him any depositions or commitments;*
- *take and return any other matter, any other evidence or matter necessary for the purpose of ascertaining the cause of such detention and imprisonment;*
- *issue a writ of habeas corpus directed generally to every gaoler, officer or any other person committed or restrained may be”.*

14.6 In case of complaints being lodged against persons with disabilities at a police station, due consideration is exercised in regard to the disability of the person; his/her vulnerability is assessed before taking any action. Medical advice is sought whenever required.

14.7 Where persons with disabilities have been deprived of their liberty by a verdict of a Court of Law, several steps are taken to ensure that their rights are not baffled. For example, detainees with mental impairment are visited by psychiatrists on a regular basis and are allowed to follow their usual treatment in hospitals. Detainees with physical disabilities are provided with assistive devices such as wheelchairs and elbow crutches.

ARTICLE 15 - FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

15.1 Section 7(1) of Chapter II of the Constitution guarantees the right to freedom from torture, inhuman or degrading punishment or other such treatment. The Constitution 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.

15.2 In the case of **Philibert & Ors v The State**, judgment delivered by the Supreme Court as at 19 October 2007, it has been held that section 222(1) of the Criminal Code and section 41(3) of the Dangerous Drugs Act 2000 contravened section 7(1) of the Constitution in as much as the indiscriminate mandatory imposition of a term of 45 years penal servitude in all cases contravened the principle of proportionality and amounted to “inhuman or degrading punishment or other such treatment” contrary to section 7(1) of the Constitution. However, the Court went on to add that the impugned section 222(1) of the Criminal Code and section 41(3) of the Dangerous Drugs Act were unconstitutional only in so far as they provided for a substantial mandatory prison sentence of 45 years and that the relevant sections should be read down in such a way that upon conviction an offender would be liable to a prison sentence in the discretion of the Court but which would carry a maximum of 45 years. However, it is to be noted that the Judicial Provisions Act has been voted by Parliament as at 18 November 2008 and one of the objects of the Act is to abolish fixed sentences and other mandatory sentences and to restore to the Courts their sentencing discretion in respect of all offences.

15.3 Furthermore, the inclusion of torture as an offence (section 78 of the Criminal Code caters for the offence of torture by public official) - provides for the new possibility to additionally prosecute public officers guilty of having carried out such acts. Section 78 (4) of the Criminal Code provides that a public officer cannot raise the defence that he acted under the orders of his superiors.

15.4 The Extradition Act provides with regard to extradition crimes, namely in its section 7, that an offender shall not be surrendered to a foreign State where the offence in respect of which the request for his surrender is one of a political character or where the Minister has reasonable grounds for believing that the request for surrender is being made for the purpose of prosecuting or punishing the offender on account of his race, caste, place of origin, nationality, political opinions, colour or creed or where the Minister is satisfied that it would be unjust, oppressive or too severe a punishment to surrender the offender, amongst others.

ARTICLE 16 - FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

16.1 With regard to the legislative framework to address the issue of domestic violence against women and children, the Protection from Domestic Violence Act was passed in 1997. This Act provides for the issue of protection orders, occupation orders and tenancy orders.

16.2 The Protection from Domestic Violence Act has subsequently been amended in 2004 to make it more responsive to the needs of victims of domestic violence and to ensure better protection to the victims.

16.3 The Protection from Domestic Violence (Amendment) Act was further amended in 2011 to provide for uniformity and consistency in the procedure for the hearing of applications for protection orders, occupation orders and tenancy orders.

16.4 The Child Protection Act imposes heavy penalties on those found guilty of sexual offences on children with disabilities.

16.5 The Ministry has set up a Disability Watch with the objectives to identify, at the level of the community, cases of abuse, provide psychological or psycho-social support to disabled victims of abuse and violence, make referrals to appropriate authorities, carry out mediation and raise awareness.

16.6 The Protection of Elderly Persons Act was passed in 2005 with a view to providing protection from abuse and neglect to elderly persons who represent more than 10% of the population and many of whom have one type of disability or another.

ARTICLE 17-PROTECTING THE INTEGRITY OF THE PERSON

17.1 All Mauritian citizens including persons with disabilities enjoy the same rights as set out in the Constitution and under other pieces of legislation.

17.2 Section 3, 5, 7, 10, 16 and 17 of the Constitution of Mauritius sufficiently cover article 17 and have been extensively dealt with elsewhere in the report.

ARTICLE 18- LIBERTY OF MOVEMENT AND NATIONALITY

18.1 Freedom of movement is enshrined in Section 15 of the Constitution and it includes the right to move freely throughout Mauritius, the right to reside in any part of Mauritius, the right to enter Mauritius, the right to leave Mauritius and immunity from expulsion from Mauritius.

18.2 Under the Bail Act, the court is entrusted with wide powers to allow an accused to travel outside the country provided he satisfies certain conditions. The courts have generally been upholding the spirit of Section 15 of the Constitution.

18.3 Nationality: The Mauritian Citizenship Act deals with issues concerning acquisition of citizenship, loss of citizenship and dual nationality.

18.4 Under section 7(2) of the Mauritius Citizenship Act, a non-citizen who is married to a citizen of Mauritius, may be registered as citizen of Mauritius if he satisfies the Minister that he lived with his spouse under the same conjugal roof in Mauritius for a period of not less than 4 years immediately preceding the date of his application for his registration.

18.5 Provision is also made for a certificate of naturalization to be granted to an alien or British protected person full of age and capacity subject to certain conditions being fulfilled.

18.6 There is no separate treatment for persons born with disabilities in relation to nationality. Section 12 of the Civil Status Act requires that a declaration of birth to be made within 45 days of the birth. Furthermore, the possibility of registration of births by the persons in charge of any institutions such as asylum, orphanage, where the parents are not present or have a mental impairment which prevents them from performing this action, has been made under section 14 of the same Act.

18.7 Any citizen of Mauritius, irrespective of him having a disability or not, is entitled to a Mauritian passport and disability does not constitute a ground for denial of same. In fact, Mauritians with disabilities pay a concessionary fee to obtain a passport.

ARTICLE 19: LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

Legislative Framework:

19.1 There is no legal restriction in relation to persons with disabilities in this regard.

19.2 The Mental Care Act contains important safeguards against forcible admission to institutions for persons with mental impairment. For example, Section 7 (2) of the Act provides that ‘where the medical officer or psychiatrist is informed, or has sufficient reason to believe that a person has been brought to a centre coercively or against his will, he shall not admit or treat that person unless he has reasonable ground to believe that the person constitutes a danger for the safety of himself or other persons as a consequence of a mental disorder’.

Administrative Framework:

19.3 The Ministry provides a Carer’s Allowance, Constant Attendance Allowance, Special Allowance, Child Allowance and several other such allowances to enable persons with disabilities and their families to meet the additional disability related costs, thereby promoting independent and dignified living and minimizing the institutionalization of persons with disabilities. The details of these allowances are provided below:

19.4 *Carer’s Allowance (15 – 59 years)*

(a) Beneficiaries of Basic Invalidity Pension (BIP) who need the constant care and attention of another person are also entitled to an **additional benefit**.

(b) The amount payable is: Rs 1,828 a month

(c) BIP : Rs 3020
 + Carer’s Allowance: = Rs 1,828

Total Rs 4,848

(NOTE: 1 USD=AROUND 28 MUR)

19.5 A beneficiary of a Basic Invalidity Pension is also entitled to Child’s Allowance in respect of a maximum of 3 children aged up to 15 years or 20 years if in full time education.

19.6 **Carer’s Allowance to Beneficiaries of Basic Retirement Pension (60 years and above):**

(a) Beneficiaries of Basic Retirement Pension (BRP) who are severely disabled and need the constant care and attention of another person are paid an additional benefit on top of their Basic Retirement Pension.

(b) the amount payable as from January 2012 is: Rs 2113 per month

(c) BRP = **60 yrs – 90 yrs**
 Rs 3,350
 + enhanced = Rs 2,113

 Rs 5,463

19.7 **Constant Attendance Allowance:**

(a) This is payable to an employee who suffers from a total **temporary** incapacity or a 100% disability and who requires the constant attendance of another person subject to medical recommendations.

19.8 **Payments under Social Aid Act**

(a) A Social Aid is payable to a claimant and his dependents where the claimant is temporarily or permanently incapable of earning adequately his livelihood due to any physical or mental disability or sickness or accident as certified by an approved medical practitioner. The degree of disability should be at least 30 %.

(b) Beneficiaries of Social Aid are also entitled to the following:

- (i) free spectacles;
- (ii) one-off grant for purchase of dentures,
- (iii) refund of travelling to attend medical treatment;
- (iv) funeral grant;

- (v) payment of examination fees for SC, GCE, HSC and MITD courses for their wards or for themselves;
- (vi) allowance for the purchase of rice and flour as follows:
Rs 246 for himself/herself; and if he/she is head of household
Rs 246 for each member of the family.

19.9 Special Allowance:

- (a) **Special Allowances are provided for children with disabilities as follows:-**
 - (i) **severely disabled**
(6 months-15 years): Rs 391 per month
 - (ii) **incontinent**
(2 years up to 15 years): Rs 391 per month
 - (iii) **bed-ridden**
(6 months – 15 years): Rs 391 per month
 - (iv) The special allowances are given on top of the Carer's Allowance of Rs 2148 monthly and the majority of the children benefit from all the three allowances.

19.10 **Respite care programmes:** The Government of Mauritius has organized respite care programmes for more than 3000 children with severe disabilities to support their parents and carers and to promote the continued living of these children within the community. Regular respite care activities are organized to provide rest and relaxation to parents from caring responsibilities. Parents are trained on how to cope with caring responsibilities. A plot of land has been acquired by the Ministry to start a Respite Care Centre at La Marie.

19.11 Persons with disabilities are given priority in allocation of slots on the ground floor in apartments constructed by the National Housing Development Company.

19.12 Free domiciliary visits are provided to elderly persons with disabilities as from the age of 75. Since last year this measure has been extended to children with severe disabilities up to the age of 18.

19.13 The Ministry has devised a Carer's Strategy to provide training to some 3,000 formal and informal carers within a period of 5 years to support persons with disabilities and elderly persons staying at home.

19.14 The Community-Based Rehabilitation Officers of the Ministry of Health visit each home in their respective areas to identify persons with disabilities, provide them with necessary support and make appropriate referrals.

ARTICLE 20: PERSONAL MOBILITY

20.1 In order to facilitate the mobility of persons with disabilities in a manner and at the time of their choice, and at affordable cost, the Government of Mauritius has taken several proactive measures. These are listed in the following sections.

20.2 Coverage of Travel costs:

- (a) All beneficiaries of the Basic Invalidity Pension are entitled to a free travel bus pass;
- (b) Children with disabilities below 15 years (and therefore not benefitting from Basic Invalidity Pension) are also entitled to free travel bus pass;
- (c) Those between 15-18 years but not benefitting from BIP are also entitled to free travel bus pass.

20.3 Refund of Bus Fares:

- (a) To encourage parents to send disabled children to school (mainstream, special or day-care centres), the bus fare of one accompanying parent is refunded;
- (b) In case the child is severely disabled and travels by special means of transport, bus fare for both the child and the parent is refunded;

20.4 Refund of taxi fare for University students to support their mobility: Since 2009, taxi fare is refunded for university students with severe disabilities who cannot travel by ordinary means of transport.

20.5 Concessionary Airfare: Concessionary airfare is provided to persons with disabilities travelling by Air Mauritius;

20.6 Free Parking Coupons are provided to persons with disabilities: To enable easy access to public places like shopping centres and other amenities, free parking coupons are being provided by the Ministry to persons with disabilities with severe mobility problems.

20.7 Crackdown operations are organised regularly to ascertain that the reserved parking slots are not trespassed by non-disabled drivers and no abuse is made of the parking coupons.

20.8 Duty-free facilities to purchase adapted cars: Persons with disabilities are entitled to duty-free facilities to purchase adapted vehicles. Presently, only persons with physical disabilities who can drive and who need a vehicle to attend duty benefit from these facilities. However, the criteria are being reviewed to enable parents who have severely disabled children to benefit from duty free facilities for the conveyance of their children. Requests from blind and deaf persons also will be considered on a case to case basis. Appropriate Regulations are being worked out by the State Law Office.

20.9 A protocol is being worked out between the Police Department and the Ministry of Social Security to facilitate deaf persons to obtain a licence.

20.10 Further, the Government of Mauritius has made pedestrian signals accessible to persons with visual impairment to enhance their independence and mobility. Many

traffic lights have been fitted with buzzers to enable persons with visual impairment to access roads and navigate crossings safely and independently.

20.11 The National Transport Authority has made provision for modern direction indicators in buses. The Road Traffic (Construction and Use of Vehicles) Regulations have been amended in 2010 to make it mandatory for all future buses to have electronic type and more visible indicators. Flashing bells have also been installed in buses.

20.12 Persons with disabilities are also provided with assistive devices free of cost. These include wheelchairs, hearing aids and spectacles. Since 2009, 25 customized wheelchairs have been provided to children with severe disabilities, including those suffering from muscular dystrophy and cerebral palsy.

20.13 The Orthopaedic Workshop of the Ministry of Health provides free walking frames, tripods and other appliances to persons with disabilities.

20.14 The Lois Lagesse Trust Fund provides white canes and mobility training to blind and visually impaired persons.

20.15 The Training and Employment of Disabled Persons has set up a workshop for the repair of wheelchairs to facilitate the mobility of persons with locomotor disabilities.

20.16 The Ministry is working on a policy to provide access to motorized wheelchairs for persons with disabilities with a view to meeting the high demand, especially from those who need it to travel to work.

20.17 In the meantime, the National Solidarity Fund is providing such wheelchairs and other devices like medicalised beds on a case to case basis.

ARTICLE 21: FREEDOM OF EXPRESSION AND OPINION, AND ACCESS TO INFORMATION

Legislative Framework:

21.1 Section 12 of the Constitution of Mauritius provides protection of freedom of expression. It applies to all citizens including persons with disabilities. Section 12 states,

(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or

(c) for the imposition of restrictions upon public officers,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

Administrative Measures:

21.2 The Government of Mauritius is working on a national action plan to promote sign language. The first phase has been completed with the launching of a Dictionary of Mauritian Sign Language and the second phase is ongoing.

21.3 The MBC broadcasts a weekly news bulletin in the Mauritian Sign Language. There is also a sign version of the National Anthem.

21.4 It is worth pointing out that, according to the World Federation of the Deaf, Mauritius is the first country in the world to have deaf people themselves presenting news on television.

ARTICLE 22: RESPECT FOR PRIVACY

22.1 Section 9 of the Constitution provides for privacy of home and other property.

22.2 The Data Protection Act 2004 which provides for the setting up of a Data Protection Office headed by a Commissioner, is responsible for the protection of the privacy rights of individuals in the light of developments in the techniques used to capture, transmit and manipulate, record or store data relating to individuals.

ARTICLE 23: RESPECT FOR HOME AND THE FAMILY

23.1 Please see comments at paragraph 22.1.

23.2 Family Law in Mauritius is primarily governed by the Code Civil Mauricien which is inspired from French law.

23.3 The 'Action Familiale' Act created the Action Familiale Association which, inter alia, promotes the welfare and happiness of families, fosters the ideas of harmonious married

life and responsible parenthood and supports the propagation of all natural methods for child birth.

23.4 Section 4 of the National Women's Council Act provides that the Council shall, inter alia, establish and maintain effective communication with women and organizations and assist in the implementation and evaluation of Government policies as they relate to the needs of women and this includes women with disabilities.

23.5 Persons with disabilities have the right to found a family and to decide freely on the number of children to have and to retain their fertility on an equal basis with others. On the other hand, the Code Civil Mauricien – Articles 144-228 - governs the marriage of a majeur en tutelle.

23.6 Forced sterilization of persons with disabilities does not exist in Mauritius.

ARTICLE 24: EDUCATION

Legislative Framework:

24.1 A reservation has been made in regard of article 24.2 (b) by the Republic of Mauritius. However, increasing efforts are being made to address the educational needs within the mainstream system and the Government is committed to removing the reservation in the future.

24.2 Section 17 (1) of the Equal Opportunities Act provides that –

(1) Subject to subsections (2) and (3), no educational institution shall discriminate –

(a) Against a person –

- (i) In deciding who should be admitted as a student;
- (ii) By refusing or failing to accept that person's application for admission as a student;
- (iii) In the way that the person's application is processed; or
- (iv) In the terms and conditions on which it is prepared to admit that person as a student; or

(b) Against a student by –

- (i) Denying him access, or limiting his access, to any benefit, facility or service provided by the educational institutions;
- (ii) Expelling him; or
- (iii) Placing him at a disadvantage in any other manner.

24.3 However, Section 17(3) of the Equal Opportunities Act provides that-

An educational institution may discriminate against a person on the basis of impairment where –

(a) *in order to participate or continue to participate in, or to derive or continue to derive substantial benefit from the educational programme of the institution –*

(i) *the person requires or would require special services or facilities; and*

(ii) *it is not reasonable in the circumstances for those special services or facilities to be provided; or*

(b) *the person could not participate or continue to participate in, or derive or continue to derive substantial benefit from, the educational programme even after the provision of special services or facilities.*

24.4 Such discrimination operates in special circumstances as underlined above at subparagraphs (a) and (b). On the other hand, the Education Act has been amended in 2003 to provide for free and compulsory education of all children 16 years of age and below. Same applies to children with disabilities as well. Also, the new Government Programme 2012 stipulates that:

*“To ensure that no **single** child is denied the opportunity for early self-development, Pre-Primary Education will be made compulsory for the age group 3 to 5 as from January 2013”.*

24.5 The Government of Mauritius is strongly committed to the provision of access to quality education to children with disabilities. The Government’s commitment is embodied in the *Special Education Needs and Inclusive Education (SEN& IE) Policy and Strategy* published by the Ministry of Education and Human Resources in 2006. The Policy allows for a range of education provisioning for children with disabilities to realise the vision *“to enable children with special needs to develop fully their potential so that they can contribute to their own welfare and that of the country”*. The SEN and IE Policy acknowledges inclusive education as the way forward and notes that this marks a paradigm shift *“needed for the sharing of the common vision that all children must be able to reach their potential in inclusive educational settings whatever their abilities and learning needs.”* Section 3.3 further emphasises, *“Our government acknowledges that children with special educational needs should be included as far as possible within the general education environment commonly referred to as inclusive education.”*

24.6 The SEN and IE Policy’s key aims are to enhance-

- *“Access to education and recognition of our children with special educational needs having the same right and enjoying equality of education opportunities as their counterparts.*
- *Relevance and Quality through the setting-up of structures and systems aimed at meeting each child’s needs.*
- *Achievement in terms of teaching and learning as well as provision of support services within the classroom and the school through the collaboration of all school personnel and the pluri-disciplinary team.”*

Administrative Measures:

24.7 As such the SEN and IE Policy adopts a three-pronged approach to providing educational access through a range of options to children with disabilities-

Approach 1: Mainstream Integration- Children with disabilities will be given access to regular mainstream schools of their region. Upon parental choice and proper assessment and referral, children with mild or moderate intellectual or sensorial disability can be placed with the regular classroom with additional input of a consultancy support service and ancillary staff or support teacher who will provide assistance to the classroom teacher.

Approach 2: Integrated Classrooms/Units in mainstream - Children who have more severe disabilities will be given access to education in specialised educational settings either in public schools or other schools through a special education class or resource room or through a special education unit operating full-time in the mainstream school premises.

Approach 3: Special Education Needs (SEN) or specialised schools- Following proper professional assessment, children who cannot be integrated in the mainstream because of their specific educational needs will attend SEN schools. Such schools will be twinned with a mainstream school in the locality for joint activities.

24.8 The Ministry of Education and Human Resources has expressed its commitment towards the inclusion of children with disabilities within the national education system. In the Education and Human Resources Strategy Plan 2008-2020, the Ministry of Education and Human Resources has reiterated that the SEN policy guidelines and strategic framework move forward immediately along specifically defined goals for each year so that by 2020 all children with disabilities in Mauritius will be enjoying access to relevant high quality education . In this context, a registration exercise has been undertaken to identify children with disabilities who are not attending schools so that necessary remedial action can be taken.

24.9 The Ministry of Education and Human Resources has supported 48 SEN schools and more schools will be supported and become fully operational in 2012. Further, 1800 students with different types of disabilities are being catered for in the current SEN schools. There are also 129 mainstream pre-schools in Mauritius which offer inclusive education and 199 children with disabilities currently attend early childhood education institutions. 13 NGOs run specialized early years education services which are attended by 39 children in 3-5 years age group. 10 students with intellectual disabilities attend a mainstream pre-school twice a week. Provision is also being made by the Early Childhood Care and Education Authority to accommodate children with disabilities above 5 years in exceptional cases.

24.10 Within the Early Childhood Care and Education Authority, a Special Education Needs (SEN) Department has been set up. A SEN Coordinator has been nominated and a SEN Committee set up.

24.11 To raise awareness and promote enrolment of children with disabilities, posters have been issued for the registration of children between 3 to 5 years.

24.12 SEN Resource and Education Development Centre: 4 such Centres are being set up in remote and inaccessible areas to reach out to children with disabilities.

24.13 The Mauritius Institute of Education is running the following courses to build the capacity of staff to meet the educational needs of children with disabilities: Certificate in Special Education Needs, Diploma in Special Education Needs (Primary), Diploma in Special Education Needs (Early Childhood Education), Primary Teacher's Diploma- Focus on Deaf Education and Sign Language and Postgraduate Diploma in Inclusive and Special Education.

24.14 In 2011, 90 educators have received basic training in the use of sign language. 238 trainee educators have followed in 2010-11 a Teacher's Diploma Course which has a module on Early Identification, Intervention and Inclusionary practices. 19 trainees are presently following a Certificate Course in Special Education and 178 trainee educators are following a Primary Teacher's Diploma Course which includes a module on Deaf Education and Sign Language. In 2011 a training of trainers' course was mounted by the MIE on Inclusive Education for the benefit of 28 professionals in the education sector.

24.15 The Ministry of Education and Human Resources has solicited the support of European Union for the implementation of the national policy and strategy-appropriate curriculum, training requirements, management of SEN Resource and Development Centres and the elaboration of a regulatory framework for SEN.

24.16 Payment of Grant-in-Aid to NGOs providing special education has been increased by 25% in the budget of 2012. The Grant-in-Aid has been increased from Rs. 4 million in 2005 to Rs 26.4 million in 2012.

24.17 The Ministry of Education and Human Resources has been encouraging the inclusion of children with mild disabilities in mainstream schools and has made provisions for the following-

- Library services, computer rooms, service laboratories are located on the ground floor.
- Classrooms with pupils with mobility impairment are also to be located on the ground floor.
- Ramps, hand rails and adapted toilets are being provided in a phased manner. Till now, 148 schools have been retrofitted with ramps and 30 schools have already been provided with adapted toilets.
- Children with disabilities are benefiting from extra time during examinations.
- Large print text-books and exam papers are produced for children with visual impairment.
- Children with hearing disabilities are being provided with Sign Language Interpreters during examinations.
- Flexibility is given to release children with disabilities earlier than the school closure time to facilitate their ease of movement prior to the rush hour.

- Flexible approach is being allowed to parents keen to provide extra assistance at school to their wards with disabilities.

24.18 All new schools and educational institutions are provided with access features.

24.19 The Mauritius Institute of Education (MIE) has set up a National Education Counselling Service to provide guidance and counselling to children and parents with disabilities.

24.20 The MIE in collaboration with the Mauritius College of Air has produced a film in 2010-2011 to sensitize and build awareness of teacher trainees on Deaf Education.

24.21 The MIE has also developed tools for early identification and follow-up of children with impairment in mainstream schools.

24.22 The Ministry supports students with disabilities in the following ways:

- Refund of bus fare to parents accompanying their disabled children to schools and day-care centres.
- refund of taxi fare to students with severe disabilities attending university.
- The Francois Sockalingum Award which is a scholarship scheme in the form of a monthly stipend to encourage students with disabilities to pursue secondary and tertiary studies.

24.23 The University of Mauritius has put in place a number of measures to enhance access to students with disabilities. Currently 21 students with different types of disabilities are reading for a number of courses including engineering, finance, law, chemistry, information systems, philosophy, food and safety, web and multi-media, occupational health, history etc.

VOCATIONAL EDUCATION

24.24 In keeping with the multi-sectoral strategy adopted by the Government of Mauritius in realizing the rights of persons with disabilities, the Mauritian Institute of Training and Development (MITD) has been partnering closely with the Training and Employment of Disabled Persons Board (TEDPB). The MITD signed a Memorandum of Understanding with TEDPB on December 2005 as follows:

- (i) To reserve a number of seats for persons with disabilities.
- (ii) Where persons with disabilities do not meet the basic entry requirements but have the necessary aptitudes for the courses, MITD agrees to adapt the course requirements to enable persons with disabilities to follow relevant parts/modules of the courses.
- (iii) To do a regular audit of the training programmes run by TEDPB.

- (iv) To provide the necessary technical assistance to upgrade the training programme of TEDPB.

24.25 The following is highlighted to demonstrate this collaboration towards promoting the training and employment of persons with disabilities -

- (i) The **MITD/TEDPB** has been conducting training in the following courses jointly: Basic Course in IT and Internet, Screen Printing, simple Jewellery Making.
- (ii) MITD has also integrated a number of trainees with disabilities in courses such as Automotive Electricity and Electronics, NICT, Garment Making, Refrigeration and Air Conditioning.

24.26 The National Computer Board has trained more than 1,150 persons with disabilities in ICT Awareness/IC3 Course. It is also proposing to set up an ICT Training Centre for persons with disabilities.

24.27 The Small and Medium Enterprises Authority (SMEDA) provides training in handicraft and in entrepreneurship skills to persons with disabilities as well.

EXAMINATIONS

24.28 The Mauritius Examination Syndicate (MES) is committed to providing equality of opportunity for candidates in relation to disability. The Examinations Centre at the MES is fully equipped to give access to candidates with physical disabilities. As far as examinations conducted by MES in other Examinations Centres are concerned, candidates with physical disabilities are provided with ground floor accommodation.

24.29 Moreover, all candidates with disabilities are provided with the following facilities on request:

- Specially adapted chairs and tables for candidates, if required.
- Supervised rest breaks.
- Use of a resource person as scribe for candidates who cannot write independently.
- Use of computers, word processors and electronic typewriters.
- Extra time during oral assessments for candidates having oral communication difficulties.
- Use of a resource person for assistance during practical examinations.
- Use of a resource person as sign language interpreter.

24.30 In addition, candidates with visual impairment are given the following special consideration:

- Extra time
- Enlarged papers
- Assistance with reading or writing.
- Braille facilities and use of Jaws software

ARTICLES 25 & 26: HEALTH, HABILITATION AND REHABILITATION

25.1 The Republic of Mauritius has a national free health service which provides universal access to healthcare which persons with disabilities enjoy on an equal basis with others.

25.2 The Ministry of Health has taken additional measures that include:

- a. Priority service in all hospitals
- b. Separate queue for persons with disabilities for different services including the collection of medicines at the pharmacy.
- c. Home visits by nurses for injections and dressings
- d. The Medical unit of the Ministry organised 623 home visits to persons with disabilities above the age of 75.
- e. The early identification of children with disabilities is ongoing in pre-primary and primary schools.

25.3 The Ministry of Health has also been running a full-fledged outreach and community based rehabilitation service. The following table summarises the number of persons with disabilities visited by CBR Officers:

Table 6: No of persons with disabilities visited by CBR Officers as at December 2011.

AGE GROUP	MALE	FEMALE	BOTH SEXES
<15 years	746	566	1,312
15-29 years	335	695	1,030
30-44 years	1,570	1,003	2,573
45-59 years	1,389	1,415	2,804
60-74 years	1,132	952	2,084
75 years & over	283	798	1,081
Total (All ages)	5,455	5,429	10,884

25.4 A residential home known as Foyer Trochetia has been set up by the Ministry of Social Security for the benefit of 32 elderly persons with very severe disabilities. In the Budget of 2012, Rs 7 million have been allocated for the expansion of the capacity of the home. Furthermore, the Foyer provides rehabilitation services in the form of physiotherapy and occupational therapy to children with disabilities.

ARTICLE 27: WORK AND EMPLOYMENT

Legislative Framework:

27.1 The right to non-discrimination is enshrined in **Section 16 of the Constitution of Mauritius**, and as such affords protection from non-discrimination in the sphere of work and employment to persons with disabilities. Please see comments on Equal Opportunities Act.

27.2 In Mauritius the employment of persons with disabilities is specifically regulated by the Training and Employment of Disabled Persons Act. It stipulates that the workforce of any enterprise having 35 or more employees should include 3% of persons with disabilities. This legislation applies also to Parastatal Bodies, Statutory Boards and Committees and Companies in which Government is a shareholder.

27.3 **Section 16 of the TEDP Act** outlines the grounds on which discrimination is prohibited in respect of work and employment -

S. 16

(1) Subject to subsection (2), no employer shall discriminate against a disabled person in relation to –

- (a) any advertisement of employment;*
- (b) recruitment for and advancement in employment;*
- (c) determination or allocation of wages, salaries, pensions, leave or other such benefits;*
- (d) the provision of facilities related to or connected with any employment; or*
- (e) any other matter related to employment.*

(2) An employer shall not be deemed to have discriminated against a disabled person where –

- (a) the act or omission alleged to constitute the discrimination was not wholly or mainly attributable to the disability of the disabled person;*
- (b) the disability in question was a relevant consideration in relation to the particular requirements of the employment concerned; or*
- (c) the employer has been exempted under this Act.*

27.4 For the implementation of this Act, the Training and Employment of Disabled Persons Board has been set up with specific functions. Please refer to comments made under paragraphs 5.5 and 5.7.

27.5 **Section 13 (6) and (7) of the TEDP Act** provides for exemption of employers from the obligation to employ persons with disabilities after due consideration by the Training and Employment of Disabled Persons Board.

S.13 (6)

The Board or any committee under subsection (4) shall, after the completion of the hearing, determine whether the employer cannot reasonably be expected, having regard to the nature of his business, to provide suitable employment or to create suitable employment opportunities for the employment of disabled persons.

S.13 (7)

The Board may, after making a determination under subsection (6) -

- (a) give such directions to an employer as it may consider reasonable and proper in all the circumstance including a direction that the employer shall pay to the Board such contribution as may be prescribed; or
- (b) exempt the employer from his obligation to employ disabled persons.

27.6 It is proposed to amend the Training and Employment of Disabled Persons Act shortly in order to-

- (a) better provide for the enforcement of the Act with a view to promote the access of persons with disabilities to employment;
- (b) provide for the setting up of a hearing committee which shall be vested with the responsibility to determine the contribution of employers and the exemptions from the Act; and
- (c) increase the fine provided for non-compliance with the Act.

27.7 It is proposed that all such contribution be used to actively promote training and employment opportunities of persons with disabilities

27.8 Another piece of legislation which upholds the rights of workers, including those with disabilities, is the **Employment Rights Act, Act No. 33 of 2008** which outlines the minimum floor of rights governing terms and conditions of employment for all workers, including workers with disabilities. Two provisions of the Employment Rights Act have special relevance for workers with disabilities:

Section 2: ‘harassment’ means any unwanted conduct, verbal, non-verbal, visual, psychological or physical, based on age, **disability**, HIV status, domestic circumstances, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, that a reasonable person would have foreseen that a worker would be affected negatively in his dignity.

Section 20(I): Equal Remuneration for work of equal value: ‘Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work.’ This means that a person with a disability performing work shall receive equivalent remuneration to another worker performing the same type of work.

Section 54(I) (a): Violence at work: ‘No person shall:

- (a) harass sexually or otherwise;
- (b) assault;
- (c) verbally abuse, swear at or insult;
- (d) express the intention to cause harm;
- (e) bully or use threatening behaviour;

- (f) use aggressive gesture indicating intimidation, contempt or disdain towards;
- (g) by words or act, hinder a worker, in the course of or as a result of his work”.

27.9 On the other hand, the Occupational Safety and Health Act 2005 provides for the safety, health and welfare of workers, including those with disabilities, at any place of work. In addition, the employer is required to carry out a suitable and sufficient assessment of risks that take into consideration any disability of his employees.

27.10 The Ministry has the responsibility to ensure that Government Strategy is being implemented to promote the rights of persons with disabilities in Mauritius. With a view to fulfilling this duty and upholding its commitment as a result of the signature of the CRPD, the Ministry came up with a **National Policy Paper and Action Plan on Disability** in December 2007. Recommendation 7 of the National Policy Paper refers particularly to work and employment and is in line with *Article 27 (Employment)* of the CRPD.

Recommendation 7 of the National Policy Paper stipulates:

- The review of the Training and Employment of Disabled Persons Act, 1996 in order to adopt a wider definition of work and employment.
- Establishment of a new unit to deal with work and employment which will act as a facilitator to ascertain the employability of people with disabilities.
- To encourage entrepreneurship among people with disabilities by creating appropriate incentives, including loans and guaranteeing a market for their products.
- To create a better network between public and private sector institutions for the employment of people with disabilities.
- To emphasise corporate social responsibility so as to capitalise on the networking and job market represented by the corporate sector.
- To encourage employers to recruit a percentage of disabled employees or alternatively to pay a levy to subsidise training programmes.

27.11 The TEDP ACT is being currently reviewed to oblige employers who are not recruiting disabled persons as per the specified quota to make a pro rata contribution to the Board.

Administrative measures:

27.12 Since the publication of the National Policy Paper and Action Plan on Disability 2007, numerous awareness campaigns have been carried to change the attitudes of employers towards persons with disabilities and to realize the benefits of a diverse workforce. The Training and Employment of Disabled Persons Board has, in this context, organized workshops to sensitize HR and CSR Managers of Private Companies and CEOs and Chairpersons of Para-statal and Government Companies.

27.13 Over the last five years, the TEDPB has facilitated training opportunities for persons with disabilities in the following sectors: IT and Office Skills, IT & Office Skills, Agriculture, Jewellery, Leathercraft, Embroidery, Basketry, Wheelchair Repair and Entrepreneurship skills training.

27.14 Since 2007, the TEDPB has placed a lot of emphasis on Job Fairs to link job-seekers with disabilities with potential employers. Job Fairs have been organised in collaboration with the Mauritius Employers Federation within the Ebene Cyber Tower (area regrouping all IT activities) and these have resulted in the employment of more than 100 persons with disabilities in various sectors.

27.15 TEDPB also runs a Skills Development Programme to ensure training and job placement experience for persons with disabilities. A stipend of Rs 3000 is paid during the placement for a maximum period of one year. Many trainees have subsequently been able to find job placement. Since 2005 to 2011 the Board has been able to secure training and employment for persons with disabilities as shown in the table below:

Table 7 Summary of persons with disabilities who have secured training and employment.

YEAR	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2011	TOTAL
TRAINING	100	95	95	109	183	75	657
PLACEMENT/ EMPLOYMENT	50	50	75	52	90	67	384
TOTAL	150	145	170	161	273	142	1,041

Source: TEDPB (Training & Employment Dept)

Date: 16.03.2012

27.16 The TEDPB has formed strategic alliances and signed MOU with the following:

- Mauritius Institute of Training and Development (MITD). This partnership has enabled the vocational training of some 100 persons with disabilities (2006-2011)
- Small and Medium Enterprises Development Authority (SMEDA). MOU signed in 2007. Enabled the training of some 50 persons with disabilities in entrepreneurship skills and craft works.
- Mauritius Employers' Federation (MEF). MOU with MEF signed in 2010. As a result, around 50 persons with disabilities have been trained in ICT.

27.17 The MEF Corporate Social Responsibility Fund provides support to NGOs which run programmes to improve the employability skills of persons with

disabilities. Currently four NGOs are receiving assistance - Association des Parents d'Enfants aux Besoins Spéciaux, Centre pour l'Education et le Progrès des Enfants Handicapés (CEPEH), Easter Welfare Association for Disabled (EWAD) and Islamic Centre for Disabled Children.

27.18 The National Empowerment Foundation which operates under the aegis of the Ministry of Social Integration & Economic Empowerment has a work placement scheme for persons with disabilities. The NEF financially supports the placement for a period of one year. TEDPB is working in conjunction with the NEF to ensure that persons with disabilities benefit from the scheme. So far, 15 persons with disabilities have been placed through the scheme. One young person with disability has also been sponsored for an IT Course in India.

27.19 The Civil Service does not discriminate against persons with disabilities in the recruitment of civil service employees provided they have the necessary qualifications. It even makes reasonable accommodation where necessary. For example, during the last examinations for the selection of candidates to the post of Assistant Secretary (Administrative Cadre), arrangements were made to enable a blind candidate to use the jaws software.

27.20 The ILO Decent Work Country Programme of Mauritius, which is presently being finalised, contains an important component on disability.

ARTICLE 28: ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Legislative Framework:

28.1 The Social Aid Act

Section 3 (1) of the Social Aid Act provides that a person who, as a result of –

- *any physical or mental disability;*
- *any sickness or accident certified by an approved medical practitioner;*
- *abandonment by his spouse; or*
- *any sudden loss of employment which has lasted continuously for not less than 6 months, is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependants, shall be qualified to claim social aid.*

28.2 The Unemployment Hardship Relief Act

Section 3(1) of the Unemployment Hardship Relief Act provides that every person under the age of 60 who is unemployed, has a wife or a child or who is a disabled person, satisfies the prescribed conditions relating to residence; and whose resources are insufficient to meet his requirements, shall be qualified to claim hardship relief.

Administrative Measures:

28.3 The Government of Mauritius has put in place several social protection programmes for its marginalized and disadvantaged citizens, which apply equally to persons with disabilities.

28.4 The Government of Mauritius has in its Programme 2010-2015, provided

for the Ministry of Social Integration and Economic Empowerment to address issues relating to the economic empowerment and social integration of vulnerable groups, including persons with disabilities in mainstream society. The Ministry of Social Integration and Economic Empowerment addresses the quality of life of vulnerable persons through greater social justice and human development. The objectives of the said Ministry are to formulate policies and strategies to eradicate absolute poverty, promote social integration of vulnerable groups and improve their standards of living and to widen the circle of opportunities for the benefit and empowerment of vulnerable groups, including persons with disabilities.

28.5 The Ministry of Social Integration and Economic Empowerment caters for the following services under its budget programmes “Policy and Strategy for Social Integration” and “Socio-Economic Empowerment and Widening the Circle of Opportunities”:

- Providing social housing facilities to homeless and vulnerable families
- Upgrading living standards of vulnerable groups
- Fostering community empowerment in deprived regions through provision of infrastructural facilities, recreational and sports facilities, life/social skills, parental skills
- Support to children from vulnerable families for their educational development
- Enhancing employability of vulnerable groups

28.6 **National Empowerment Foundation (NEF):** To implement the projects related to its objectives, the Ministry of Social Integration and Economic Empowerment is assisted by its executive arm, the National Empowerment Foundation, which is structured along three pillars, namely Social Housing and Community Empowerment, Child and Family Development and Placement and Training. Rs 126 m has been earmarked in the budget 2012 of the NEF for Child Welfare and Family Development programmes. Community Empowerment (previously Eradication of Absolute Poverty) Programme has been allocated Rs 41 m. Rs 95 m are being devoted to Training and Placement for Unemployed Persons, including persons with disabilities. So far, 15 persons with disabilities have been placed through the scheme. One young person with disability has also been sponsored for an IT Course in India for a period of one year by the NEF in 2010.

28.7 **Basic Invalidity Pension (BIP):** Universal social security schemes for persons with disabilities are provided by the Ministry of Social Security, NS and RI. It provides a Basic Invalidity Pension (BIP) to persons aged 15-59 who have been certified by the Medical Board of the Ministry to be either permanently or substantially incapacitated to a degree of at least 60% and for a period of at least 12 months. The amount payable as from January 2012 is Rs 3020 per month.

28.8 In 2007/08 27,363 people (13,721 female; 13,642 male) received the BIP. In 2008/09, 27,169 availed the pension (13,576 female; 13,953 male).

28.9 The Ministry also provides targeted **Social Aid** to persons with disabilities who have a degree of disability of less than 60%. Other benefits granted to beneficiaries of social aid are wheelchairs, walking aids, hearing aids, free spectacles and dentures. In addition, social recipients become eligible for other allowances such payment of examination fees academic and vocational courses, travel costs for medical treatment, compassionate allowance for severe illness, allowance for purchase of essential food commodities and to victims of disasters. In 2008-09, 327 severely disabled children received social aid. In 2010, 200 persons with disabilities received ex-gratia payments as a result of severe disabilities.

Table 8: Social Aid received by adults with permanent disabilities, 2010

Type of Disability	Male	Female	Total
Defective eyesight	123	58	181
Total paralysis	7	2	9
Partial paralysis	129	72	201
Deaf or speech impairments	138	91	229
Other permanent disabilities	412	241	653

Source: Digest of Social Security Statistics 2009

Table 9: Social Aid (ex-gratia payments) received by children with severe disabilities, 2010.

	Male	Female	Total
Children who have been bedridden (6 months-15 years)	7	9	16
Children who have been incontinent (2 to 15 years)	12	9	21
Children who have been both bedridden and incontinent	2	3	5
Children who have been neither incontinent or bedridden	102	62	164

Source: Digest of Social Security Statistics 2009

28.10 **Unemployment Hardship Relief:** The UHR is payable to unemployed heads of families whose family income is not sufficient to meet the needs of the members. A disabled person who can work but has not been able to find

employment can avail the UHR in addition to the Basic Invalidity Pension. In 2010, 102 persons with disabilities, including 24 women with disabilities received this grant.

28.11 Contributory Invalidity Pension (CIP): The CIP is payable to a person who has a permanent incapacity of at least 60%, for a period of at least 6 months, provided he/she has paid contributions to the National Pensions Fund. The CIP is paid on top of the Basic Invalidity Pension. In 2008, 6509 people (3521 male; 2988 female) and in 2009 6731 people (3663 male; 3068 female) received the CIP.

28.12 Industrial Injury Allowance:

- (a) This is payable to an employee who has suffered an industrial injury resulting in a total temporary incapacity as per medical certificate.
- (b) The amount payable is as follows:-
 - (i) full salary by employer during first 2 weeks of total temporary incapacity;
 - (ii) 80% of insurable wages by NPF as from 3rd week of incapacity.

28.13 Between 2004/05 and 2008/09 Rs.27.19 million were disbursed by the Government of Mauritius as industrial injury allowance.

28.14 Disablement Pension:

- (a) This is payable to an employee who has suffered an industrial injury resulting in a provisional or permanent incapacity (partial or total);
- (b) The amount payable is as follows:-
 - (i) where the permanent incapacity is to the extent of 100%, the monthly pension is equivalent to 80% of the insurable wages;
 - (ii) where the permanent incapacity ranges from 1% to less than 100 %, the monthly pension is:-
 $65\% \times \text{monthly insurable wages at time of accident} \times \text{degree of incapacity}$;
 - (iii) There is an option for a lumpsum payment where the degree of disability is less than 20% (or is 100% and there is 8 years or less between the date of injury and the employee's date of retirement age).

28.15 The NGO Trust Fund, created under section 24 of the Finance and Audit Act, provides both financial assistance and capacity building support. In 2011, a total of 30 disability focused NGOs which provide education, training and care services have received financial support from the NGO Trust Fund amounting to Rs.12, 220,540 and

benefiting 6360 persons with disabilities. In 2010, 29 NGOs received grant- in- aid amounting to Rs 11, 945,540.

28.16 The National Solidarity Fund, set up by an Act of Parliament in 1991 and subsequently amended in 1993, provides assistance, (one-off payments) to, inter alia, persons undergoing severe personal hardship and people suffering from incurable diseases and similar cases.

28.17 In Budget 2012, Government has increased the assistance provided for overseas treatment from Rs 200, 000 to Rs 500,000.

ARTICLE 29: PARTICIPATION IN POLITICAL AND PUBLIC LIFE

29.1 Section 44 of the Constitution of Mauritius protects the rights of all citizens, including those with disabilities, to participate in political life in as much as it guarantees the right to vote at elections subject to limitations provided in law (for example, someone who is adjudged to be of unsound mind or detained as a criminal under any law in force in Mauritius or disqualified as an elector by any law in force in Mauritius relating to offences connected with elections).

29.2 However, persons with mental disabilities who are residents of mental health facilities are not registered on the electoral rolls and are not permitted to vote.

29.3 Amendments were brought to National Assembly Regulations in 2010 and Municipal Elections Regulations 2011 to enable voters with disabilities to exercise their voting rights with the assistance of a close relative of their choice.

29.4 Following consultations with DPOS, Disability Activists, the Electoral Commission and other stakeholders, a number of administrative measures have been taken to make voting procedures disabled-friendly:

- (i) A special voting room known as 'Special Needs Voting Room' has been identified on the ground floor itself and nearest to the gate in all polling stations. This system has been in operation for the Rodrigues by-elections in June 2011 and for the Rodrigues Regional Assembly Elections in February in 2012.
- (ii) All the Special Needs Voting Rooms have been retrofitted with funds made available by the Ministry of Social Security;
- (iii) Provision has been made for adjustable booths for the benefit of wheelchair-users;
- (iv) Deaf voters do not have to decline their identity by mentioning their names as is the case for other voters; they have only to present their identity cards;
- (v) Wheelchairs are available in all polling stations for voters with restricted mobility.

29.5 Voter education is carried out in Mauritian Sign Language.

29.6 Section 13 of the Constitution of Mauritius bestows the right of assembly and association and this applies to persons with disabilities as well.

29.7 Members of DPOs and independent activists who are persons with disabilities have been encouraged by the Government of Mauritius to participate in various policy debates and discussions related to disability and are represented on the National Implementation and Monitoring Committee on the CRPD .It is also proposed to amend the National Council for the Rehabilitation of Disabled Persons Act to provide for greater representation of persons with disabilities in its Committee.

29.8 It is however worth noting that a blind person was elected as Mayor of one of the biggest towns in Mauritius in 2009

ARTICLE 30 - PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT

30.1 The Ministry of Arts and Culture has taken positive steps to ensure the participation of persons and artists with disabilities in cultural life on an equal basis with others both at national and regional levels.

30.2 The four museums namely, Natural History Museum, Port Louis, National History Museum, Mahebourg, the Musée de Peuplement de Maurice at Pointe Canon and the Frederick Hendrick Museum, Vieux Grand Port have been provided with ramps to facilitate access to persons with disabilities.

30.3 The National Art Gallery has been regularly organising exhibitions “Touch, Feel and See” for persons with visual impairments.

30.4 Since 2009 students with hearing disabilities have been performing the National Anthem through sign language during the official flag raising ceremony on National Day on 12 March. This has become an institutionalized feature of the official celebrations.

30.5 Around 25 artists with disabilities are encouraged to perform regularly in the Music Day held in June each year.

30.6 Similarly, 30 artists with disabilities performed in a sketch for the official ceremony in the context of the commemoration of the arrival of indentured labourers on 02 November 2009 at the Aapravasi Ghat.

30.7 The Ministry hosted a group of 50 artists with disabilities from the People’s Republic of China in 2011. One National Show was held with these artists along with some 40 Mauritian artists with disabilities.

30.8 Some 10 artists with disabilities regularly perform in our National Drama Festival each year.

30.9 The Ministry of Arts and Culture has also been providing a financial grant of Rs 15,000 to artists including those with disabilities for the production of CDs, publications and artworks. Furthermore, the International Development Grant Scheme provides opportunities to all artists including those with disabilities to participate in international events. The Ministry of Arts and Culture was closely associated with the launching of a CD of late Yogesh Patroo, a very well known young artist suffering from muscular dystrophy and who passed away recently.

30.10 The Copyright Act safeguards the interests and rights of all artists irrespective of their disability.

30.11 The Centre de Formation Artistique (Centre for Artistic Education) of the Ministry of Arts and Culture is opened to all persons irrespective of their disability. The Conservatoire Francois Mitterand Trust Fund is providing training to a blind musician and has invited applications from other persons with disabilities interested in music. The Mahatma Gandhi Institute provides Resource Persons free of charge to Ngos to train persons with disabilities in music and dance.

30.12 Recently, a group of artists with hearing disabilities participated in the 8th International Abilympics held at Seoul in September 2011 and gave a high-level performance.

30.13 Under the Sports Act, the Ministry of Youth and Sports recognises 4 sports Federations for persons with disabilities (Aurally, Mentally, Visually and Physically). Each benefits from an annual budget ranging from Rs 300,000 - 500,000. Through these federations, sportspersons with disabilities are able to participate in sporting events at school, local, regional and international level.

30.14 The Ministry of Youth and Sports has taken the decision to include accessibility features in all its future infrastructure projects.

30.15 The Mauritius Sports Council and the Trust Fund for Excellence in Sports will provide administrative assistance/fund for the promotion and recognition of talented athletes with disabilities. Same amount of cash prize is given to sports persons with and without disabilities who have won medals at international level.

30.16 In collaboration with the Ministry of Youth and Sports, the Ministry of Social Security has made facilities available to sportspersons with disabilities to participate in international events such as Indian Ocean Island Games, Commonwealth Games, All Africa Games, Special Olympics and World Paralympics Games. In most of these competitions, sportspersons with disabilities have contributed to improve the ranking of Mauritius.

30.17 The Ministry of Social Security, in collaboration with other stakeholders, is in the process of setting up a School of Performing Arts for artists with disabilities. In this connection, 3 resource persons from the Victory Arts Foundation of Mumbai came to Mauritius from 9-12 April 2012 to make an

assessment of local artists with disabilities and the status of performing arts for persons with disabilities in general.

ARTICLE 31 STATISTICS AND DATA COLLECTION

31.1 Statistics Mauritius collects data on disability through its population Census which is conducted every ten years. The latest available statistics dates back to Census 2000 while data for Census 2011 is still under process.

31.2 A question on disability is included in the census questionnaires since the 1990 Population Census. The question set is based on the recommendations set out in the manual “Principles for and Recommendations for Housing and Population Censuses of the United Nations Statistics Division.” As stated in the manual, the disability approach is more relevant for determining policy and programmes concerning the rehabilitation needs of, and the equalisation of opportunity for, persons with disabilities and has been used in formulating the disability question for census.

31.3 Statistics on disability are disaggregated by type of disability, age, sex, school attendance educational attainment, currently activity status, major occupations group, industry and district.

31.4 In addition, tables of private households containing at least one disabled person are categorized by:

- (i) size of household
- (ii) relationship to head of household
- (iii) household with disabled head and number of members <15years
- (iv) households with disabled head and number of economically active members
- (v) household with disabled head by household size and number of unemployed persons

31.5 The Office of Statistics Mauritius collects data under the provision of the Statistics Act of 2000. The law requires that all individual information collected be kept confidential. Authorised officers doing the data collection have to take oath to that effect and in case of breach of confidentiality the Statistics Act provides for penalties. Also only aggregated information is published in order not to divulge individual information.

31.6 The Ministry has obtained assistance from the UNDP to develop and put in place a Database on Disability. The Database has been launched in January 2012 and will serve as a central point for capturing and collecting data on disability. Previously data on disability was scattered in different sections and units and it was difficult to obtain a holistic picture. The database will support policymaking and will enable the Ministry to track progress against targets.

ARTICLE 32 - INTERNATIONAL COOPERATION

32.1 The Government of Mauritius has forged North-South as well as South-South Cooperation to give effect to the rights of persons with disabilities embodied in the Convention. The following paragraphs highlight some of these partnerships.

32.2 A Memorandum of Understanding was signed between the Ministry and an international disability focused NGO Leonard Cheshire Disability. As per the MOU, Leonard Cheshire Disability will provide technical expertise for the setting up of a Respite Care Centre as well as provide capacity building training support to Government as well Civil Society representatives on disability issue and in the implementation of the CRPD

32.3 After the ratification of the CRPD by the Republic of Mauritius, Leonard Cheshire Disability conducted workshops on the CRPD in December 2010 for more than 100 participants from different Ministries, DPOs, NGOs and disability activists.

32.4 A Memorandum of Understanding was signed between The Training and Employment of Disabled Persons Board and the National Centre for Promotion of Employment of Disabled People, India on December 8th 2011 for 1 year to facilitate capacity building of the Training and Employment of Disabled Persons Board in the areas of training and employment of persons with disabilities, to organize exchange programmes and to provide consultations on matters related to disability.

32.5 The Ministry of Education and Human Resources has solicited the support of the European Union for the implementation of the national policy and strategy - appropriate curriculum, training requirement, management of SEN Resource and Development Centres and the elaboration of a regulatory framework for SEN.

32.6 The Government of Mauritius signed a Memorandum of Understanding with the Government of India in 2003 for a period of 3 years and renewed for further 3 years to promote collaboration in the under mentioned areas. Consultations are on to renew the MOU for another 3 years. The areas of collaboration are to:

- conduct training programmes in human resource development vis-a-vis teachers and caregivers in inclusive education, special education, home-based education for the disabled.
- grant fellowships and attachments to scholars and caregivers from Mauritius for training in prevention, detection, rehabilitation, vocational training
- facilitate exchange of officers in the field of disability.

32.7 An MOU was signed with the Government of South Africa in November 2006 and renewed for another 5 years in 2011. As per Article 2 of the MOU both parties shall cooperate through the exchange of information on policies,

strategies and programmes in addressing issues such as social assistance to vulnerable communities and persons with disabilities.

32.8 An Exchange Programme in the social field exists between Mauritius and the People's Republic of China. In this context, a delegation from the Mauritius Council of Social Service visited Beijing recently to explore areas of collaboration. One of the outcomes is the proposed signing of an MOU between the National Council for the Rehabilitation of Disabled Persons and the Xicheng District Disabled Persons Service Centre.

32.9 The Ministry of Foreign Affairs, Regional Integration and International Trade, is supportive of positioning Mauritius as a regional hub in the disability sector in Sub Saharan Africa.

ARTICLE 33 - NATIONAL IMPLEMENTATION AND MONITORING

33.1 Following the ratification of the Convention, the Government of Mauritius set up a National Committee on the Implementation and Monitoring of the CRPD.

33.2 The Committee is chaired by the Minister of Social Security, NS & RI. The objectives of the Committee are to:

- Create awareness on the provisions of Convention
- Align policies to the CRPD
- Ensure that appropriate measures have been taken by all stakeholders to give effect to the Articles of the Convention
- Monitor progress in the implementation of the Articles of the Convention; and
- Assist in the preparation of the Reports to be submitted to the UN Committee on the Rights of Persons with disabilities.

33.3 The composition of the Committee is multi-sectoral and comprises representatives of different Ministries, Departments, Attorney General's Office, the Private Sector, NGOS, DPOS, local branches of International Disability Organisations and Disability Activists to promote collaboration as well as monitoring and representation of the voice of a range of stakeholders. Government is regularly apprised, through the Cabinet, of the work of the Committee and progress regarding the implementation of CRPD.

33.4 The work of the Committee is carried out through several sub-committees such as-Education, Accessibility, Human Rights, Awareness, Training and Employment and Sports, Culture and Leisure. These committees are represented by different government and non-governmental stakeholders with expertise in the concerned area, promoting networking, collaboration and monitoring.

33.5 The Government of Mauritius is in the process of setting up a Human Rights Monitoring Committee which will be located at the Prime Minister's Office, composed of representatives of Government and other stakeholders, for the monitoring and evaluation of measures taken in pursuance of the Action Plan

on Human Rights. The Action Plan on Human Rights also addresses the human rights of persons with disabilities. Human rights indicators and benchmarks shall be developed for assessing progress in the implementation of the Action Plan. As such, the Human Rights Monitoring Committee proposed to be set up shortly will also monitor the implementation of the Convention on the Rights of Persons with Disabilities.

33.6 The Equal Opportunity Commission will soon be a forum where aggrieved persons with disabilities will be able to vindicate their rights emanating from the Constitution and the CRPD. The Government of Mauritius is pleased to announce that, pursuant to section 27(2) of the Equal Opportunities Act, the Equal Opportunities Commission has been set up with Me Brian N.J. Glover as Chairperson. The Cabinet of Ministers on 13 April 2012 has further taken note that action has been initiated for the setting up of the Equal Opportunities Tribunal as per section 34 of the Equal Opportunities Act. The Equal Opportunities Commission shall be a forum whereby persons with disabilities will be entitled to make representations and vindicate their rights.