

TO THE SECRETARIAT OF
THE UN COMMITTEE ON
THE RIGHTS OF PERSONS
WITH DISABILITIES:
THE SHADOW REPORT OF
VOICE OF DISABLED PEOPLE
INTERNATIONAL (VDPI)

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1. INTRODUCTION

1.1 What is VDPI?

VDPI Mauritius is a legally registered federation of Disabled Person Organizations (RPOs). It is an alliance of 10 RPOs comprising of federations of the following: Inclusion (Mauritius) which represents 12 NGOs with cross disability representation. The RPO's affiliation with VDPI is conditional upon strong disability representation and their engagement with advocacy work. We accordingly represent Persons of all types of impairment as enshrined in the convention. VDPI is also affiliated with Disabled People International.

1.2 The field of activities of VDPI includes but not limited to, the following:

- a) Vigorous and regular campaigns to enhance the respect, promotion and protection of the rights of persons with disabilities as a class subject to perpetual discrimination.
- b) Combat the charitable model of disability in all of its form.
- c) Work with other Civil Society Organizations with the common goal of building up a full inclusive society.
- d) Fight for equality and non-discrimination in line with Article 5 of the UNCRPD.
- e) Alert Public opinion by way of awareness campaign to oppose policies and practices which are violative of the rights of persons with disabilities.
- f) Above all, promote the human rights model of disability in line with the Convention.

With our affiliated member's organizations, VDPI have been very active in lobbying government ministries. Our main areas of activities on the ground include, inter alia.

- 1) Campaign for the right to inclusive education.
- 2) Training opportunities.
- 3) Employment Services.

2. Methodology of the Report

- a.** A first draft was prepared by the executive committee members of VDPI Mauritius. Same was circulated to all our affiliated RPO's and other Civil Society Organizations. They were given one month to submit their views and comments. The services of an independent consultant were then hired to prepare the final draft. This report reflects the daily experience of persons with disabilities living in Mauritius, Rodrigues and Agalega. It also takes into consideration the daily experience faced by individual persons with disabilities with whom we are in direct contact. It should also be underlined that the government has completely disengaged itself with the present exercise and has not allocated any resources be it financial, or otherwise to support this initiative.
- b.** After the first draft was submitted to IDA, a video conference meeting was held to analyse the format and contents therein. Certain suggestions were made and same are now incorporated in the report.
- c.** VDPI Mauritius has in the course of its different workshops analysed the October 2020 State Report (hereafter referred to as to the 2020 State Report – annex 1) and the Promotion and Protection of the rights of persons with disabilities 2024 Act No XXIII of 2023 (hereafter referred to the 2024 Act - Annex 1).
- d.** VDPI Mauritius has already taken note of the amendments to legislations which Annex 2 refers to. We will deal with same in the specific context of the Article of the convention (see supra).
- e.** In relation to Annex 1, the State party makes reference to its own annex 1. In this regard, we propose to submit a list of questions which could be put by the committee members during the constructive dialogue.
- f.** In 2015, the UNCRPD Committee issued its first concluding observations and recommendations.¹ The report was never disseminated in consultation with RPO'S and Civil Society
- g.** Organizations as was recommended by the committee at paragraph 48, 49 (CRPD/C/MUS/CO/1). The government has not taken any initiative to implement the concluding observations and recommendations. Consequently, no policies or legislative measures have been put in place, except the Protection and Promotion of the Rights of PWD Act 2024. The provisions of the Act are analyzed in details, and we demonstrate in an analytical manner how they are retrogressive in nature.
- h.** RPOs and NGOs were not consulted in the drafting of the 2024 Act and the 2020 State Report.

¹ CRPD_C_MUS_CO_1-EN

3. Comments on Articles

1. Articles 1-4 (Purpose and General Obligations)

3.1 Ten years after the initial report ref: CRPD/C/MUS/CO/1 from the UN, representative organizations of PWDs (ROP) and civil society (SO) regret to report that the government has not only failed to implement its commitment but has also been adopting retrogressive measures which have left PWDs the subject of discrimination and marginalization in as much as:

a. The State Party of Mauritius (Hereafter referred as SPM) had undertaken to withdraw the reservations on Articles 9(2) (d),11 and 24(2) b.

b. 8 years later after the 2015 CRPD concluding observations and recommendations, the SPM has not only failed to withdraw all the reservations (except Article 11) but has also not engaged with representatives of Disabled Persons' organizations and civil society at large.

c. No meetings or workshops have been convened by the different Ministries with RPOs, NGOs to discuss issues being faced or how collaboration can be strengthened in order to disseminate the 2015 UN and 2020 State Reports.

3.2 The measures initiated by the SPM are not at all satisfactory to RPOs and civil society as they are not in line with the UNCRPD standards:

3.3 Government has recently enacted the Protection and Promotion of the Rights of Persons with Disabilities Bill. However, the Act does not in any way respect, protect and promote the rights of PWDs nor is there any attempt to domesticate the contents and spirit of the convention in as much as:

- a) In the initial 2015 UN report, Mauritius was commended by the UN committee panel for its effort for the setting up of a data base.² Since 2015, we have not heard anything about the updating of the database. We have reasons to believe that the database which was originally funded by the UNDP does not even exist.
- b) While the 2024 Act imposes an obligation on public authorities to gather data on PWDs, the assessment criteria are still not provided for in the 2024 Act or in any policy document.

3.4 There are two definitions of persons with disabilities which conflict with each other namely section 2 which provides "A person who has one or more disability" and the act also defines disability: "'disability" means a long-term physical, mental, intellectual or sensory. It is unclear as to which definition would take precedent. Only on this basis the court may take many years to agree on the correct definition which should prevail, thus leaving litigants with disabilities in complete uncertainty.

3.5 The criteria of assessment of PWDs are still highly medicalized, an issue which has not been addressed by the 2024 Act although the UN CRPD concluding observations pointed out serious gaps in our legislative framework.

3.6 While the 2024 Act makes it an offence to use derogatory terms against persons with disabilities, it is unclear what constitutes a derogatory term nor does it list down words or sentences which constitute derogatory terms in our legislation and current usage of such words and phrases such as, "Invalidity", "Autrement capable", "Mentally retarded" and "Differently abled" are still highly pervasive in our society. With specific reference to the interpretation section of the 2024 Act, there is no definition of derogatory terms.

The 2020 State report at paragraph 65 is accordingly misleading.³ (Annex 3 – minister in parliament using autrement capable in April 2024 while debating the 2024 Act.)

² Convention on the Rights of Persons with Disabilities, S II (4)

³ CRPD_C_MUS_2-3_7812_E%20(2).pdf, paragraph 65

National strategic paper and action plan

4.1 Mauritius was also commended for its national strategic paper 2007-2014 by the UN. However, since then no national policy paper and national action plan has been developed by the SPM. Mention is made in the 2020 State report that Mauritius had an action plan from 2016-2020, which no one is aware of.⁴ Annexes 1 and III of the 2020 Report are accordingly misleading. The VDPI has perused all the Ministries' websites to locate the action plan 2016-2020 but there was no positive outcome.

4.2 The 2024 Act repeals a number of legislations which initially provided for some form of representation of PWDs in the decision-making process which affects the daily living conditions of PWDs for example the National Council for the Rehabilitation of the Disabled (NCRD) which was an elective body of 9 persons representing NGOs in the disability sector and 3 appointed by the Minister of Social Security on top of representatives from some Ministries.

4.3 There is no independent monitoring mechanism as is envisaged by Article 33 of the UNCRPD.

4.4 The Act creates different entities, the role of which conflicts with each other. For instance, the Ministry of Social Security which is a provider of service will henceforth monitor its own services by an entity created under the purview of the Ministry called the Independent Monitoring Unit. Even the committee members and the staff will be appointed by the Minister⁵ The same principle applies to the remaining 4 entities namely,

- National Disability Authority⁶;
- Hearing Committee⁷;
- Protection and Promotion of the Rights of PWDs' Unit⁸;
- Disability Rights Watch.⁹

4.5 Forthwith the decision-making process relating to the rights and empowerment of PWDs have been taken away from PWDs and placed in the hands of politicians.¹⁰

4.6 The SPM shows no understanding of the contents and spirit of articles 1-4 with specific reference to the 2020 State Report. We note that their answers on the human rights model of disability are vague and general.

Recommendations Articles 1-4

1. VDPI calls for the Government to set up a steering committee as was provided in the National Action Plan 2007-2014 with sub committees to work on the different provisions of the Convention and its eventual implementation through a new National Action Plan with appropriate budget and time frame and clear indicators for assessment.
2. The said strategic plan should be in line with the implementation of the SDGs 2015-2030.
3. VDPI calls for the immediate repeal of the 2024 Disability Act and to replace it with modern piece of legislations which makes provisions for the following:
 - a) An elected body of PWDs to formulate policies and recommendations to Government.
 - b) The setting up of one or more focal points as is provided in the Convention.
 - c) The creation of an independent monitoring mechanism which is completely 'en dehors' the hands of politicians. The monitoring body shall be vested with powers to ensure that the

⁴ Annex 1 of the 2020 State Report

⁵ Annex 4 of the 2024 Act

⁶ Annex 5 of the 2024 Act

⁷ Annex 6 of the 2024 Act

⁸ Annex 7 of the 2024 Act

⁹ Annex 8 of the 2024 Act

¹⁰ Annex 9 of the 2024 Act

rights of PWDs are respected, protected and promoted and take necessary steps for remedial measures in case of violation.

4. We advise the government to ratify the optional protocol signed.

Article 5: Equality and Non discrimination

The Constitution of Mauritius takes precedence over all legislations which are enacted by the National Assembly in order to put PWDs on an equal basis with the non- disabled counterparts.

VDPI was expecting that Section 3 and 16(3) would be amended to provide greater constitutional protection to PWDs. VDPI regrets that the SPM has broken its promise.

While by virtue of Part III Clause 9 (6) in the 2024 Act prohibits discrimination on the basis of disability, it remains unclear as to who would be tasked with the implementation and monitoring of these sections of the law, more so, that there is no independent monitoring mechanism in line with the Article 33 of the UN CRPD.

Recommendations -Article 5

- 1.VDPI calls for the immediate amendment of articles 3 and 16 of the Constitution by recognizing the principles of non-discrimination against PWDs.
- 2.Introduce policy and legislative measures to domesticate into Mauritian laws general comment number on article 5.

Article 6: Women with Disabilities

6.1. In its 2018 Report, the UN Committee on the Elimination of all Forms of Discrimination against Women highlighted that women with disabilities are a disadvantaged class and as such, are exposed to intersectional and multiple forms of discrimination.¹¹ Since the issue of the last UNCRPD report concluding observations, the government has not so far:

- A. addressed the issue of gender imbalance in relation to women and girls with disabilities
- B. collected desegregated data on the discrimination experience of Women and girls with Disabilities.
- C. collected any statistics on domestic violence experienced by women and girls with disabilities both within and outside the home.
- D. disseminated the General Comment no. 3 and Article 6 of UNCRPD.
- E. included women and girls with disabilities in national action plan and policy which are aimed to combat multiple and intersectional discrimination.
- F. consulted the federation of women with disabilities in the drafting of the 2024 ACT.

6.2. Specific reference to the 2020 State report paragraph 27 women and girls with disabilities 'where all the institutions listed in a very general manner, it would be interesting to know if evidence-based documentation could be provided to the Committee which relates specifically to the discrimination experienced by women and girls with disabilities.

¹¹ CEDAW/C/MUS/CO/8, para. 11

Recommendations -Article 6

VDPI calls for the implementation of the concluding observations and recommendations of the 2015 report in the context of a national policy paper and action plan in order to combat the intersectional and multiple form of discrimination experienced by women.

Women with disabilities association member of VDPI requests that a survey on the number of violences recorded and documented involving women with disabilities is done by the Ministry of gender to support awareness campaign on gender-based violence in Mauritius and remove the stigmatization that is attached to it.

The setting of a body of women with disabilities entrepreneurs for financial independence as one of the causes of Gender based violence against women with disabilities is their complete dependence on family members or their partners.

The setting of a reporting mechanism where the women with disabilities feel protected if they report cases of abuse. VDPI calls for the implementation of the concluding observations and recommendations of the 2015 report in the context of a national policy paper and action plan in order to combat the intersectional and multiple form of discrimination experienced by women.

Article 7 Children with Disabilities

In its concluding observations, the UN Committee on the Rights of Child (CRC) highlighted that there is an undue and disproportionate reliance upon NGOs to dispense segregating education services to children with disabilities.¹² (supra article 24 of the UNCRPD on education para 5)

1. Parents of Children with multiple disabilities have reported to VDPI that there is no proper medical/social diagnosis to assist their children to enjoy inclusive education.
 2. There is no forum for children with disability to express themselves in relation to their experience as children with disabilities.
3. While the Promotion and protection 2024 Act by virtue of 11(a), 17(g), (9h) and (i) and 59 (3) seem to address the issues raised within the purview of articles 6 and 7 there are serious gaps in its implementation in as much as:
- a. there are no trained personnel to implement the provisions.
 - b. the monitoring body is not decentralized
 - c. The protection from domestic violence act and the child protection act have always provided protection to children with disabilities. However, there is no data on the number of children with disabilities who have benefitted from the protection of the law.
 - d. The SPM cannot legitimately say that prior to the enactment of the 2024 Act women, girls and children with disabilities did not have any protection at all.
 - e. With regard to the National Child Protection Strategy paper and action plan 2015-2022 referred by the CRPD committee in its questions and the state in its report, the said papers are nowhere to be found at any rate. VDPI and other organisations in the civil society were not consulted in the drafting and formulation of the said strategy paper.

¹² Annex 10 - CRC/C/MUS/CO/3-5, para. 49

Recommendations for Article 7

1. The Mauritian government should ensure that that children with disabilities
 - a. Have access to a proper health care system with proper diagnosis, follow up and habilitation.
 - b. Are able to benefit from an inclusive education from the beginning with reasonable accommodation

Article 8-Awareness raising

With specific reference to the 2020 State Report VDPI observes that:

1. There is no budget earmarked for awareness raising relating to the rights of PWDs.
2. The intended objectives are ill defined and there is no clear strategy to engage with civil society and the media.
3. The campaign entitled valuing PWDs which started in 2006 has stopped since 2014.

Recommendation Article 8:

VDPI calls for the implementation of the concluding observations and recommendations of the 2015 report

Article 9-Accessibility

- a) The Building Act, the Roads Act, Morcellement Act and the Town and country planning Act have not been amended to improve the built environment for PWDs. As such, there is no coherent strategy to implement accessibility policies by both National Government and local authority.
- b) The 2020 State report mentioned that the semi floor buses available in the country are accessible to PWDs. We strongly oppose that claim as there are steps to climb before accessing the buses.
- c) 9.3. According to the official voice of the ministry of social security, Honorable Fazila Jeewa-Daureeawoo, low floor buses are not appropriate to circulate in Mauritius because our roads are not designed for same.
- d) 9.4. While the Metro Express service is accessible, the regional busses connecting the metro stations are not accessible. As such the accessibility for passengers using a wheelchair or with reduced mobility is compromised.
- e) 9.5. Pavements and jogging tracks are not accessible to persons with physical impairments and with reduced mobility.
- f) 9.6. Moreover the 2024 Act is completely silent on access to information in an accessible format and denial of the right to information is not sanctioned by the law.
- g) 9.7. 2024 Act missed the opportunity to address the above issues.

Recommendation Article 9:

VDPI calls for the introduction of an accessibility Act with a view to implement article 9 and to domesticate its general comment no 2 on accessibility into Mauritian law

Article 11- Situation of risks and humanitarian emergencies

With climate change Mauritius is particularly vulnerable to unpredictable situations of risks and emergency. The 2024 Act imposes a duty upon local authorities to collect disaggregated data on PWDs. However, there is no clear policies and measures regarding its implementation in as much as:

- a) Non implementation of the provision is not sanctioned by the Law of Mauritius.
- b) There is no budget earmarked to fund the project.
- c) The staff of local authorities are not trained to identify PWDs.
- d) As there is no official Mauritian sign language hearing impaired persons are particularly vulnerable in situations of risks and emergencies.
- e) Persons with mobility and multiple disabilities are particularly at risk.

We have no information on the survey mentioned in the country report and therefore it is unclear how rescue and assistance measures will be implemented.

At paragraph 75 of the 2020 State report specific reference is made to a website of the ministry of security <http://disability.govmu.org>. that PWDs can consult in situation of risk and emergency. However, none of the VDPI members has been able to access it. It displays the following message 'Not responding'.

Recommendations article 11

VDPI calls for mapping of location of people with disabilities should be conducted by the Ministry of Housing and Ministry of Social Security so that in case of torrential rain and national calamity evacuations plans are already put into place by the National Disaster Command.

The National Emergency Operations Command (NEOC) established under the National Disaster Risk Reduction and Management Centre is to be tasked to conduct a survey in order to identify PWDs in situation of risks.

A Strategy Paper needs to be devised in regard to evacuation of PWDs.

Article 12-Equal recognition before the Law

As per last 2019 shadow report sent by VDPI please note that the situation is still the same.

No legislation has been introduced in line with article 12 of the convention and its general comment number 1 (CRPD/C/GC/1/Corr.1) to replace substituted decision making by supported decision making regime. As such the legal capacity of persons with disability to enter into insurance contracts, to hold bank accounts, to marry, to vote are still within the purview of archaic guardianship laws under the civil code.

Recommendation Article 12

VDPI calls for the introduction of legislations to replace substituted decision making by supported decision making which affect the living condition of PWDs in order to respect the will and autonomy of PWDs and to introduce policy measures to domesticate general comment number 1.

Article 13 - Access to justice

Since ratification of the UNCRPD, no effort has been made for the implementation of Article 13 in as much as:

- a) The concepts of “procedural accommodation” and “age-appropriate accommodation” as enshrined in Article 13 have not been domesticated in our legislation and policy frameworks.
- b) Except for the Supreme Court, none of our Courts are physically accessible and/or provisions made to cater for sign language, braille or other alternative accessible mode of communication.

Legal and paralegal professionals including judges, magistrates, prison officers, court ushers have never received any training on the implementation of Article 13.

Persons with Disabilities have not received any education or training on how they can be direct or indirect participants in our justice system.

The 2024 Act does not mention anything about Article 13 of the UNCRPD.

Recommendation Article 13

VDPI calls for the introduction of policy and legislative measures to implement article 13 of the convention as part of a strategy to accomplish the SDGs so that PWDs can access the justice system as direct or indirect participants on an equal basis with others.

Article 14 -Liberty and security of the person

Under the Mental Health Act persons with disabilities, in particular persons with psychosocial and intellectual disabilities, are involuntarily detained. The Act even empowers the medical board to incarcerate persons with disabilities without the right to legal representation or a right to appeal against such decision.

Under the Community Service order Act, in case parents declare to the police that a child is “beyond control” the Magistrate has the power to immediately commit the child to RYC or CYC. Again, the child has no right to Legal Representation. Children with disabilities liberty and security are accordingly compromised.

Recalling the recommendations of the HRC on article 2 (CRPD/C/MUS/CO/1, para. 6) we invite the committee’s attention to the following:

- a) Mauritius has not yet introduced the Police and Criminal Evidence Act to the National Assembly.
- b) No training has, so far, been dispensed to police officers regarding how to properly address persons with disabilities, in particular persons with psychosocial and intellectual disabilities in the course of enquiries.
- c) It is reported that during pretrial procedures, persons with disabilities make confessions following unfair means exerted by police officers.

Recommendations Article 14

a. VDPI calls for the introduction of the Police and Criminal Evidence Act and to repeal relevant provisions of the Mental Health Act and to introduce legislative measures so that children can be legally represented at all stages of a trial against them.

b. To provide training to police officers on how to address PWDs with psychosocial and intellectual disabilities.

Article 15 - Freedom from Torture or cruel, inhuman or degrading treatment or punishment

No research has been carried out so far on the extent to which persons with disabilities are subject to torture by police or prison officers and/or in their condition of detention.

This conclusion has been reached after asking the question to representative of the national human rights commission and cross checked with DPO'S and civil society organizations and which have been able to confirm that no research has been carried out.

Recommendation Article 15

VDPI calls for research to be carried out on the extent to which PWDs are subject to torture by police or prison officers and/or in the condition of detention.

Article 16 -Freedom from exploitation, violence and abuse

No data on the number of cases of violence, exploitation and abuse against persons with disabilities that were reported to the police, and on the number of such cases that led to an investigation and appropriate prosecution of the perpetrator, have been disseminated.

The complaint mechanism in case where a person with disability is victim of violence, exploitation or abuse, is not available. The procedures to fill complaints are not fully accessible to persons with intellectual disabilities and/or with hearing impairment. No adequate reasonable accommodation is provided.

Shelters for victims of violence are not accessible to persons with disabilities. No proper measures have been put in place by the State.

No training is provided to shelter's staff on how to deal with persons with disabilities victims of violence or on the human rights of persons with disabilities.

Recommendations Article 16

VDPI calls for data on cases of violence, exploitation and abuse against PWDs be made available.

VDPI calls for a proper and effective complaint mechanism to be set up. Tasks with the responsibility to gather data on the situation of violence against PWDs.

Article 17 -Protecting the integrity of the person

The recommendation of the initial UNCRPD report (see CRPD/C/MUS/CO/1, para. 28) has so far not been implemented. There is no disseminated data on the number of persons with disabilities who are subject to exploitation, violence and abuse who are living in homes and shelters. These persons are not even able to access the Criminal Justice System or claim damages. Boys and girls with disabilities in institutions are particularly exposed to sexual violence and abuse.

In Relation to articles 16 and 17, women and girls with disabilities both inside and outside institutional sets up are still subject to forced sterilization and abortion without any mechanism for redress before our Justice System.

No information or data on the number of children with disabilities not registered at birth.

Recommendation Article 17

VDPI calls for Independent inspectorate to be conducted in Shelters and homes regularly to enquire about victimizations of persons with disabilities living there and data of same to be available. These inmates should be trained to become self-advocates on their rights.

Article 19 -Living independently and being included in the community

Subsequent to General Comment number 5 on article 19 (CRPD/C/GC/5), Civil society and VDPO'S strongly lobbied for the state to organize a dissemination session for all stakeholders in the sector. Our appeal has so far remained unheard. The concept of independent living and inclusion in the community is neither understood nor implemented. By contrast, there is both private and public sector investment in day care centres and homes.

No measures and services, including support services, community-based services, provision of personal assistance, foreseen to create opportunities for independent living and inclusion in the community for persons with disabilities are available.

NGOs have not been engaged in the enactment of the 2024 ACT. As such, the promotion of Independent living has not been dealt with and no status defined as how people with disabilities will be able to live in their own accommodation and attend workplace without having to live in shelters.

Recommendations Article 19

VDPI calls for

1. An awareness campaign on article 19 and its general comment No 5 to all the stakeholders in the sector and
2. To introduce measures to implement the provisions relating to personal assistance for PWDs so that they can enjoy the right enshrined in Article 19.

Article 20 -Personal Mobility

This has been included in the article 9.

Article 21 -Freedom of expression and opinion, and access to information

While Freedom of Expression is recognized by Article 11 of the Constitution of Mauritius, no steps have so far been taken for sign language to be recognized as an official language.

Other formats such as 'Braille easy to read' are only available in specialized NGOs. Subtitles in films are at source and no local programs are subtitled on National TV channels.

1. Assistive devices and technological tools are not available free of charge to persons with disabilities, in particular to those using alternative methods of communication.
2. No measures taken, including budget allocation, to promote research in the use of modern technologies for persons with disabilities in the field of information and communication, so that accessible information will be systematically available
3. No subtitles and sign language interpretation are available for all disseminated news bulletin on the national television company.

Recommendations Article 21:

VDPI calls for

1. An official Mauritian sign language to be recognized in the Constitution of Mauritius.
2. The massive training of sign language interpreters at tertiary level.
3. Government to allocate an itemized budget to cover for assistive device for all types of disability

Article 22 -Respect for Privacy

No specific legislation or policies are in place to protect the specific needs of persons with disabilities' privacy.

No procedures and legislative measures have been implemented to ensure the confidentiality of data of persons with disabilities when undergoing rehabilitation and psychological therapies, so as to prevent that private information are not used to discriminate them in employment practices or to attack their honor and reputation

No measures in place to keep the diagnosis of disability confidential for children with disabilities so that it does not affect their enrolment in mainstream schools and prospects as adults are available.

Recommendation Article 22:

VDPI calls for Data protection act to protect the integrity and privacy of PWDs.

Article 23 -Respect for home and the family

There is no national comprehensive policy in so far as the respect and promotion of family life in general and in particular for PWDs therefore:

No national policies and programs of the Ministry of Gender and Equality to educate women with disabilities on their sexual and reproductive rights and rights to willfully constitute a family.

No awareness raising to promote the image of women with disabilities as being equal to others in all aspects of life, including motherhood and sexual life.

No information on the measures taken to form the staff and psychologist of the Family planning association on the issue of parenting a child with disabilities and on individualized support to women with disabilities who are single parents.

Recommendations Article 23:

VDPI calls for the state of Mauritius to introduce a national policy on the respect protection and promotion of family life which includes a disability component.

Ministry of Gender to implement fully inclusive policies and measures to promote family life of PWDS by taking into account gender parity.

Article 24 -Education

The National Action plan 2006 on inclusive education is not only completely outdated but has never been implemented. Despite requests by civil society to carry out research on the Socio Economic and cultural Benefit of inclusive Education the SPM has still not done so.

There is no curricular adaptation and adjustment by any institution to kick off any program of inclusive education.

There is still a confusion between the concept of Integrated and Inclusive education and the government has still not moved away from integrated to inclusive education. See elaborated example in 22.9 onwards below. It is unclear what percentage of children are completely excluded from school due to inaccessible transportation and the built environment.

The content of the recommendations in the August 2015 UN report were never circulated to stakeholders in Mauritius.

The Minister of Education publicly admitted that the whole system of extended program for grades 7, 8 and 9 put in place in 2018 by the Ministry of Education has not been as successful as planned. This, in response to a Private Notice Question addressed by the Leader of Opposition on 09 May 2023.

It was recognized that only 71 students out of 3291 passed the exams, which shows a percentage of only 2% of success versus 98% of failures, and out of which the figure relating to children with disabilities has not been disclosed.

The majority of those who failed either have had traumatic experiences or have an intellectual disability.

The programs are not adapted to address cognitive abilities of children. Most of those children do not even have basic literacy and numeracy skills.

To pursue its agenda of segregated and integrated education the government introduced the SENA (Special Education Needs Authority).

The very creation of a regulatory body such as SENA to monitor what is termed special education needs (dispense mainly by NGOs) is contrary to the implementation of Article 24 and its general comment. For that purpose, sections 4 and 5 of the SENA Act are referred to and are found at annex 11. There is no legislation or policy document which clearly states that long-life learners have the right to inclusive education. The paradox lies in the fact that while the responsibility to dispense quality education rests with the Ministry of education, children with disabilities on the other hand depend on the policy of SENA which has so far promoted only segregated or integrated education system. This is the reason as to why reservations have not been withdrawn.

The following negative salient features are highlighted:

- a. the donkey work to dispense segregated education to children with disabilities is carried out by NGOs. However, the decision as to which school a child should attend is that of SENA and SENA alone.
- b. after a medical assessment, the staff of SENA without the consent of the parents allocate a seat in a school of its choice.
- c. the child is left with 3 choices either an integrated unit in a primary school or a SEN school (NGO) or a resource centre.
- d. The grants allocated to Schools catering for children without disabilities are disproportionately higher than the funds allocated to integrated units or NGOs sheltering SEN schools.
- e. NGOs in the sector are left in precarious financial position having to cater for the educational needs of children with disabilities with much less funding.
- f. we do acknowledge that the National Remuneration Board (NRB) has come up with measures for the special educational needs sector but technical and managing SEN school staffs are not considered in the salary review.
- g. NGOs are considered as employers of although the staff are paid a GIA by the Ministry under the SENA and NGOs have to find funding to cater for any associated costs for staff, maintenance of buildings, bear transport costs and all related costs which is unfair and not towards inclusion.

Recommendations Article 24:

VDPI calls for

1. The immediate repeal of SENA Act
2. To carry out research on the socio economic and cultural benefits of inclusive education
3. To implement the concluding observations and recommendations of the 2015 UN report. pupils per class.
4. To carry out more effective meetings and consultations with DPOs and NGOs and work on solution

Articles 25/26 - Health, habilitation and rehabilitation

The National Health Service in Mauritius is free but remains largely inaccessible to people with disabilities due to lack of training to medical and paramedical personnel. There is no data on the number of patients with disabilities who cannot access services on an equal basis with others.

There is no community-based rehabilitation although there is a Community Based Rehabilitation Unit which falls under the Ministry of Health and Quality of Life. There is evidence to suggest that women with disabilities are exposed to aggravated form of discrimination in accessing gynecological public services.

No cancer prevention and screening for persons with disabilities, in particular for women with reduced mobility and on wheelchair. Examination couches and mammography machines in public health centres and hospitals are not accessible.

The lack of provision of regular therapy to children with disabilities, such as speech therapy is a real challenge for parents. This service is mainly dispensed by NGOs which are poorly funded by the States. Consequently, persons with disabilities have to contribute for the services.

No early intervention strategies for children with disabilities in place, from infancy to early childhood.

There are no existing rehabilitation centres available for persons who acquired disabilities.

No actions undertaken by the Ministry of Health to promote the knowledge and use of assistive devices and technologies designed for persons with disabilities

Recommendation Article 25:

VDPI suggests that a good starting point will be for Mauritius to start implementing the observations and recommendations of the 2015 report

Article 27 -Work and employment

The Recommendations of the UNCRPD on Article 27 (see CRPD/C/MUS/CO/1, para. 37) have been completely ignored and the 2024 Act does not address the gap enshrined in the former Training and Employment of Disabled Person Act.

The attention of the committee is invited to paragraph of the UN CRPD concluding observations and recommendations.

“The Committee recommends that the State party develop effective legislative and policy measures to promote the transition from sheltered employment to the employment of persons with disabilities in the open labour market and ensure protection from discrimination in employment, including explicit recognition of the obligation to provide reasonable accommodation.”

In as much as the Training and Employment of the Disabled Persons’ Board (TEDPB), prior to its dissolution was not even able to recruit a General Manager. VDPI now raises a serious concern by way of the following questions;

- A. How many adults with disabilities have been placed in open labour market as follows;
 - The private sector?
 - The parastatal bodies?
 - The public sector?
- B. How many employers have not respected the quota requirement provided in the TEDPB Act and how many of them have been sanctioned by the board?
- C. How many persons with disabilities have been assessed and found to be not suitable or unwilling to work by the assessment committee?
- D. Whether the traditional segregated workshops are still highly pervasive in Mauritius?
- E. How many adults with disabilities coming out from NGOs have been assessed by the TEDPB?
- F. What mechanisms exists for the employment, and follow up of persons with disabilities after 20 years?

The 2024 Act imposes a duty on employers to provide reasonable accommodation to employees with disabilities. However, the Act equally empowers employers to raise the defence of undue burden. It is unclear what would constitute undue burden as same was not defined by the law.

Recommendation for article 27

VDPI calls for the implementation of the concluding observations and recommendations of the 2015 report and to work on the above-mentioned points and to work with NGOs, DPOs better to facilitate the inclusion and employment of the persons with disabilities in workplace.

Article 28 -Adequate standard of living and social protection

In Mauritius, there is a Universal Basic Elderly Pension that anyone reaching the age of 60 is legally entitled to. However, persons with disabilities who benefit from basic invalidity pension becomes ineligible to the disability benefit upon reaching the age of 60. The state takes the view that they are only an elderly person without a disability

There is a lot of focus on financial aid and there is no awareness raising on the various other social protection schemes available for PWDs that can enhance independent living and inclusion. People need to go to medical boards after 3 years or 5 years to be re-examined for eligibility of social aids which cause a lot of trouble.

Recommendation for article 28

Though there exist several schemes for social aid, the eligibility remains unclear. We recommend the government to review the medical approach they use and adopt a right based method which will ensure fairness in social aids and the benefits to people with disabilities. We recommend the Government to abolish the system of solely considering medical reports when assessing a child/adult/adolescent for social aid.

Article 29-Participation in political and public life

The discriminatory provision enshrined in the Constitution has so far not been repealed and replaced by provisions which are in line with article 29 of the Convention.

It is unclear as to what percentages of persons are unable to cast a vote for numerous reasons:

1. Election information being inaccessible.
2. Physical inaccessibility of polling station.
3. Bulletin papers not being in an accessible format.

There is no data on the number of persons who actively participate in public administration including the Civil Service or are able to participate in decisions which affect their daily living condition.

No guarantees provided by the government to persons with disabilities, in particular to those with intellectual disabilities, to avoid that they are not influenced to vote for the political party that offers transportation to the polling centers.

Recommendations for Article 29

VDPI calls for the immediate amendment of the Constitution in order to protect and promote the rights of voters with disabilities.

Government to introduce legislative and policy measures in order to empower PWDs to participate fully in public and political life.

Article 30 Participation in cultural life, recreation, leisure and sport

While Mauritius is a touristic destination most of the leisure sites are not accessible. There is no information on the accessibility to persons with physical impairments and reduced mobility of some newly renovated recreational centers that include theaters and salle de fetes, such as Municipality of Curepipe which has been newly renovated.

No information disseminated on the measures taken to make public beaches and other touristic facilities accessible to persons with disabilities.

The measures taken by the Ministry of Sport to take into account persons with disabilities in all policies and programs related to sports, and to accommodate existing facilities to their needs are concentrated only on the new sport centre situated at Cote D or.

Recommendation Article 30

VDPI calls for implementation of measures in the concluding observations and recommendations of the 2015 report.

Articles 31-33 Specific Obligations

Statistics and data collection (art. 31)

At present in Mauritius the collection of disaggregated data is not in line with international norm such as the Washington Group Methodology. It is unclear whether the collection of data bears into consideration the following:

Types of impairment:

1. Age groups;
2. Gender;
3. Employment;
4. Socio-economic status;
5. Health; and
6. Education

International cooperation programming (art. 32)

International Development programs are not inclusive of and accessible to persons with disabilities or their representative organization. PWDs or their representative organisations are not consulted in the programming and implementation of these programs. There is absolutely no policy to include participation of PWDs.

National implementation and monitoring (art. 33)

The 2024 Act sets up four focal points, the roles and functions of which overlap each other. Only time will tell whether they would achieve the intended objectives. There is no independent monitoring mechanism in line with the Paris Principles to monitor the implementation of the convention.

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