

# **Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division)**

## **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

### **1. Introduction**

Mauritius has a population composed of people of African, Asian and European descent. The State of Mauritius is regarded as a peaceful country. According to the Global Peace Index 2021, Mauritius is ranked 28<sup>th</sup> in the Global State of Peace and 1<sup>st</sup> in Sub-Saharan Africa.

The State of Mauritius is committed to the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals which was adopted by the United Nations General Assembly in September 2015.

### **2. Measures in relation to Sustainable Development Goal 16: Peace, Justice and Strong Institutions**

#### **2.1 Equality and access to justice**

The Constitution of Mauritius provides an unequivocal right for every citizen to be treated equally and to live a life free from discrimination. In this vein, the State of Mauritius does not discriminate between citizens, including vulnerable and disenfranchised segments of the populations.

#### **2.2 Legal assistance**

The Legal Aid Act, which was amended in 2012, is now known as the Legal Aid and Legal Assistance Act. It extends the provision of legal assistance and now provides, for legal assistance and legal aid to be available to a wide range of persons in need. Legal assistance in the form of free legal advice and counselling at the police enquiry stage and free legal representation at bail application is now available in prescribed circumstances.

#### **2.3 Citizen Support Unit (CSU)**

State-based grievance mechanisms exist in Mauritius with a view to safeguarding the rights of an individual, deterring and dealing with human rights abuse issues. For instance, the Citizen Support Unit (CSU) of the Prime Minister's Office, through its internet-based complaints management platform, the Citizen Support Portal (CSP), has been developed and put in place to facilitate the registration of complaints/ general inquires and suggestions online. The CSU caters complaints from NGOs, vulnerable groups, migrant workers, trade unions, persons with disabilities and members of the public.

## **2.4 The National Human Rights Institutions (NHRIs)**

Mauritius has established 7 National Human Rights Institutions (NHRIs) to ensure the protection of the rights of its people, namely;

- (i) the Office of the Ombudsman, under the Ombudsman Act 1969;
- (ii) the National Human Rights Commission under the Human Rights Act 1998;
- (iii) the Ombudsperson for Children's Office, under the Ombudsperson for Children's Act 2003;
- (iv) the Equal Opportunities Commission, under the Equal Opportunities Act 2008;
- (v) the Independent Police Complaints Commission, under the Independent Police Complaints Commission Act 2016;
- (vi) the Ombudsperson for Financial Services, under the Ombudsperson for Financial Services Act 2018; and
- (vii) the Ombudsperson for Sports.

Complaints of human rights abuses may be reported to above mentioned institutions. NHRIs regularly carry out appropriate sensitisation activities in collaboration with State bodies and civil society organisations. The volume of the activities depends on resources provided to the NHRIs. Additionally, with the recent outbreak of Pandemic COVID -19, NHRIs are required to be involved at all stages of the pandemic to ensure the protection of the vulnerable and marginalised groups as well as their development during the various phases including recovery.

## **2.5 Provisions for persons with disabilities**

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

Ramps and lifts are also available to facilitate access to Court rooms for persons with disabilities. First hand counseling, psychological counseling and family counselling are also provided to victims of violence and abuse as and when required

Moreover, arrangements are made to hear cases involving these persons in the Court room on ground floor and provision for special chairs are made for witnesses with disabilities to depone. Furthermore, services of trained sign language interpreters are provided to persons with disabilities free of charge in cases before the Court.

## **2.6 Provisions for Children**

The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 were passed in the National Assembly in December 2020 with a view to harmonizing all laws relating to good development, well-being and protection of children.

These Acts came into effect on 24 January 2022, following their proclamation and can be accessed on <https://gender.govmu.org/Pages/Legislations.aspx>.

The Children's Court Act provides for a child-friendly set-up; to adjudicate cases of children who are victims of abuse, need to deal with their perpetrators and for who are considered as juvenile offenders. The Children's Court consists of a Protection Division and a Criminal Division.

## 2.7 Victims of domestic violence

The Family Welfare and Protection Unit (FWPU) was set up in July 2003 under the aegis of the Ministry of Gender Equality and Family Welfare (MGEFW) and is mandated to implement appropriate policies and strategies to promote family well-being and to develop relevant strategies to address gender-based violence.

The Protection from Domestic Violence Act (PDVA) was enacted to protect spouses from domestic violence. Apart from sanctions against perpetrators of domestic violence, the Act also provides for issues such as Protection Order, Occupation Order, Tenancy Order.

The MGEFW has retained the services of legal resource persons on a sessional basis to assist victims of domestic violence to obtain redress from courts. The Attorney General's Office assists these victims by providing services of counsel as and when required at court level

Moreover, a gender-based violence mobile application (App) known as "*Lespwar*" was also launched as a rapid response system to victims of gender-based violence. The application is easily downloadable and accessible to all age groups of women and men victims/survivors of Gender-Based Violence (GBV) to access help, information on GBV and receive requisite support thereon. In line with international experiences, such App serves to increase victim's safety by giving priority and enhanced access to support services at the touch of a button for those at greatest risk.

The MGEFW has also launched its National Strategy and Action Plan on the elimination of GBV in 2020-2024 that focus on the following areas:

- (i) changing societal norms and beliefs that are against principles of gender equality and equity;
- (ii) survivor-focused processes and practices;
- (iii) improving legal response, policy and institutional practices; and
- (iv) monitoring and Evaluation.

With a view to facilitate harmonization and data collection, the **Domestic Violence Information System (DOVIS)**, which is a computerized system for the registration of reported cases of domestic violence was implemented and is used as a tool to monitor, assess, record and generate specific reports on such cases dealt at the Family Support Bureaux under the aegis of the MGEFW.

An Observatory Platform has been set up as a logical progression to strengthen the data collection based on GBV in Mauritius for informed policy making and monitoring and evaluation of initiatives on GBV. This platform enables the setting up of a holistic and transparent mechanism to strengthen collaboration and understanding of the actions carried out in matters related to care for victims; evolution of gender-based violence in Mauritius and subsequently elaboration of future public policies to eradicate this serious social problem which constitutes the worst example of inequality suffered by women.

## **2.8 The Truth and Justice Commission**

In an attempt to examine the history of slavery and indentured labour and their consequences, the State of Mauritius set up the Truth and Justice Commission under the Truth and Justice Commission Act in February-March 2009.

Pursuant to the recommendations of the Truth and Justice Commission, the State of Mauritius has also set up a Land Division under the Supreme Court which specialises in the resolution of land disputes and hears and determines matters regarding ownership of land, property rights. The Land Division became operational as from January 2021 and 61 cases involving land disputes were scheduled before the Division, out of which 16 have been disposed of at end of March 2021.

## **2.9 Access to justice amidst the Covid-19 pandemic**

The **Courts Act** was amended in March 2020 to regulate the operation of Courts in Mauritius such that Courts may provide such judicial services as may be deemed essential, during, as well as after the COVID-19 period. Furthermore, appropriate rules may be made, to regulate the practice and procedure before any Court during the COVID-19 period and such further period. The Court may additionally limit the number of persons who may be present in chambers or in a courtroom or call or hear a matter remotely by means of a telephonic, an electronic or any other communication facility as the Chief Justice may approve.

## **3. Measures in relation to Goals 4, 5, 8 and 10**

### **3.1 Goal 4: Education**

Mauritius is committed to instill a quality education that maximises the talents and potential of its citizens. Education is compulsory till the age of 16 years and no child is left out of the education system. Moreover, education is free up to tertiary level in all public higher education institutions.

According to Section 35 of the Education Act 1957, which was amended in 2004, all Government schools and all schools in receipt of a regular grant-in-aid from public funds shall be open to pupils of any race or religion. It also provides for the setting up of a National Curriculum Advisory Board, whose function is, *inter-alia*, to advise on a national policy for the development of the school curriculum with regard to the overall economic, social and cultural context of the country and the personal development of the student.

Mauritius is one amongst the rare countries where a common curriculum is taught to all, irrespective of gender, religion or belief in all educational institutions at pre-primary, primary, secondary and tertiary levels. A conducive environment is provided to all learners, which ensures equal access to relevant and quality education and training.

Mauritius also caters for learners with special education needs. The Special Education Needs (SEN) sector under the Ministry of Education, Tertiary Education, Science and Technology ensures that no learner be left outside the education system on the basis of his/her disability. The SEN Strategy sets out the framework for children requiring special education needs in Mauritius to enjoy access to relevant and high-quality education.

The Kreol Maurisien, which is the most widely used language in Mauritius, is now a subject in itself in both primary and secondary cycle and necessary arrangements are being made to explore the possibility of extending it to upper secondary level.

The school curricula at the primary and secondary levels have been elaborated so as to encourage not only the cognitive but also the holistic development of all learners. Aspects of Human Rights are included in the primary and secondary curriculum.

### 3.2 Goal 5: Gender Equality

The Constitution of Mauritius makes provision for non-discrimination on the basis of sex. It protects individual rights exclusively. In fact, individual rights remain the basic underlying philosophy of the constitutional protection of fundamental rights in Mauritius.

Mauritius is committed to empower women who constitute around 55.6% of its population and remove barriers to the enjoyment of their rights. It is, in fact, entrenched in the vision of the Government to make Mauritius a society where gender equality is promoted to ensure a fair and adequate representation of all genders as well as the human and social development of women. Moreover, Mauritius believes in women holding key leadership roles both in the public and private sectors and measures are being taken to encourage gender representation in managerial positions as well as their economic empowerment.

In line with the set targets of SDG 5 that speaks of “Achieving Gender Equality and Empower All Women and Girls”, the Gender Unit of the MGEFW implemented two specific projects for girls’ empowerment. The first one is about the “Goal Programme” which is a joint venture with the Standard Chartered Bank. The second one is entitled the “3E’s project: Empowerment through Education and Entertainment”. These projects are reaching out to girls from deprived regions and aimed at ensuring that the latter are not left out of mainstream development. Officers of the MGEFW act as facilitators to empower girls on thematics ranging from Sexual and Reproductive Health, Values, Leadership to Substance Abuse and Money Savvy. These two projects have so far empowered about 600 girls.

Moreover, the Government of Mauritius is proposing to come shortly with a Gender Equality Bill to: –

- (a) promote, protect and regulate gender equality in public and private spheres;
- (b) eliminate gender-based discrimination, ensure that human rights of men and women are guaranteed and acknowledged in existing as well as the proposed legislation in order to achieve gender equality;
- (c) provide for gender equality principles that aim at reducing socioeconomic inequalities so as to achieve substantive equality in all spheres, that is socially, economically and politically;
- (d) provide for equal opportunities for both men and women and create responsibilities of all entities, public and private, to eliminate barriers that lead to gender discrimination; and
- (e) promote equality and gender balance between family roles, unpaid care work and employment for men and women.

Mauritius, through the Ministry of Social Integration, Social Security and National Solidarity (MSISSNS) remains fully committed to channeling resources into processes that create a society that values women, men, girls and boys equally, and to finally ensure that everyone has equal opportunity and equality. Therefore, integrating gender perspective in policies and strategies and accelerating the transition of women from informal to formal employment through training and empowerment, and girls from schools to employment, have always been a driving force of the Marshall Plan to tackle the root cause of poverty.

With regard to **women's Economic Empowerment**, a wide-range of training facilities has been set up to cater for training in housekeeping, pastry, shoe making, bee keeping, quail egg production, poultry project, home gardening project, farming, hair dressing, beauty care, and eco-bag making.

These training facilities are being provided to unemployed women and young girls as a means of empowering them and enhancing their living conditions. The purpose is to develop the soft skills of women so that they can better respond to the market needs while promoting their social inclusion and cohesion. Many women are being encouraged to operate through cooperatives and are being provided with sewing machines and start-up kits.

Furthermore, with regard to participation of women in elections, the Local Government Act of 2011 provides that out of the three candidates fielded for elections, at least one of them should be of the opposite sex. The Act was further amended in 2015 to ensure a fair and adequate representation of women for the elections of councilors to the Municipal City Council and Municipal Town Council. Every group presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council as well as at Village Council level, shall ensure that not more than two thirds of the group's candidates should be of the same sex. Similarly, the provision applies for election of councilors to village council as prescribed by Section 12(6) of the Local Government Act.

With regard to women's participation in decision-making, a feminization of the civil service can be observed, with an increased number of women in top decision-making positions. There are many women holding senior positions in the public service including – at National Parliamentary level, Judges, Magistrates, Law Officers, doctors, Permanent Secretaries etc. It is to be noted that a woman as Deputy Commissioner of Prisons was also appointed in 2014 and following the General Elections in the same year, a woman was appointed as the President of the Republic. The post of Ombudsperson for Children is also held by a woman.

### **3.3 Goal 8: Economic growth and jobs**

#### Economic growth

Amidst the COVID-19 pandemic, the Government of Mauritius stepped in to provide support to the population to meet their essential needs and provided the following financial assistance:

- a) the introduction of Self-Employed Assistance Scheme (SEAS) and Wage Assistance Scheme;
- b) the amendment of the Business Facilitation Act 2019 to take on board all necessary measures for ease of doing business and be able feed the population even during the lockdown period;

- c) the creation of a COVID-19 Projects Development Fund as a special fund under the Finance and Audit Act for the financing certain projects in the context of the implementation of an investment programme following the negative impact of the COVID-19 pandemic on the economy;
- d) a decrease on value Added Tax on hand sanitizers and protective masks from 15% to 0% as from 24 March 2020;
- e) the introduction of a Special Relief Programme of MUR 5 billion through commercial bank loans from 16th March to end July 2020 so that businesses can meet their cash flow and working capital requirements;
- f) the launching of the State Investment Corporation (SIC) Equity Participation Scheme to overcome the financial difficulties of enterprises; and
- g) financial support in terms of Transitional Unemployment Benefit to Redundant workers.

Moreover, in accordance with established criteria, Small and Medium Enterprises (SMEs) that were negatively impacted by the pandemic were eligible for the following schemes, namely:

- i. the SME Interest-Free Loan Scheme was made available to SMEs with turnover not exceeding Rs50 Million. An interest-free loan of Rs100,000 with a moratorium of 5 years on repayment was granted to some 18,000 employers;
- ii. the Self-Employed One-Off Grant Scheme was available to all those registered with the Mauritius Revenue Authority under the Self-Employed Assistance Scheme registered as at 15 March 2021;
- iii. the COVID-19 Special Support Scheme which was implemented by the Development Bank of Mauritius whereby SMEs were able to apply for unsecured loans of up to Rs1 Million at an interest rate of 0.5 percent per annum with a moratorium of 1 year on payment of capital and interest;
- iv. the DBM One-Year Moratorium Scheme provided a one-year moratorium on payment of capital and interest on all its existing loans under its various schemes; and
- v. the postponement of VAT Payment from end March 2021 to 15 July 2021.

#### Provisions by the Worker's Rights Act

The Workers' Rights Act protects workers' jobs and protects workers against precarious employment and discrimination (section 5), reconciles work with family by providing more flexible work arrangements, extends maternity benefits to a mother who adopts a child of up to 12 months old, regulates termination of employment (section 64) and widens the scope of protection to workers against violence (section 114).

Any decisions by employers to terminate employment of a worker in breach of Section 72 of the WRA would be deemed to be unjustified, thus enabling any laid off workers to make

representation to the Redundancy Board to claim either their reinstatement or else to get an Order for the payment of severance allowance for unjustified termination of employment.

According to records, for period March 2020 to December 2021:

- **130** employers have made an application to the Redundancy Board for reduction of workforce; all the applications were disposed as appropriate.
- **116** cases of Reinstatement or payment of Severance Allowance were reported by workers/workers' organisations at the Redundancy Board. 111 cases were disposed of while 5 other cases are still under consideration.

It is to be noted that employers are prohibited until 30 June 2022 as per Regulations from reducing their work force on economic grounds. Additionally, section 64(1) – **“Protection against termination of employment”** of the WRA prohibits termination of employment of workers. In such cases section 64(1A) of the Employment Relations Act provides **any** aggrieved worker the possibility to report a dispute for his reinstatement to the Commission for Conciliation and Mediation or else to have the matter lodged at the Industrial Court for adjudication on the payment of severance allowance for unjustified termination of employment.

### Employability

Jobseekers with disabilities can register themselves at the 13 Employment Information Centres (EICs), scattered all over the island or on-line on the “Mauritius Job” platform of the Ministry of Labour, Human Resource Development and Training (MLHRDT).

The MLHRDT, provides both male and female jobseekers with disabilities with all necessary information, guidance and counselling on registration and labour market information, on equal footing as normal jobseekers. They participate in workshops where support is being provided to them to become employable.

## **4. Goal 10: Reducing inequality**

### **The Marshall Plan**

A Marshall Plan to eliminate absolute poverty and reduce inequality was developed by Mauritius with the assistance of the UNDP and was concretely launched during the 2016/2017 Budget Speech. The Marshall Plan proposes a social inclusion framework anchored in human rights, to assist with the integration of the vulnerable segments of the population into the social, political and economic life of the nation. The goal of this social inclusion framework is to ensure that all citizens enjoy equal opportunities and live in a more inclusive society. A list of the schemes put at the disposal of individuals registered under the Social Register of Mauritius can be accessed on the following link: <https://socialintegration.govmu.org/Pages/About%20Us//Schemes.aspx> .

Based on the Guiding Principles on Extreme Poverty and Human Rights, the Marshall Plan has certainly placed an obligation and duty on the Mauritian Government to ensure that its plans, policies and processes uphold and promote rights and that no person can be discriminated against or experience inequality. This reflects the fact that equality is a fundamental issue central to social, economic, cultural and political rights which will lead to economic growth.



## **Inclusion**

Moreover, the National Social Inclusion Foundation was set up to support and allocate CSR funds to NGOs/NPO to enable them implement programmes/projects in the following 10 priority areas of intervention for the benefit of individuals and families registered under the Social Register of Mauritius (SRM) and of vulnerable groups:

- (a) socio-economic development as a means for poverty alleviation;
- (b) educational support and training;
- (c) social housing;
- (d) supporting people with disabilities;
- (e) dealing with health problems resulting from substance abuse and poor sanitation;
- (f) family protection including gender-based violence;
- (g) leisure and sports;
- (h) environment and sustainable development;
- (i) peace and nation-building; and
- (j) road safety and security.

This entity is called upon to play a key role in the promotion of social inclusion, equity and sustainable development, specifically, by leveraging strategic and sustainable partnerships with NGOs, public institutions and the private sector.

## **Persons with disabilities and elderly people**

The State of Mauritius is fully committed to, and is continuously progressing towards, an inclusive society where the rights of persons with disabilities are respected and protected. It also undertakes to review its legislations gradually so that they reflect the human rights model of disability. It is also party to the Convention on the Rights of Persons with Disabilities (CRPD).

Moreover, the State of Mauritius through the MSISSNS, provides fair, equitable and responsive social protection in a sustainable manner to its citizens with special attention to senior citizens, persons with disabilities as well as vulnerable persons and reinforce national solidarity. A range of services are provided as indicated hereunder:

- (a) Social Assistance in kind and in cash.
- (b) Empowerment, welfare, protection and well-being of the Elderly.
- (c) Empowerment and welfare of Persons with Disabilities.
- (d) Unemployment Hardship Relief.
- (e) Contributory Pensions, Non-contributory Pensions, Industrial Injuries Allowances under the National Pensions Scheme.
- (f) Transition Unemployment Benefit, Lump Sum, Health Insurance under the National Savings Fund.

- (g) The introduction of a Marshall Plan Social Contract as the point of entry of eligible beneficiaries living in absolute poverty to benefit from the various empowerment schemes based on various conditions, among others: -
- (i) payment of a monthly subsistence allowance to ensure that the basic needs of people living in absolute poverty are effectively met and that they become economically independent;
  - (ii) payment of other conditional cash transfers such as a monthly Child Allowance, School Premium, Free Examination Fees, School Materials and Crèche Fees, as incentives to motivate children of beneficiaries to be enrolled in registered educational institutions, attend school regularly, improve their performance and be awarded on their successful accomplishment; and
  - (iii) benefit from various housing schemes.

Regular sensitisation campaigns on disaster risk reduction and frequent simulation exercises/ activities are carried out while taking into account the special needs of persons with disabilities. Safe evacuation procedures are tested for implementation in the event of disasters. Furthermore, Community Disaster Response Teams have been empowered in handling persons with disabilities for safe evacuation during emergencies.

Contingency plans have also been elaborated for Residential Care Homes in vulnerable areas. The development, implementation and monitoring of emergency plans and procedures is in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030.

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