Committee on Economic, Social and Cultural Rights
Sixty-fifth session

Summary record (partial)* of the 15th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 27 February 2019, at 10 a.m.
Chair: Mr. Zerbini Ribeiro Leão

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fifth periodic report of Mauritius (continued) (E/C.12/MUS/5; E/C.12/MUS/Q/5 and E/C.12/MUS/Q/5/Add.1)

1. At the invitation of the Chair, the delegation of Mauritius took places at the Committee table.

2. Mr. Gobin (Mauritius) said that ratification of the Optional Protocol to the Covenant was not envisaged because there were adequate avenues for redress at the national level in the case of complaints, including the application of section 17 of the Constitution, judicial review in the Supreme Court and civil actions for damages. Complaints could be investigated by the police or other national institutions such as the National Human Rights Commission, the Office of the Ombudsman or the Independent Police Complaints Commission.

3. Although the country maintained a low tax regime to attract foreign direct investment, the Government worked closely with international institutions to ensure that the system was transparent. There had previously been a single rate for personal income tax of 15 per cent. From the financial year 2018/19, a second tax band of 10 per cent had been introduced for individuals with lower incomes; the innovation was expected to benefit approximately 95,000 taxpayers. The negative income tax was a new social measure, effective since 1 July 2017, under which lower income employees received financial support from the Government, paid out by the Mauritius Revenue Authority. The monthly allowance of between 100 and 1,000 Mauritian rupees was payable to Mauritian citizens in full-time employment who received a basic salary not exceeding 9,900 rupees per month and had paid their full contributions to the National Pension Fund and National Savings Fund. Following criticism by international agencies, the previous dual tax regime had been abolished in favour of a single transparent system.

4. The Public Procurement Act provided that every procurement contract must include a clause to ensure rates of remuneration for the workers engaged in its execution that were no less favourable than those established for work of the same character in the trade concerned. The relevant sections of the Act were in accordance with the Employment Rights Act, which was in line with International Labour Organization conventions.

5. The Youth Employment Programme was aimed at unemployed persons between 16 and 35 years of age. They were provided with training and placement in a company for an initial period of one year, renewable for one additional year. Participants were paid a monthly stipend of 8,000 to 15,000 rupees, according to their educational qualifications. The programme had recently been extended to the public sector. The Back to Work Programme had been introduced in June 2015. As at November 2018, 620 employers had been registered. During 2018, training had been provided to 100 unemployed women in trades such as bakery, hairdressing and early childhood care. The Dual Training Programme was a public-private partnership, which made it possible to match companies’ requirements directly with supply. Courses for the programme were designed and selected jointly by industry associations and training institutions and had to satisfy the accreditation criteria of the Tertiary Education Commission. The most recent programme was the trainee engineer scheme, under which trainee engineers who needed to complete a placement to qualify for full registration could receive that on-the-job training in public sector bodies. The “work from home” scheme had only recently been announced and its implementation would require new regulations.

6. The Ministry of Labour, Industrial Relations, Employment and Training had gathered statistics on all the aforementioned programmes. Up to December 2018, 12,415 men and 17,259 women had registered for the Youth Employment Programme. Under the Back to Work Programme, 1,058 women had found placements between 2015 and the end of 2018. The Dual Training Programme had had a majority of female participants. The
scheme for trainee engineers had far exceeded its target of 200 placements, with 356 trainees placed in both the public and private sectors.

7. National legislation provided for only maternity and paternity leave and not additional parental leave, but the issue would be discussed further. Employees who took such leave received their usual pay.

8. In order to protect the rights of migrant workers, their employment contracts were vetted prior to arrival by the Ministry of Labour, Industrial Relations, Employment and Training to ensure that they contained no unfair or unlawful terms. The Ministry’s inspectors carried out routine inspections and unannounced follow-up visits, during which they informed migrant workers of their rights. Workers could also make complaints at labour offices around the country. The workforce of the Special Migrant Workers Unit within the Ministry had been doubled and now comprised 16 full-time employees. Free public health care extended to migrant workers. The Ministry of Health and Quality of Life had its own inspectorate, which had conducted a survey of public health-care institutions to measure attendance by migrant workers and found an increase of approximately 21 per cent between 2015 and 2018.

9. Accommodation for migrant workers was governed by the Occupational Safety and Health (Employees’ Lodging Accommodation) Regulations 2011. The enforcement authorities were the Ministry of Labour, Industrial Relations, Employment and Training, the Ministry of Health and Quality of Life and the fire and rescue service, all of which had powers to enter and inspect accommodation. Statistics up to the end of 2018 had been compiled on the number of inspections carried out and the number of cases filed in court.

10. To encourage men to take on a greater share of family responsibilities, the Ministry for Gender Equality, Child Development and Family Welfare, in collaboration with non-governmental organizations (NGOs), had launched the “Men as Caring Partners” project. The aim was to improve men’s understanding of the importance of gender equality, ensure effective participation of men in family well-being, meet men’s needs in terms of sexual and reproductive health and promote equal opportunities in the development process for men and women. The project involved outreach programmes and advocacy campaigns through various media.

11. Regarding social security coverage, the number of beneficiaries for all pension benefits, including the basic retirement pension, basic widows pension and basic invalidity pension, totalled 286,280, or 21 per cent of the population.

12. Between January and August 2018, 717 cases of elderly abuse had been reported. The Government was addressing the issue through outreach campaigns, free hotlines and the Elderly Watch Management Committees in all districts. The legislation had been amended to introduce tougher penalties, but awareness-raising would also be required.

13. Charitable institutions and private residential care homes operated in accordance with the Residential Care Homes Act and related regulations. Responsibility for monitoring compliance with the Act and each home’s licensing conditions lay with the Residential Care Homes Board. Responsibility for conducting inspections and responding to complaints lay with the Ministry for Gender Equality and Family Welfare, the Ministry of Social Security and, where applicable, the police. In the light of the problems associated with poorly trained caregivers, the Government had made provision in the current budget for the Mauritius Institute of Training and Development to provide specialized training for 50 carers.

14. Protection against marital rape was afforded under the Domestic Violence Act following a 2016 amendment that had extended the definition of domestic violence to include “compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain”. However, the legislature was considering establishing a specific offence of marital rape in a bill on sexual offences that was currently in the drafting stages. The shelters that offered emergency accommodation for women and children in situations of domestic violence were privately owned and managed but received government grants to subsidize their operation.
15. Mauritian law still permitted minors aged 16 or 17 years old to marry subject to parental consent. However, the Government was aware that its policy ran counter to practice in neighbouring countries and the views of international bodies including the Committee on the Elimination of Discrimination against Women. The issue was therefore being reviewed at various levels of government and legislative amendments would be made as soon as a consensus was reached.

16. The Marshall Plan to combat poverty in Rodrigues Island addressed the root causes of poverty and encompassed a range of programmes to assist families in need. Benefits available included a monthly subsistence allowance, currently being paid to just under 2,000 households in Rodrigues, and empowerment support to help families escape poverty. The amount payable to each household was determined according to its composition. In addition, 6,296 children in Rodrigues had received free school materials in 2017 under the Plan and all students from poor families were exempted from paying fees to sit school certificate examinations.

17. Following the installation of a 687-kilometre-long submarine cable at a cost of more than USD 44 million, Internet connectivity in Rodrigues was now as reliable as on the main island. The arrival of fast Internet services would create opportunities for new information-technology-related businesses that would in turn create new jobs, and a technology park was being established to accommodate such businesses. The airport was also being expanded with a view to attracting more visitors and boosting economic activity. An extension to the terminal building had been completed in January 2019 and finance for a new runway was being finalized. Port infrastructures were being expanded so that larger container ships could access the harbour and plans to construct a shipyard were under discussion. However, water supply remained the number one priority for the ongoing development of Rodrigues. The Government was therefore planning to build desalination plants powered by solar panels. Two new plants and new service reservoirs were already under construction.

18. Four housing programmes were being implemented in Rodrigues. One benefited households included on the Social Register of Mauritius. The other three benefited households not on the Social Register that had incomes of less than 10,000 rupees, between 10,000 and 15,000 rupees, and more than 15,000 respectively. The four programmes had been launched in 2016 and offered subsidies of 75, 65, 50 or 20 per cent, respectively, depending on income, for the construction of a house of 50 square metres. A total of 80 million rupees had been earmarked for the programmes in the budget of the Rodrigues Regional Assembly. Around 1,500 applications were being considered at present, 218 homes had already been built and 64 were under construction.

19. Financing for improved medical services in Rodrigues had already been allocated, including funds for a new hospital, two new emergency response ambulances, implementation of an e-health system, a new operating theatre in the maternity wing, the acquisition of specialist equipment including mammography units, and scholarships to encourage training in specialist areas such as gynaecology, paediatrics and surgery. Other projects in progress that would enhance the well-being of the island’s inhabitants included flood mitigation measures and drainage system upgrades.

20. The Social Register of Mauritius was administered by the Ministry of Social Security and eligibility for inclusion was determined by officials from the National Empowerment Foundation during regular outreach work or family visits conducted in response to a direct application. The criteria used to determine eligibility included living conditions, asset ownership and the profiles of individual household members. NGOs, citizen advice bureaux and elected local representatives also had a role in the registration process, inviting households deemed eligible but not yet registered to visit the local office or community centre and referring them to the appropriate officials. As of November 2018, about 11,000 households, representing between 2 and 3 per cent of the total population, were listed in the Social Register. The Government’s intention was that inclusion in the Social Register should provide households with more than just financial assistance, instead serving as a social contract whereby beneficiaries worked with the welfare authorities to escape the poverty trap.
21. A social housing rehabilitation programme had been launched to improve housing estates that had fallen into disrepair. Apartment blocks were the main focus; work would entail improvements to buildings and infrastructures, including waterproofing and repairs to wastewater systems. Expenditure under the programme had been 59 million rupees in financial year 2015/16, 172 million rupees in 2016/17 and 110 million rupees in 2017/18.

22. The Ministry of Health maintained comprehensive statistics on the incidence of non-communicable diseases including diabetes, high blood pressure and obesity and on tobacco and alcohol consumption rates. One of the Ministry’s focuses at present was outreach screening programmes conducted by mobile health units in schools, community centres and village halls. In 2017, 48,595 adults had been screened for non-communicable diseases and 5,529 women had been screened for breast and cervical cancer. A total of 179 secondary schools had received visits under the school health programme, with 39,936 students being screened on school premises. Whenever anomalies were noted, the persons concerned were referred to a regional hospital for further tests.

23. Psychiatric services had previously been centralized in one hospital in Beau Bassin but were now available in all five regional hospitals and in Rodrigues. Psychiatrists also ran outpatient clinics in area health centres and medclinics. The national strategy and action plan for mental health had been developed in line with the corresponding World Health Organization (WHO) action plan. Some actions were already being implemented and technical assistance had been requested from WHO for others. Current plans included an amendment of the Mental Health Care Act, the introduction of community-based psychiatric services in continuation of a pilot scheme currently being run in the relatively populous district of Flacq, and the establishment of special units for the treatment of psychiatric and alcohol-related disorders in regional hospitals. Human resourcing levels in mental health were adequate, the 23 general psychiatrists being supported by 2 child psychiatrists and 14 clinical psychologists, among others, and capacity-building was a continuous process. Most training was given by the Mauritius Institute of Health, but scholarships were available for overseas study in fields where qualified Mauritian practitioners were scarce, notably child psychiatry.

24. Policy measures to discourage alcohol consumption included a tax on alcoholic beverages, awareness-raising campaigns, restrictions on the sale of alcohol to minors and licensing restrictions. Licences were no longer available for on-premises consumption, except in the case of hotels and restaurants, which paid far higher licence fees than supermarkets and other outlets that sold alcohol for off-premises consumption only.

25. The Ministry of Health had organized an international symposium on hepatitis C virus in October 2018. The Government was in consultation with various organizations and experts to find a long-term solution for the thousands of people infected with hepatitis C in Mauritius. New medicines had made the disease easier to treat but they were prohibitively expensive. The public health system currently had the capacity to treat around 200 patients. Public laboratories did not have the capacity to conduct genotyping, which had to be done abroad, but hepatitis C antibody tests could be carried out and arrangements were being made for the introduction of viral load and antigen testing. All blood donations were screened for hepatitis and HIV using nucleic acid testing. Significant progress had been made in the preparation of a national hepatitis C elimination programme. The Ministry of Health had rolled out the needle and syringe programme at 47 delivery sites and had also established a mobile delivery service. According to annual statistical data, the number of syringes distributed each year had risen steadily between 2012 and 2018.

26. Mauritian Creole had been introduced as an optional subject in all primary schools in 2012 and in some secondary schools in early 2018. The Ministry of Education had provided training to teachers of Creole to ensure that they upheld professional standards and a supervisory body had been established to monitor the quality of teaching in primary schools. A total of 18,036 pupils across 178 primary schools were currently enrolled in Creole classes, while around 1,000 students were enrolled in Creole classes in secondary schools. There were 182 teachers of Creole at the primary school level. Creole was commonly used in the court system; there were no issues in that regard. School dropout was attributable to multiple factors, not merely whether a student was Creole-speaking. The Government had rolled out a number of programmes with a view to reducing the dropout
rate. For example, in the framework of the nine-year schooling strategy, a four-year extended programme had been introduced, under which learners could be granted more time to complete their basic education. Under that programme, the curriculum had been made more flexible to respond to the special learning needs of individual students; each student’s requirements and performance were assessed and monitored; and parents were encouraged to become involved in school activities. Special support was also available, including medical and counselling services. In addition, the Ministry of Education had rolled out a priority education zone project, under which certain schools benefited from additional resources. The project had resulted in a decrease in the rate of absenteeism and an increase in the examination success rate in those schools. Community projects had been introduced in five such schools and hot meals were provided in a further four schools.

27. The Special Education Needs Authority Act had been adopted in 2018 and its implementing regulations had been adopted in early 2019. The board of the Special Education Needs Authority had been appointed. The Authority was responsible for ensuring that every child had access to quality education. It monitored and facilitated the implementation of the Government’s special education needs policies.

28. Mr. Sadi said that it was unclear how legislation providing for the marriage of girls as young as 16 years old protected the rights of the child, given that persons under the age of 18 were still minors. In that connection, he would appreciate clarification of the role of parental consent in the marriage of persons aged between 16 and 18 years. In view of the multitude of faiths that were practised in Mauritius, it would be useful to know whether there were any specific rules applicable only to the Muslim community regarding such matters as marriage age or polygamy. He also wished to know whether human rights education, including information on the Covenant, was provided in schools and, if so, at what level of schooling.

29. Mr. De Schutter, reiterating a question from the previous meeting (E/C.12/2019/SR.14, para. 18), said that he would like the State party to comment on the concern expressed that the State party’s low corporate income tax rate could be depriving neighbouring countries of investment. He wished to know whether the provisions of the Employment Rights Act and the National Minimum Wage Regulations applied to the employment opportunities offered under the Youth Employment Programme, the Back to Work Programme and the Dual Training Programme. He would also appreciate additional information on the impact of long-term unpaid leave, particularly maternity leave, on the accrual of pension points. Lastly, he wished to know whether the Early Childhood Care and Education Authority Act had been amended to make early childhood education mandatory and would appreciate more information on the resources earmarked for early learning.

30. Ms. Shin said that she wished to know whether men could apply to the “work from home” programme. It would also be interesting to know whether the State party had considered extending the duration of paternity leave. In that regard, she encouraged the State party to adopt measures to extend the length of paternity leave, to ensure that more men took advantage of parental leave and to improve childcare facilities. With regard to the employment of persons with disabilities, both public and private entities should be subject to disability employment quotas. The State party had indicated that its ability to introduce legislative amendments depended on the public’s openness to change. Rather than waiting on shifts in societal values, the Government should be proactive and lay the groundwork for change itself.

31. Ms. Liebenberg said that she would appreciate further information on the living conditions of children in institutional settings, as well as on the regulations applicable to childcare institutions and the enforcement of children’s rights in such places. She also wished to know whether there were any restrictions on the advertisement of alcoholic products. Lastly, she would welcome further information on the accessibility of abortion services for women and young girls who wished to terminate their pregnancy on the grounds established in article 238 (a) of the amended Criminal Code.

32. Mr. Abdel-Moneim said that he wished to know whether the State party had considered establishing financial reserves that could be used in the event of a natural disaster.
33. **Mr. Gobin** (Mauritius) said that legislative reforms would require Mauritians’ acceptance of the proposed changes. The Government, civil society organizations and NGOs were trying to change certain mindsets, and progress had been made, but the country was not quite ready to introduce certain reforms. Persons between 16 and 18 years of age were permitted to marry, provided both of the parties concerned and their parents consented to the marriage, in accordance with the Civil Code. With regard to the recognition of Muslim personal laws in terms of marriage and birth registrations, the Civil Status Act provided for the establishment of a Muslim Family Council, which was responsible for maintaining certain registers.

34. Human rights education was provided in schools and at various levels. It was provided by public agencies, the National Human Rights Commission and the Ministry of Justice. The content varied and did not refer to any particular international instruments.

35. The Employment Relations Act did not apply to training and internships under the Youth Employment Programme. Internships were governed by contracts, and interns were aware of the contractual terms of their employment, including their wages. In some cases, the stipends paid were higher than the minimum wage, particularly for persons with diplomas and degrees.

36. As pensions were contributory, no pension points would be accrued during long-term unpaid leave taken as a result of family responsibilities, unless the worker continued to contribute towards his or her pension while on such leave. As to pre-primary education, children attended preschool on a voluntary basis. Parents were encouraged to enrol their children in preschool, but it was not compulsory.

37. With regard to concerns that had been raised by the Committee on the Elimination of Discrimination against Women, according to which the corporate tax policies of Mauritius might have an adverse impact of the ability of other States to attract investments, the basis of those concerns were unclear and required clarification. The regulations governing teleworking had been published officially on 23 February 2019 and contained gender-neutral language, as any discrimination based on sex was prohibited by the Constitution. As to concerns about conditions in orphanages and other institutions for children, there had been one or two occasions when such institutions had failed to meet the relevant standards. An anonymous complaints mechanism was in place and whenever complaints were received, investigations were launched and the appropriate measures were taken.

38. There was a total ban on alcohol and cigarette advertisements and sponsorships in Mauritius, and rules on plain packaging for cigarettes would soon be in effect. Attitudes towards cigarettes had changed over the years, and smoking was no longer considered chic.

39. With respect to access to legal abortions, between 2012 and 2017, a total of 36 legal abortions had been performed at the five largest hospitals in the country and none had been performed at private clinics. When legislation permitting limited access to abortion had first been introduced in 2008, it had caused an uproar but had nevertheless been adopted.

40. With regard to the preparedness of Mauritius in the event of a national disaster, certain areas in the south were particularly vulnerable to such disasters, as some communities were living at sea level. In terms of financial resources, a National Environment Fund had already been established, but the Government would take additional steps to improve infrastructures and protect low-lying coastal areas. The recent cyclone in nearby Rodrigues had served as a reminder of the havoc that natural disasters could wreak.

41. **Ms. Liebenberg** asked whether the policy to combat absenteeism in schools had been effective and whether school attendance had improved since its adoption.

42. **Mr. De Schutter**, noting the atypically low number of contributions received from civil society organizations working in Mauritius, asked how the Government disseminated information about the preparation of the State party report and the recommendations contained in the concluding observations in order to raise awareness of the commitments of Mauritius under the Covenant.
43. **Mr. Gobin** (Mauritius) said that absenteeism persisted in both primary and secondary schools. A number of steps had been taken to combat absenteeism, including the payment of allowances, the provision of hot meals, the establishment of attendance requirements in order for students to be eligible to sit exams, and the sending of text message alerts to parents. Although such efforts had led to only a slight decrease in absenteeism, they must be maintained.

44. The Government enjoyed excellent relations with NGOs, due in part to the establishment of the National Mechanism for Reporting and Follow-up, which served as a platform for constructive dialogue between the ministries and civil society. Since 2017, the concluding observations received from all the human rights treaty bodies had been disseminated and discussed. Thanks to the platform, certain issues that had not been discussed previously, such as those relating to the lesbian, gay, bisexual and transgender community, were now being addressed. Moreover, all NGOs were welcome to participate in the platform, and their number was steadily increasing.

45. **Mr. De Schutter** said that he wished to thank the high-level delegation for the quality of the dialogue. Mauritius was in a state of transition, with draft laws covering persons with disabilities and the protection of human rights awaiting adoption. It was hoped that the concluding observations of the Committee and its recommendations would be taken into consideration when passing such legislation.

46. **Mr. Gobin** (Mauritius) said that the delegation had duly noted the Committee’s questions and recommendations, and would endeavour to submit any outstanding replies in writing. The Government of Mauritius looked forward to receiving the Committee’s concluding observations and would strive to follow up on its recommendations, as it was committed to improving the lives of all its citizens, without exception.

*The discussion covered in the summary record ended at 12.30 p.m.*