



STATEMENT

BY

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ATTORNEY GENERAL, MINISTER OF JUSTICE,

HUMAN RIGHTS AND INSTITUTIONAL

REFORMS

ICESCR

REPUBLIC OF MAURITIUS

26-27 FEBRUARY 2019

PALAIS WILSON, GENEVA

Mr. Chairperson,
Distinguished Members of the Committee,

I am very happy to be in your midst this afternoon together with my delegation to present the Fifth Periodic Report on the International Covenant on Economic, Social and Cultural Rights on behalf of the Government of the Republic of Mauritius.

Before proceeding further, please allow me to introduce the members of my delegation:

Mr. Rajkumar Sookun, Acting Permanent Representative of Mauritius in Geneva;

Mrs. Asha Burrenchobay, Senior Chief Executive, Ministry of Justice, Human Rights and Institutional Reforms;

Dr Maryam Timol, Director , Ministry of Health and Quality of Life

Mr Janaab Mownah, Lead Analyst, Ministry of Finance and Economic Development

Mr. Parasram Gopaul, Counsellor at the Mauritius Permanent Mission in Geneva;

Mr. Nikesh Heerowa and Mrs. Fee Young Li Pin Yuen, both Second Secretaries at the Mauritius Permanent Mission in Geneva.

At the very outset, Mr **Chairperson**, I wish to most formally express the deepest appreciation of the Republic of Mauritius for the work being done by your Committee.

Mr Chairperson, the economic prosperity of the State, is a prerequisite to the creation of a conducive climate to provide for the fulfilment of our obligations under the convention to enable our citizens to have full enjoyment of their economic, social and cultural rights.

Today's process of constructive dialogue therefore provides a unique opportunity to reflect on our human rights achievements and challenges.

Mr **Chairperson**, Mauritius is ranked 20th among 190 economies in the ease of doing business, according to the latest World Bank annual ratings. The rank of Mauritius improved to 20 in 2018 from 25 in 2017.

The Government is aspiring to becoming an inclusive high income country. To this end, the Government is investing heavily on modern and strategic infrastructure to transform the country. For instance, we have the light rail transit system currently under construction and the first phase is expected to be operational by September of this year. In parallel, public road transport infrastructure is also being modernized.

In Rodrigues island, the construction of a new runway to accommodate bigger planes is in the pipeline and the financial aspects of this project are currently being finalized. An amount of Rs 5 billion has been provided in the current budget for the socio-economic development of the island of Rodrigues.

The Mauritius Rodrigues Submarine Cable (MARS) which is the first fibre optical cable linking the two islands, is now fully operational.

Mr **Chairperson**, the members of the Committee will be happy to hear that for the first time ever, in September 2018, inhabitants of Agalega island (which is situated about 1000 km to the north of Mauritius) have been connected to the internet by way of satellite bandwidth. Moreover, the construction of a new runway and a new jetty is under way.

Attracting Foreign Direct Investment to the country, creating jobs, providing opportunities for growth by means of financial or fiscal incentives and, consolidating our bilateral agreements or partnership with friendly countries, as well as opening up to new markets are among our main priorities.

The Government is also keen in developing a strong diversified, competitive and resilient entrepreneur sector. It recognizes the small and medium enterprises as a key pillar to the socio economic development. In this respect, a 10 year master plan to improve SME competitiveness and growth has been prepared. Moreover, in a bid to ensuring national food security and safety in line with SDG goals, Strategic Plan 2016-2020 for Food Crop, Livestock and Forestry Sectors, has been prepared to empower producers and enhance the welfare of the farming community. The upcoming National Wholesale Market will further empower farming community by way of connecting the growers and producers directly to the markets, therefore guaranteeing better prices to the growers and producers.

Let me reassure the Committee that the State will leave no one behind in the development of the Country.

Mr Chairperson,

I am pleased to report that since the last review in May 2010, there have been some fundamental changes in the overall human rights framework in the country, namely –

- (i) a new Ministry dedicated to Human Rights has been set up in September 2017;
- (ii) a National Mechanism for Reporting and Follow-Up (NMRF) has been set up under the Ministry in December 2017. The NMRF has become the ideal platform for consultations with NGOs and civil society on a regular basis under my Chair;
- (iii) the Independent Police Complaints Commission is fully operational since April 2018;
- (iv) police officers who were not authorised by law to associate and form trade unions have now been authorised to do so by way of a new legislation in 2017; and
- (v) We are up to date with our international reporting obligations under the various treaty bodies and Expert Committees.

Mr Chairperson, as regards human rights instruments, Mauritius ratified the protocol to the African Charter on Human and Peoples' Rights on the

rights of women in Africa (Maputo Protocol) in June 2017, albeit with reservations.

We have also acceded to the Arms Trade Treaty in July 2015 and we have acceded to the Convention on Certain Conventional Weapons amended protocol II and Protocol V in 2018. All these have been domesticated in our legislation.

Moreover, discussions on the ratification of the Genocide Convention have reached an advanced stage and we expect to ratify the Convention very shortly.

Mr Chairperson, I will now give a brief overview of the progress achieved.

It is worthwhile to note that with a view to enhancing the living standards of low income groups two historic measures have been introduced since 2017 namely:

(a) the Negative Income Tax scheme which provides some additional financial assistance to about 30,000 workers monthly; and

(b) the National Minimum Wage of 8,140 rupees per month is payable as from 01 January 2018 to every full time worker.

The combined effect of these measures have impacted positively on the wages of some 100,000 workers.

As regards poverty, major steps have been taken to address absolute poverty in line with the Marshall Plan Against Poverty. A Marshall Plan Social

Contract Scheme has been introduced, whereby some 11,000 households are currently benefiting from a monthly subsistence allowance based on a minimum threshold of Rs 2,720 with a maximum threshold of Rs 9,520 for a family of two adults and three children. It is worthwhile noting that 38% of the families are female headed.

Under the Marshall Plan, educational support in the form of school bags, uniforms, shoes, notebooks, socks and stationery are provided to needy students of the pre-primary, primary, secondary, vocational and tertiary. Some 20,000 eligible students benefit annually from this facility.

Government is also committed towards providing decent houses to vulnerable and low income families. A number of schemes are in place, to support those who already own a plot of land, those who are landless and to those who are constructing their own houses. A major social housing programme is being implemented and it is expected that some 10,000 housing units will be constructed, in line with the Government Programme for 2015-19.

Mr Chairperson

We have constantly consolidated our welfare state. I wish to highlight that a third of the Government budget is devoted to social protection. The top three Ministries in terms of budget allocation are the Ministry of Social Security, National Solidarity, the Ministry of Education and the Ministry of Health.

Over the past few years, Government has significantly enhanced the universal non-contributory basic pensions to the elderly, the widows,

persons with disabilities and the orphans. Between December 2014 and January 2019, the monthly Basic Retirement Pensions has increased by 70 % from Rs 3,623 to Rs 6,210. Moreover, free medical services as well as domiciliary visits are provided to all those above 89 years and also to those above 75 years who are bedridden.

Our elders also benefit from free transport and a number of leisure facilities in day care and recreational centres.

It is to be noted that previously, only Children above the age of 15 years suffering from disabilities were entitled to the Basic Invalidity Pension. This age discrimination was removed in July 2016 and some 3,000 children with disabilities are receiving the basic invalid pension of Rs 6,210 monthly. Bed ridden cases also benefit from a monthly carer's allowance of Rs 3000.

Mr Chairperson, with respect to the right to Work, I wish to state that Mauritius is a State party to ILO Convention No 100 on "equal remuneration for work of equal value". The philosophy and principles of the aforesaid convention has been domesticated in section 20 of the Employment Rights Act.

Moreover, in 2017 the Equal Opportunities Act was amended to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level.

The Employment Rights Act was amended in 2015 to increase maternity leave from 12 weeks to 14 weeks. In August 2018, the eligibility to maternity leave with pay was extended to female workers employed in both the Public

and Private Sector even reckoning less than 12 months continuous service. A male worker is entitled to 5 continuous working days' paternity leave.

As regards youth, some 21,600 youth have been placed in employment from 2013 to November 2018 through the Youth Employment Programme. Moreover, a SME Employment Scheme for unemployed graduates was introduced in 2018 targeting some 1000 graduates.

Mr Chairperson,

As regards domestic violence, the Protection of Domestic Violence Act was amended in 2016 to widen the definition of the term 'domestic violence'.

A rehabilitation programme for perpetrators of domestic violence has been initiated in 2018.

The Protection of Elderly Persons Act was also amended in 2016 to enhance the level of protection of, and security to, the elderly.

Mr Chairperson, as regards modern slavery and human trafficking, Mauritius is deeply committed to fight this cause. Mauritius joined the Call to Action to end forced labour, modern slavery and human trafficking in 2018. The draft National Action Plan to combat Trafficking in Persons is currently being finalised.

My Ministry has almost completed the publication of the "Know Your Rights Pamphlet" intended for migrant workers, employed in the secondary economic activities, and this is due to be launched next month. It aims at informing migrant workers of their rights and the possible remedial actions

in case of violations. The dangers of human trafficking are also prominently explained in the pamphlet, and I should also add that the pamphlet is published in several languages.

Mr Chairperson, racial discrimination and hate speech are not tolerated in Mauritius. Government is committed to ensuring that no one threatens the racial harmony prevailing in Mauritius.

To this end, the Criminal Code has been amended in 2018 to prohibit hate speech by electronic means and to increase the penalties applicable thereto.

Mauritius is leaving no stone unturned to address the problem of drug trafficking and addiction.

The report of the Commission of Inquiry on Drug Trafficking, chaired by a former Judge was submitted in July 2018. Some of the recommendations have already been implemented whereas others warrant changes in the legislation and same are being examined.

The National Drug Control Masterplan 2018-2022 is being finalised. The HIV and Drug Council has been set up in the beginning of this year.

In view of the increasing trend of synthetic drug use among youth, a dedicated centre for adolescent and youth was set up in August last year to provide detoxification and rehabilitation.

Mr Chairperson, as regards the health sector, it is to be noted that access to healthcare is totally free of user cost in Mauritius.

Government is investing heavily in the health care sector. In this respect, a new ENT hospital is due to be completed in April this year, whereas a new state of the art Cancer Centre will be completed in May next year. Moreover, a new Eye hospital and a new teaching hospital are in the pipeline. Funding has already been secured to this end.

Non Communicable diseases remain a major concern. In this respect, Government has developed various services including prevention, early detection and treatment, as well as prevention of complications.

Mauritius has been successful in maintaining the HIV prevalence under 1%. Some 700,000 needles are distributed annually to drug users to prevent HIV infection amongst injecting drug users.

In the National Action Plan 2017-2021, the country's vision is to achieve "Zero new HIV infections. Zero AIDS-related deaths. Zero discrimination".

As regards education, Mr Chairperson, education is compulsory up to the age of 16. Education is free at primary and secondary levels. In January 2019, the Honourable Prime minister announced the historic decision of free tertiary education for those students enrolling in public higher educational institutions.

Over the last year, the education sector in Mauritius has undergone a major transformation. The previous highly "traumatic" Certificate of Primary Education examination has been done away with and has been replaced by a new form of assessment leading to the award of the Primary School

Assessment Certificate (PSAC). The Nine Years of Continuous Basic Education was introduced in January 2017 and it aims at providing alternative learning environment and at laying a strong foundation on which to build future learning.

As part of the inclusive education concept, a Special Needs Education Authority has been set up to ensure that children with disabilities have the best education opportunities suitable for their needs and their integration in the mainstream education.

Mr Chairperson, to promote the cultural sector in Mauritius, Government provides grants to 11 speaking unions and 5 cultural centres. These centres and unions aim at promoting intercultural dialogue and foster mutual and cultural understanding and safeguard the cultural heritage of the population through languages.

The setting up of an intercontinental slavery museum will materialize in a not too distant future. Government is ensuring that this project benefits from the expertise of UNESCO.

Mauritius has been successful in obtaining the Inscription on the UNESCO's Representative List of three Intangible Cultural Heritage of Humanity, namely:

- (i) 2017 – Segha Tambour of Rodrigues Island;
- (ii) 2016 – Bhojpuri Folk Songs, Geet – Gawai; and
- (iii) 2014 – Traditional Mauritian Segha.

Mr Chairperson,

It is with regret that I inform you, it has not been possible for the State Party to complete the planned amendment of the Constitution with a view to enshrining the economic, social and cultural rights on an equal footing with other constitutional rights. We are nevertheless envisaging to give the covenant a legal status that will enable its provisions to be incorporated in the domestic law. To this end, Government is looking at the advisability of including its provisions under the Protection of Human Rights Act. I am engaging with the relevant stakeholders including non-state actors, with a view to achieving progress on this front. Moreover, we have some challenges that I will expand during the questions.

Before concluding, Mr. Chairperson, it gives me immense pleasure to share with the Committee that yesterday, the International Court of Justice gave its advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. This Advisory Opinion will go a long way towards ensuring that Mauritian citizens of Chagossian origin fully enjoy the fundamental Human Rights including their economic, social and cultural rights. This Advisory Opinion yet sheds more light on the right to self-determination enshrined in article 1 of the Covenant.

I thank you for your attention.

My delegation and I will now be pleased to answer to questions which the Honourable Members may have.