



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the combined second and third periodic reports of Mauritius\*

#### I. Introduction

1. The Committee considered the combined second and third periodic reports of Mauritius<sup>1</sup> at its 740th and 741st meetings,<sup>2</sup> held on 26 and 27 August 2024. It adopted the present concluding observations at its 749th meeting, held on 2 September 2024.
2. The Committee welcomes the combined second and third periodic reports of Mauritius, which were prepared in accordance with the Committee's reporting guidelines and in response to its list of issues prior to reporting,<sup>3</sup> and the additional information submitted by the State party.
3. The Committee appreciates the constructive dialogue held with the high-level delegation of the State party, which included representatives of the relevant government ministries.

#### II. Positive aspects

4. The Committee notes with appreciation the measures taken by the State party to implement the Convention, following the recommendations contained in its concluding observations on the initial report of the State party.<sup>4</sup> It welcomes the ratification, in 2021, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It also notes the adoption and the establishment of the following to promote the rights of persons with disabilities:
  - (a) The Protection and Promotion of the Rights of Persons with Disabilities Act of 2024;
  - (b) The Workers' Rights Act of 2019;
  - (c) The Copyright Act of 2014, which domesticated the provisions of the Marrakesh Treaty;
  - (d) The Building Control (Accessibility and Gender Compliance in Buildings) Regulations of 2017, as amended in 2022;
  - (e) The Action Plan on Disability 2016–2020.

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\* Adopted by the Committee at its thirty-second session (12 August–5 September 2024).

<sup>1</sup> [CRPD/C/MUS/2-3](#).

<sup>2</sup> See [CRPD/C/SR.740](#) and [CRPD/C/SR.741](#).

<sup>3</sup> [CRPD/C/MUS/QPR/2-3](#).

<sup>4</sup> [CRPD/C/MUS/CO/1](#).



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about:

(a) The incomplete harmonization of disability-related national legislation and policies, including the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024, with the human rights model of disability and the perpetuation of the medical model in disability assessment criteria;

(b) The maintenance of the State party's reservations to articles 9 (2) (d) and (e) and 24 (2) (b) of the Convention, and the confusion caused by the reservation made to article 11 of the Convention upon signature, which has no legal effect, as it was not confirmed upon ratification;

(c) The fact that the State party has not yet ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party:**

(a) **Complete the harmonization of all disability-related national legislation and policies and disability assessment criteria in line with the Convention, adopting a unified concept of disability in all professional and legal areas that reflects a shift from the medical model of disability to the human rights model;**

(b) **Withdraw its reservations to article 9 (2) (d) and (e) of the Convention and to article 11, made upon signature, in line with its prior commitments, and consider withdrawing its reservation to article 24 (2) (b) to ensure quality inclusive education for all children with disabilities;**

(c) **Ratify the Optional Protocol to the Convention without further delay.**

7. The Committee is concerned about the lack of meaningful consultation with and involvement of persons with disabilities, through their representative organizations, in the development of legislation and policies, including the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 and the Action Plan on Disability 2016–2020.

8. **Recalling its general comment No. 7 (2018), the Committee recommends that the State party ensure and facilitate close consultation with and the active involvement of persons with disabilities, including women, children and young persons with disabilities, through their representative organizations, in all public decision-making processes and in the implementation of legislation, plans and policies, including the action plan on disability for 2025–2030.**

#### B. Specific rights (arts. 5–30)

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

9. The Committee is concerned that:

(a) While the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 prohibits discrimination on the basis of disability, articles 3 and 16 (3) of the Constitution still lack specific reference to such discrimination, which would provide further constitutional protection to persons with disabilities, including against multiple and intersectional discrimination;

(b) National law lacks explicit recognition of denial of reasonable accommodation as a form of discrimination;

(c) Complaints mechanisms, such as the Equal Opportunities Commission, remain largely inaccessible and ineffective for persons with disabilities wishing to report and seek redress for incidents of discrimination.

10. **The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Amend articles 3 and 16 (3) of the Constitution to expressly prohibit discrimination on the basis of disability, including multiple and intersectional discrimination, in order to provide greater constitutional protection for persons with disabilities;**

(b) **Take legislative and policy measures to recognize denial of reasonable accommodation as a form of discrimination against persons with disabilities in all areas of life and adopt procedures and standards on implementation;**

(c) **Ensure that complaints mechanisms are accessible to persons with disabilities wishing to file complaints and that they provide effective remedies when persons with disabilities face discrimination.**

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

11. The Committee is concerned about:

(a) The lack of a gender perspective in disability-related legislation and policies, and the absence of explicit reference to intersectional discrimination against women and girls with disabilities in the national legislative framework, including in relation to access to health, education and political and public life;

(b) The lack of representation of women with disabilities among the members of the National Women's Council and the National Women's Entrepreneur Council, among other bodies.

12. **The Committee, recalling its general comment No. 3 (2016) and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into all gender legislation and strategies on the basis of the human rights model of disability, mainstream a gender perspective into disability policies and programmes and recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities;**

(b) **Ensure the inclusion and active involvement of women and girls with disabilities in the National Women's Council and the National Women's Entrepreneur Council.**

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

13. The Committee is concerned that:

(a) While the Children's Act of 2020 prohibits discrimination against a child on the basis of disability, it does not address any of the other requirements and interests of children with disabilities;

(b) There is insufficient disability-inclusive training for officials of the Early Childhood Care and Education Authority, and there is a lack of effective awareness among the parents and guardians of children with disabilities regarding the existence and functions of this Authority;

(c) The National Children's Council lacks the active involvement of children with disabilities in its activities;

(d) There is insufficient information about the National Children's Policy Paper and Costed Action Plan, which was expected to incorporate targeted measures for children with disabilities, and about the complaints received and specific actions taken by the Office of the Ombudsperson for Children in relation to children with disabilities.

14. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,<sup>5</sup> the Committee recommends that the State party:**

(a) **Reinforce the Children's Act of 2020 to recognize the right of all children with disabilities to full social inclusion and to consider elements of universal design and reasonable accommodation, and take effective measures to ensure the provision of quality inclusive services for children with disabilities in the public and private sectors, with sufficient allocation of the necessary resources;**

(b) **Improve training on the requirements of children with disabilities for officials of the Early Childhood Care and Education Authority and raise public awareness of the existence of and services provided by the Authority;**

(c) **Strengthen the implementation of policies, mechanisms and processes, including by the National Children's Council, to facilitate close consultation with and the active involvement of children with disabilities and ensure that they are able to express their views freely on all matters concerning them on an equal basis with other children, in a manner that respects their evolving capacity;**

(d) **Ensure the inclusion in the National Children's Policy Paper and Costed Action Plan of time-bound targeted measures for children with disabilities, informed by the results of the 2022 housing and population census, with benchmarks to facilitate the inclusion of children with disabilities in all areas of life, including family and community life.**

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

15. The Committee is concerned about:

(a) The insufficient awareness about the dignity, abilities and rights of persons with disabilities in society, including among public officials and in the private sector;

(b) The absence of a long-term strategy for raising awareness about the rights of persons with disabilities and the human rights model of disability, and the lack of close consultation with and active involvement of persons with disabilities, through their representative organizations, in the design, implementation and monitoring of awareness-raising initiatives.

16. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including organizations of children with disabilities and of women and girls with disabilities:**

(a) **Adopt a strategy to raise awareness of the rights of persons with disabilities; combat prejudice against them; and monitor the effectiveness of awareness-raising programmes, including periodic training for public officials in all areas of government, the private sector and the media to bring these concepts and the use of appropriate language to combat the stigmatization of persons with disabilities to their attention;**

(b) **Reinforce the capacity and resources of the Disability Empowerment Unit and National Empowerment Authority to carry out these functions, in collaboration with the National Human Rights Commission and other bodies.**

#### **Accessibility (art. 9)**

17. The Committee is concerned that:

(a) Buildings in the State party remain largely inaccessible, despite the 2022 amendment to the Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 to facilitate access to buildings for persons with disabilities;

<sup>5</sup> See [www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations](http://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations).

(b) There is a lack of information about the level of compliance with accessibility requirements across all the islands of the State party and the level of involvement of public-private partnerships in ensuring accessibility.

**18. Recalling its general comment No. 2 (2014), and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Enforce relevant laws, regulations and policies to ensure accessibility for persons with disabilities on the basis of the principles of universal design and with the aim of eliminating accessibility barriers in all areas, and take measures to raise awareness of accessibility for persons with disabilities in the construction industry;**

(b) **Take measures to ensure accessibility across all the State party's islands, with clear indicators to track progress, and promote public-private partnerships to expedite improvements in accessibility.**

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

19. While noting the National Disaster Risk Reduction and Management Act of 2016, the National Disaster Risk Reduction Management Centre and related systems and tools, the Committee is concerned about:

(a) The absence of consideration of the rights of persons with disabilities in the Climate Change Act of 2020 and in the climate change adaptation strategies and their related action plans;

(b) The insufficient attention paid to persons with disabilities in the context of the recovery from the coronavirus disease (COVID-19) pandemic;

(c) The absence of the ongoing and effective collection of information on the location and requirements of persons with disabilities in preparation for situations of risk and humanitarian emergencies;

(d) The continued need to ensure that all persons with disabilities, including persons who rely on the use of sign language, are able to receive information in accessible formats during an emergency, including disasters;

(e) The absence of a systematic and effective way to ensure that methods for training officials and other individuals involved in emergencies are based on the human rights model of disability;

(f) The lack of consultation with and involvement of persons with disabilities, through their representative organizations, in the development, implementation and monitoring of emergency situations, including disaster risk management.

**20. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and its guidelines on deinstitutionalization, including in emergencies,<sup>6</sup> the Committee recommends that the State party ensure the protection and safety of persons with disabilities in situations of risk, including by:**

(a) **Reviewing its legal framework and action plans to reinforce the rights of persons with disabilities and to ensure the inclusiveness and accessibility of preparedness and disaster risk reduction measures and management with regard to situations of risk and humanitarian emergencies, including climate change;**

(b) **Mainstreaming disability into its COVID-19 recovery plans and other economic and social programmes to tackle the negative impact of the pandemic;**

<sup>6</sup> CRPD/C/5.

(c) **Determining through surveys and other instruments, on an ongoing basis, the location and requirements of persons with disabilities to ensure that their rights are protected during situations of risk and humanitarian emergencies;**

(d) **Ensuring that all persons with disabilities, including persons who rely on the use of sign language, are able to receive information in accessible formats during an emergency, including natural disasters;**

(e) **Ensuring that methods for training officials and other individuals involved in emergencies are based on the human rights model of disability in line with the Convention;**

(f) **Creating a systematic method for close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the development, implementation and monitoring of relevant laws, bodies and related systems and tools, such as the National Multi-Hazard Emergency Alert System, in order to protect the rights of persons with disabilities during emergency situations and ensure accessible and disability-inclusive disaster risk management.**

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

21. The Committee remains concerned that regimes of substituted decision-making and guardianship are still in place and that no progress has been made to institute supported decision-making mechanisms in line with the Convention, leading to a failure to recognize the will and preferences of persons with disabilities.

22. **Recalling its general comment No. 1 (2014) and its previous recommendation,<sup>7</sup> the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, abolish guardianship measures in law and in practice and redirect organizational and financial resources from substituted decision-making towards developing supported decision-making mechanisms that respect the dignity, autonomy, will and preferences of persons with disabilities, regardless of the level or mode of support that they may require.**

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

23. The Committee is concerned that:

(a) There are delays in replicating the physical accessibility features of the Supreme Court building at all courts across the State party, and there are gaps in the availability, provision and awareness of procedural and age-appropriate accommodations for all persons with disabilities throughout the legal process;

(b) There is a lack of widespread and comprehensive knowledge of the Convention among legal professionals, police officers, judges, magistrates, prison officers and other stakeholders, despite its partial incorporation into their training syllabuses, and of relevant training opportunities provided by entities such as the Institute of Judicial and Legal Studies;

(c) There is an absence of data on the number of formal cases and complaints involving persons with disabilities, including information on accountability and remedies provided to persons whose rights have been violated.

24. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, which it endorsed in 2020, and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Expand the scope and increase awareness of measures to ensure procedural, age-appropriate and gender-responsive accommodations, including individualized support, within the justice system and improve the physical accessibility of court buildings and judicial and administrative facilities, to ensure that persons with**

<sup>7</sup> CRPD/C/MUS/CO/1, para. 22.

disabilities are able to participate effectively at all stages of judicial, administrative and other proceedings and in all areas of the law;

(b) **Strengthen training programmes for members of the legal profession, law enforcement officers, members of the judiciary, prison officers and other justice system personnel on the provisions of the Convention and on access to justice for persons with disabilities;**

(c) **Collect, analyse and disseminate disaggregated data on the number of cases involving persons with disabilities at each stage of the legal process in criminal, civil, administrative and other proceedings and in the context of mechanisms for alternative dispute resolution, grievances and complaints, including information on accountability and remedies.**

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

25. The Committee is concerned that:

(a) Despite several amendments to limit indefinite and prolonged hospitalization, the Mental Health Care Act of 1998 still allows for the involuntary hospitalization and institutionalization of persons with disabilities, including children, based on perceived or actual impairments or level of dangerousness;

(b) The Mental Health Commission and the Managerial Committee tasked with overseeing involuntary deprivation of liberty lack sufficient operational independence and understanding of the Convention to effectively perform their designated functions.

26. **Recalling its guidelines on the right to liberty and security of persons with disabilities<sup>8</sup> and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party take all legislative, administrative, policy and judicial measures necessary:**

(a) **To amend the provisions of the law and end policies and practices that allow for the involuntary hospitalization and institutionalization of persons with disabilities, including children, on the basis of actual or perceived impairments or their presumed dangerousness to themselves or to others;**

(b) **To review the current legal framework and practices to ensure that the Mental Health Commission and the Managerial Committee are sufficiently independent in practice from mental healthcare centres and that their members receive training on the obligations of the State party under the Convention.**

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

27. The Committee is concerned that:

(a) The annual statistics provided by the State party on the number of cases of violence against persons with disabilities registered by the police and the courts may not reflect the actual situation, resulting in part from the lack of effective awareness among the general population and persons with disabilities about reporting mechanisms and measures for the protection of persons with disabilities from exploitation, violence and abuse in all settings, including in the family, at school and in the workplace;

(b) Shelters remain largely inaccessible to persons with disabilities, in particular women and girls with disabilities, who are victims of violence;

(c) There is insufficient information about whether family welfare and protection officers and enforcement officers effectively carry out assessments and independent monitoring in all shelters and institutions, irrespective of the licence status of the shelter or institution, and whether allegations are effectively investigated.

<sup>8</sup> [A/72/55](#), annex.

28. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities,<sup>9</sup> and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Elaborate a policy to prevent and reduce violence against persons with disabilities, and establish a system for the regular collection, analysis and publication of statistical data on complaints regarding violence, including gender-based violence, against and the exploitation of persons with disabilities in all settings, such as the family, workplaces, schools and institutions. The system should include prosecution and conviction rates and information about sentences for perpetrators and reparations, including compensation, for victims/survivors;**

(b) **Raise awareness about the protection of persons with disabilities from exploitation, violence and abuse and ensure that they are provided with accessible information about how to avoid, recognize and report cases of violence, exploitation and abuse and about available complaint mechanisms and remedies, including compensation and rehabilitation;**

(c) **Ensure that services and shelters for persons with disabilities who are victims of violence, in particular women and girls with disabilities, are accessible physically and in terms of information and communication, with disability-inclusive protocols in place;**

(d) **Ensure that there is independent, effective and regular monitoring and oversight of all shelters, facilities and programmes that provide services to persons with disabilities, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, and ensure that cases are effectively investigated and resolved.**

#### **Protecting the integrity of the person (art. 17)**

29. The Committee is concerned about reports that women and girls with disabilities continue to be subjected to forced sterilization and abortion.

30. **The Committee recommends that the State party thoroughly investigate allegations of forced sterilization and abortion and ensure that perpetrators are prosecuted and that proper redress is provided to the victims/survivors.**

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

31. The Committee is concerned that:

(a) The Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 and relevant action plans fail to sufficiently recognize the right of persons with disabilities to autonomy and full social inclusion and fail to promote deinstitutionalization and inclusion in the community for persons with disabilities;

(b) Insufficient measures have been taken to achieve deinstitutionalization for persons with disabilities and to provide individualized support for independent living and accessible services in the community, an example being the “carer’s allowance” of 3,500 Mauritian rupees per month, which is insufficient to hire a support person;

(c) There is insufficient availability of appropriate, affordable and accessible housing for persons with disabilities that enables them to live independently and be included in the community.

32. **Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities<sup>10</sup> and its previous recommendations,<sup>11</sup> the Committee recommends that**

<sup>9</sup> See [https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25\\_11\\_2021-End-violence-against-Women-1.pdf](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf).

<sup>10</sup> [A/HRC/52/32](#).

<sup>11</sup> [CRPD/C/MUS/CO/1](#), para. 32.



the State party, in close consultation with and with the active involvement of persons with disabilities:

(a) Explicitly recognize in its legislation the rights of persons with disabilities to freedom of choice, autonomy and full social inclusion; conduct awareness-raising campaigns on these rights; and improve the relevant action plans, ensuring that they are equipped with time-bound benchmarks and supported by the necessary human, technical and financial resources to ensure the effective transition of persons with disabilities from institutions to independent living in the community on an equal basis with others;

(b) Redirect its budget allocations and take measures to achieve deinstitutionalization for persons with disabilities living in institutions of any kind, to phase out institutions and residential homes, to increase the amount of the “carer’s allowance” and to develop individualized support, such as in-home and community personal support and services in the community that are accessible to all persons with disabilities on an equal basis with others, including in relation to healthcare, education, employment and accessible transport;

(c) Increase the range, affordability and accessibility of public housing for persons with disabilities, including by increasing rental subsidies and increasing the 4 per cent allotment of housing units currently reserved for persons with disabilities in the housing project launched in 2023.

#### **Personal mobility (art. 20)**

33. The Committee is concerned that:

(a) The financial support provided to cover the costs of assistive devices such as wheelchairs, hearing aids and spectacles is largely insufficient;

(b) The duty-free purchase of adapted cars is available only for persons with disabilities who are employed and are under the age of 60 years;

(c) There are limitations on physical access to public transport, both in urban and in rural areas, such as the incomplete accessibility of semi-low floor buses to all persons using mobility aids and assistive devices and the physical difficulty of reaching Metro Express stations.

34. **The Committee recommends that the State party:**

(a) Revert to the original scheme of directly providing assistive devices, such as wheelchairs, hearing aids and spectacles, in lieu of financial support;

(b) Expand eligibility for the duty-free purchase of any type of car to all persons with disabilities requiring a vehicle;

(c) Review the public procurement of transport facilities, vehicles and equipment to ensure that the specifications include accessibility criteria, such as ramps for persons using mobility aids and assistive devices, and take measures to facilitate physical access to Metro Express stations.

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

35. The Committee is concerned that the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 does not cover the right to information in an accessible format, with limited measures in place to promote the accessibility and affordability of printed and electronic information and communications.

36. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) Establish accessibility standards for information and communication media and technologies, as well as websites, in line with universal standards;

(b) **Ensure that printed and electronic information and communication are provided in accessible formats, such as Braille, Easy Read, sign language, plain language, captioning and tactile, augmentative and alternative forms of communication, and that assistive communication technology is made affordable for persons with disabilities;**

(c) **Promote the development and use of Mauritian Sign Language, including its recognition as an official language in law, the training and deployment of professional interpreters and its expanded use on national television and other media services.**

#### **Respect for privacy (art. 22)**

37. The Committee is concerned that the Data Protection Act of 2017 and other relevant laws fail to explicitly protect and facilitate the privacy of persons with disabilities and to provide for procedures to ensure the confidentiality of their data, including in health-related situations.

38. **The Committee recommends that the State party introduce legal provisions to protect the privacy and integrity of all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, in all situations, and develop a clear and accessible legal mechanism to protect their personal data and respond to reports of privacy breaches.**

#### **Respect for home and the family (art. 23)**

39. The Committee is concerned about:

(a) The lack of express recognition in law of the rights of persons with disabilities with respect to family, parenthood and relationships;

(b) The challenges faced by families in raising their children, including parents with disabilities, parents of children with disabilities and single parents;

(c) The absence of information in accessible formats on the sexual and reproductive health and rights of persons with disabilities, in particular women and girls with disabilities.

40. **The Committee recommends that the State party:**

(a) **Recognize explicitly in law the rights of persons with disabilities, including women with disabilities and persons with intellectual and/or psychosocial disabilities, to marry, found a family and exercise parental responsibilities on an equal basis with others;**

(b) **Strengthen measures to provide appropriate support and accessible training programmes to ensure that all parents with disabilities and parents of children with disabilities can exercise their parental rights and fulfil their child-rearing responsibilities, including in the areas of child development, health and education;**

(c) **Adopt programmes and policies to provide persons with disabilities with family planning education in accessible formats and age-appropriate information on sexual and reproductive health and rights.**

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

41. The Committee is concerned that:

(a) There is limited understanding of quality inclusive education, and there is a prevalence of and continued investment in segregated educational settings, such as the “special education needs institutions” and the “integrated units” in primary schools, where children with disabilities are segregated;

(b) There are challenges in ensuring that students with disabilities can seek reasonable accommodation, individualized support and resources at schools, to ensure equal educational opportunities;

(c) The accessibility of curricula, pedagogies and infrastructure in primary, secondary and tertiary education remains weak, especially in subjects such as science and mathematics; there is no multisectoral evaluation system for students with disabilities; and official certificates are not always provided to students with disabilities upon completion of educational curricula or programmes;

(d) There is a lack of disaggregated data on children with disabilities deprived of education.

**42. Recalling its general comment No. 4 (2016), targets 4.5 and 4.a of the Sustainable Development Goals and its previous recommendation,<sup>12</sup> the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, including learners with disabilities, through their representative organizations, and their families:**

(a) **Ensure the inclusion of students with disabilities in mainstream education at all educational levels; promote a culture of inclusion among parents, educators and pupils; and adopt a strategy for the transition from the “special education needs” model to quality inclusive mainstream education that is free at all levels;**

(b) **Ensure that students with disabilities can easily seek individualized support and are provided with reasonable accommodation based on individualized, human rights-based assessments of educational requirements;**

(c) **Ensure that teaching materials are adapted to the requirements of students with disabilities; design and deliver curricula and pedagogies in accessible formats, including sign language, Easy Read, Braille and electronic formats, and in a manner that embraces digital technology; properly train educators at all levels; promote and implement an optimal multisectoral evaluation system for students with disabilities that is required by law; ensure that students with disabilities properly receive official certificates upon completion of educational curricula or programmes; and improve the accessibility of infrastructure and procedures at schools;**

(d) **Collect, analyse and disseminate disaggregated data on students with disabilities, and use this information to inform educational planning and policies, in particular for children who were unable to enrol in mainstream schools, who participate in “special education needs institutions” and educational programmes affiliated with non-governmental organizations, who are attending school on a part-time basis or who requested but were denied individualized support and accommodation, among others, as well as data on educational attainment, on completion and dropout rates, on suspension and expulsion rates and on the use of restrictive practices. Data should be disaggregated in accordance with the forms of intersectional discrimination that children with disabilities experience and by other relevant sociodemographic characteristics, including age, sex, gender, geographical location and migrant, asylum-seeker, refugee and refugee-like status.**

#### **Health (art. 25)**

43. The Committee is concerned about:

(a) Insufficient universal design features and accommodations for persons with disabilities at many healthcare facilities, including imaging and mammography equipment that is inaccessible to wheelchair users;

(b) The barriers in access to sexual and reproductive health services for women and girls with disabilities;

(c) The attitudinal barriers among medical professionals concerning the access of persons with disabilities to healthcare, resulting from a lack of effective awareness and training.

<sup>12</sup> Ibid., para. 34.

44. Recalling targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Ensure the development of and promote investment in universal design for medical devices and equipment and healthcare facilities, and reinforce measures to provide persons with disabilities with information about healthcare in accessible formats;

(b) Implement measures to provide women and girls with disabilities with appropriate and accessible sexual and reproductive health services in a manner that is age- and gender-responsive, on an equal basis with others;

(c) Build the capacity of all medical and health professionals at the local level on the rights of persons with disabilities, on the provision of healthcare based on the human rights model of disability and on inclusive methods of communication.

#### **Habilitation and rehabilitation (art. 26)**

45. The Committee is concerned about the shortage of comprehensive and cross-sectoral habilitation and rehabilitation services, including for children with disabilities, despite the existence of community-based rehabilitation officers under the Ministry of Health and Wellness.

46. Recalling the link between article 26 of the Convention and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State party take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technology, within the community, and on all islands and in all districts of the State party.

#### **Work and employment (art. 27)**

47. The Committee is concerned about:

(a) The low rate of and difficulty in access to employment for persons with disabilities in the open labour market, in particular women and young persons with disabilities, as reflected in the results of the 2022 housing and population census;

(b) The lack of enforcement of the amended Training and Employment of Disabled Persons Act of 1996 in relation to sanctions for employers who have not been compliant with the quota system for the employment of persons with disabilities.

48. Recalling its general comment No. 8 (2022), and in line with target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Promote access to work and employment in the open labour market for persons with disabilities and ensure that they have access to such employment and are included in private and public work environments, on an equal basis with others, in a manner that respects their right to freely choose their work, in particular for women and young persons;

(b) Take the measures necessary to strictly enforce the new quota system under the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024, including through sanctions and expanded fiscal incentives, and to provide information about employers who are not compliant with the law, including information collected through the register of employers of persons with disabilities that is to be maintained by the National Empowerment Authority and was formerly maintained by the Training and Employment of Disabled Persons Board.

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

49. The Committee is concerned that:

(a) The term “basic invalidity pension” is derogatory, and this pension is withdrawn after a person reaches the age of 60 years, as it is replaced with the basic retirement pension, which fails to take into account the increased costs associated with disability in older age;

(b) The eligibility requirements for social protection entitlements remain linked to disability assessment criteria based on a medical model of disability;

(c) Persons with disabilities are required to appear periodically before the relevant authorities, including the Medical Board and a national pensions officer, to be re-assessed for eligibility for social protection, which may create an undue burden.

**50. Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which are aimed at empowering and promoting the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:**

(a) **Rename the basic invalidity pension and consider removing the age ceiling of 60 years so that it can continue to be provided in addition to the basic retirement pension, in order to ensure that the social protection system supports persons with disabilities, including at an older age, to have an adequate standard of living that can cover minimum disability-related costs;**

(b) **Adopt the human rights model for disability assessments to foster fairness in social protection and avoid the approach of solely considering medical reports when assessing the eligibility of persons with disabilities for social protection entitlements;**

(c) **Reduce the re-assessment burdens for persons with disabilities who have already been determined to be eligible for social protection entitlements.**

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

51. The Committee is concerned that:

(a) National legislation, including the Constitution and Local Government Act of 2011, continue to restrict the right of persons with intellectual and/or psychosocial disabilities to register as voters, to vote in elections and to be elected to the National Assembly and to local government;

(b) Persons with disabilities continue to face barriers in exercising their right to vote due to the insufficient accessibility of polling stations, voting procedures and information about elections, including public electoral debates and electoral programmes;

(c) There is a lack of representation of persons with disabilities among elected officials, in the civil service and in political and public decision-making processes, in particular in matters that affect the daily living conditions of persons with disabilities.

**52. The Committee recommends that the State party:**

(a) **Amend the Constitution and electoral laws that restrict the right of persons with disabilities to vote and stand for election or deny them that right and introduce legislative and policy measures to ensure their effective and full participation in electoral processes and in political and public life on an equal basis with others;**

(b) **Build on the existing measures that are being implemented in order to progress towards the full accessibility of voting procedures, facilities, materials and election campaigns, by ensuring accessibility at polling stations and access to political information through print and online election materials in accessible formats, such as Braille, plain language, Easy Read, sign language and accessible websites;**

(c) **Facilitate measures and processes that empower persons with disabilities, including women with disabilities, to run for political office and to apply for the civil service, and ensure close consultation with and the active involvement of persons with**

**disabilities, through their representative organizations, at all levels of decision-making, planning, implementation and monitoring with regard to elections and their inclusion in other forms of public affairs.**

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

53. The Committee is concerned that:

(a) Accessibility requirements are limited to newer sports and recreational facilities, and other sporting, recreational, entertainment, leisure, cultural and tourism venues, activities and services remain largely inaccessible to persons with disabilities, notably persons with physical and visual impairments and reduced mobility, including deaf, blind, deafblind and partially sighted persons;

(b) There is no action plan to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

**54. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Adopt measures and allocate resources to promote and protect the right of persons with disabilities, in particular children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others, in urban and rural areas, including through the improved accessibility of existing infrastructure and the creation of new accessible infrastructure;**

(b) **Develop a comprehensive action plan to further amend legislation and enhance accessibility and the provision of reasonable accommodation to ensure the effective implementation of the Marrakesh Treaty.**

### **C. Specific obligations (arts. 31–33)**

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

55. The Committee is concerned that:

(a) There is a lack of clarity on the different information management systems that the State party has used over the years to collect data on persons with disabilities, including those that are no longer operational, and there are insufficient disaggregated data about persons with disabilities across different sectors;

(b) There is insufficient consultation with and involvement of persons with disabilities, through their representative organizations, in the design of data-collection systems and the collection and analysis of data, including with regard to the 2022 housing and population census.

**56. Recalling the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State party:**

(a) **Strengthen the centralized register of persons with disabilities of the National Empowerment Authority to facilitate the systematic collection, analysis and dissemination of data, disaggregated by age, sex, gender, ethnicity, place of residence and other criteria, including about women and girls with disabilities, persons with disabilities who may be affected during an emergency situation, persons with disabilities who are involuntarily or voluntarily being deprived of their liberty in mental healthcare centres and persons with disabilities who are employed;**

(b) **Utilize this information to concretely and effectively inform the development of laws, policies, plans, programmes and services;**

(c) **Ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the design, planning and implementation of data collection and research related to persons with disabilities and in the analysis and dissemination of the results.**

#### **International cooperation (art. 32)**

57. The Committee is concerned about the lack of meaningful participation of persons with disabilities, through their representative organizations, at all stages of the development, implementation, monitoring and evaluation of international agreements and multilateral cooperation programmes, including memorandums of understanding with various States and the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

58. **The Committee recommends that the State party adopt concrete measures to ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, in international cooperation agreements and programmes, in particular in the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals at all levels. It also recommends that the State party take the measures necessary to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted in 2018 by the African Commission on Human and Peoples' Rights.**

#### **National implementation and monitoring (art. 33)**

59. The Committee is concerned that:

(a) There has been a delay in the establishment, as the designated focal point and coordinating body for the implementation of the Convention in the State party, of the National Empowerment Authority, which is meant to replace the National Council for the Rehabilitation of Disabled Persons, the Training and Employment of Disabled Persons Board and the Loïs Lagesse Trust Fund;

(b) The independent monitoring mechanism envisioned under the Protection and Promotion of the Rights of Persons with Disabilities Act of 2024 lacks the independence to monitor the implementation of the Convention, as it is chaired by the Ministry of Social Integration, Social Security and National Solidarity and includes as members representatives of the National Empowerment Authority and the Ministry of Foreign Affairs, Regional Integration and International Trade;

(c) There is a lack of a clear strategy and sustainable funding for the full and effective participation of persons with disabilities and their representative organizations in all aspects of the implementation and monitoring of the Convention.

60. **Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee,<sup>13</sup> the Committee recommends that the State party:**

(a) **Expedite the establishment of the National Empowerment Authority; ensure its effective coordination and operation, managed by a sufficient number of staff equipped with relevant expertise; enable organizations of persons with disabilities to directly nominate representatives, including women with disabilities, to serve on the Board of the Authority; and ensure that these representatives have a voice equal to that of any other member of the Board;**

(b) **Reconsider the composition of its independent monitoring mechanism in conformity with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles), and ensure that it is properly resourced and empowered to undertake transparent and independent monitoring;**

<sup>13</sup> CRPD/C/1/Rev.2, annex.

- (c) **Ensure sustainable and adequate funding for close consultation with and the active involvement of persons with disabilities and their representative organizations in the implementation and monitoring of the Convention.**

## **IV. Follow-up**

### **Dissemination of information**

61. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 34, on personal mobility, and 50, on adequate standard of living and social protection.

62. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

63. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

64. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### **Next periodic report**

65. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 8 February 2032, the date by which the State party's combined fourth to sixth periodic reports are due. The replies of the State party to that list of issues will constitute its combined fourth to sixth periodic reports.

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