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COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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10 November 2021

Excellency,

In our capacity as Chair and Rapporteur for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights respectively, we have the honour to refer to the examination of the fifth periodic report of Mauritius at the Committee's sixty-fifth session, held in 2019. In the concluding observations (E/C.12/MUS/CO/5), the Committee requested Mauritius to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 16, 29 and 44 (a) and (b) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/MUS/FCO/5) received in March 2021 under its follow-up procedure. The Committee examined the report at its seventieth session, held from 27 September to 15 October 2021, and wishes to communicate the following assessment:

Paragraph 16: Revision of the Equal Opportunities Act – Assessment: Insufficient progress. In its follow-up report, the State party indicates that, for the time being, it is not proposing to widen the scope of the Equal Opportunities Act (EOA), to extend it to “any ground”. The Committee regrets that the State party is not proposing to widen the scope of prohibited grounds to include “gender identity, social origin, property and other status”, or to provide more effective remedies for victims of violations, as recommended by the Committee. The Committee concludes that there is insufficient progress in relation to the implementation of this recommendation and requests the State party to include more information thereon in the next periodic report.

Paragraph 29: Minimum wage legislation – Assessment: Sufficient progress. The Committee notes with appreciation that the national minimum wage applies to every worker and that every full time worker is guaranteed a minimum monthly income through the payment of the Negative Income Tax and the Special Allowance. The Committee considers that there has been sufficient progress made in relation to the implementation of this recommendation and compliments the State party thereon.

Her Excellency

Mrs. Usha Chandnee DWARKA-CANABADY

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Paragraph 44 (a): Parental leave with a minimum period exclusively earmarked for fathers – Assessment: Insufficient progress. The Committee notes that the follow-up report provides information that one-month parental leave will be introduced, in addition to the 14 weeks maternity leave granted to a mother. However, the Committee regrets that this new one-month parental leave is not adopted yet. Moreover, the Committee notes the update provided by the State party that this leave is intended for both parents to share between themselves, and not for exclusive use by fathers as recommended by the Committee. The Committee thus considers that there is insufficient progress in relation to the implementation of this recommendation and requests the State party to include information on the measures taken in the next periodic report.

Paragraph 44 (b): Paternity leave extension for fathers regardless of marital status – Assessment: Insufficient progress. In its follow-up report, the State party indicates that “against the backdrop of COVID-19 pandemic, it does not envisage currently to extend the paternity leave to the father of a newborn child regardless of marital status”. The Committee’s recommendation to extend the length of paternity leave and apply it to the father of a newborn child regardless of marital status has not been implemented and no measures have been taken. The Committee therefore assesses that the progress is insufficient and requests the State party to provide more information in the next periodic report.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.



Heisoo Shin
Rapporteur for follow-up
Committee on Economic, Social
and Cultural Rights



Mohamed Ezzeldin Abdel-Moneim
Chair
Committee on Economic, Social
and Cultural Rights