

Mauritius

Universal Periodic Review, 17th Session (2013)

Report of

Federation of Disabled Peoples Organisations (DPO) Mauritius

This stakeholders' submission for the Universal Periodic Review (UPR) of Mauritius has been made by the Federation of Disabled Peoples Organization. The federation is a coalition of over 20 DPO's, individual disabled persons and parents of disabled persons from across Mauritius representing different disability constituencies and working in different areas of inclusion. Organizations that participated in the consultation for drafting this report included: CEDEM; CYPRES; FMMH; Century Welfare Association; Handicapé Sans Frontieres; Magic Quatres Bornes Association; Southern Handicapped Association; Foundation Georges Charles; CEPEH; APRIM; APDA; Association des Sourds; Association des handicapés de Malherbes; Lizie Dan La Main; Association des Handicapés de l'est; Eastern Welfare association for Disabled; U- Link Association; Islamic Centre for Disabled Children; Foyer Vivre Debout; Hear Institute; Down Syndrome Association; APEIM

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BACKGROUND

The Republic of Mauritius is an island nation in the Indian Ocean about 2,000 kilometres off the South East Coast of the African continent. Mauritius became independent on 12 March 1968

and became a republic within the commonwealth on 12 March 1992. The country's populace is composed of several ethnicities, mostly people of Indian, African, Chinese and European descent.

According to statistics of 31 December 2010, Mauritius has an estimated population of 1,281,415. The proportion of children below the age of 15 was 21.5%, 71.2% was between 15 and 65 years old while 6.9% was 65 years or older. There are approximately 50,000 persons registered as disabled but this does not represent a very accurate number of persons with disabilities in Mauritius.

According to the World Bank, it is an upper middle-income level country with a GDP of 11.26 Billion US\$ in 2011. The economy rests on sugar, tourism, textiles and apparel, and financial services, and is expanding into fish processing, information and communications technology, and property development. Sugarcane is grown on about 90% of the cultivated land area and accounts for 15% of export earnings¹. However, the vast majority of persons with disabilities in Mauritius do not enjoy the same prosperity or benefit equally from economic progress that has been made over the last years.

There are a number of laws in the country that relate specifically to the rights of persons with disabilities. Some of the main legislation include the Trust fund for Disability Act, 1988; Equal Opportunity Act, 2008; Training and Employment Act, amended 2012; National Council for the Rehabilitation of the Disabled Act, 1986; Lois Lagesse Act, 1983. Unfortunately, the Constitution of Mauritius restricts some persons with disabilities' right to vote and be elected, containing outdated terminology "persons of unsound mind", in articles 34 (1) and 43, echoed in the Electoral Law, Local Government Act (1989), Section 29, Rodrigues Regional Assembly Act (2001) Section 5, subsection (2).² These need to be amended. Apart from these national laws, Mauritius ratified the UNCRPD in 2010, and in so doing implemented a UPR recommendation from its first UPR. While there is on paper a legal framework protecting rights of persons with disabilities, their inclusion in all areas of life remains low. This is evident from the fact that when the government drafted the Disability Act and enacted it, they did not hold consultations with persons with disabilities and their representative organisations. Many persons with disabilities are still unaware of this law and/or of its content.

The Mauritian government has made three impermissible reservations to the UNCRPD, in contravention of article 46 (1) of the CRPD. They directly go against the stated purpose of the Convention in article 1 and would prevent full application of rights throughout the Convention.

¹ See more at: http://www.indexmundi.com/mauritius/economy_overview.html#sthash.3Qtd66fq.dpuf

² See IFES, <http://electionaccess.org/LR/Countries%20M-Z/Mauritius.htm>.

These are on article 9 on Accessibility, Article 24 on Education and Article 11 on Situations of risk and humanitarian emergencies. These reservations demonstrate the widespread exclusion of persons with disabilities and need to be withdrawn urgently.

There are 3 boards that exist which are supposed to be working for the rehabilitation of Persons with disabilities namely the National Council for the Rehabilitation of Disabled, Training and Employment Board and Lois Lagesse Board. While the members of the board are elected, they unfortunately can be replaced or removed by the government without any reason if difficult issues are raised. There is a lack of transparency in the functioning of these boards. All members have to accept all decisions, which are often taken without the advice and consent of the disabled persons. The motto nothing about us without us is just to embellish speeches. Presently none of the DPO members sits on any board. Currently a great deal of authority and power rests in the boards and not with the public including persons with disabilities who do not have good means to access or influence the processes. In addition, these suffer from a heavily medical approach rather than embodying the social model of disability. The board system and functioning needs to be revisited. Currently, many decisions affecting persons with disabilities are made without consultation with persons with disabilities and their representative organizations. Decision-making processes need to be more fair, open and transparent. Options should be considered for the best way to implement and monitor the Convention taking into account ongoing efforts for this in other countries as well as a recent Human Rights Council resolution on article 33 of the CRPD..³

“Government recognizes that the human being is at the centre of sustainable development and that equal opportunity to participate in development is a prerequisite to nation building”(pg 66 Building our Future together, June 2010). Having said that, the challenges faced by people with disabilities and their families are numerous.

An allowance of US\$ 105 known as Basic Invalid Pension is given to persons with disabilities between the age of 15 – 60 years. After 60 the basic invalid pension is stopped and older persons with disabilities are given only old-age pension. Considering that with age there are additional requirements for all persons, and that disability-specific needs do not go away but sometimes increase, it is unfair for the government to revoke the basic invalid pension when the person with a disability becomes old. In fact it is a form of multiple discrimination against older persons with disabilities, who are treated less well than other persons with disabilities in terms of getting the needed support for their disability-specific costs.

³ See Human Rights Council resolution A/HRC/RES/13/11, available at <http://www2.ohchr.org/english/bodies/hrcouncil/13session/resdec.htm>.

For children with disabilities under 15 living in poor conditions, the allowance depends on parents' income. A medical board assesses the degree of disability of the child. Criteria set up for assessment are problematic and the outcome is often influenced by the child's communication skills. If he or she can answer to basic question about his or her name and age, he is not considered as disabled. This sometimes forces parents to make their child pretend that he/she does not know his name or age in order to access some needed support.

In Mauritius education is free and so are health services. In 2011, 6% of GDP was spent on health. Even though the government on health spends a considerable amount, the rehabilitation services remain poor forcing many parents to hire private therapists for their children. Some parents even take huge loans for they still believe that their child will be "cured". A modest family income usually is approximately US\$ 226. In families with disabled children, the mother is unable to work and add to family income, as she is required to look after the child. The maximum allowance provided by the government based on family income is less than US\$ 70. According to parents of children with disabilities, the minimum expenses when the child is small is about US\$ 162. This includes the cost of private therapists consulted by parents, who often feel that their children are neglected in hospitals. This creates an additional disability related financial pressure on families. There is not medical insurance either that the parents can take to cover the additional expenses of their disabled child. Also there are no support services provided by the government to look after the child to enable both parents to work. Additionally there is no medical insurance available for disabled persons.

Cost of assistive devices are very expensive including hearing aid, wheelchairs, walking or standing frame, etc. The support by the government is very limited. There is a long wait to get the assistive device. A child may no longer require a pediatric wheelchair by the time he gets it. Further there are no efforts by the government to promote and provide assistive technology to support people with disabilities in gaining access to information and communication.

There is a need for the Mauritius government to analyze, in consultation with disabled peoples organisations, what has been achieved in the disability sector and what need to be done to enable people with disabilities to exercise their rights and have equal opportunity as all citizens of Mauritius.

MAIN ISSUES

We have analyzed and prioritized 5 issues which need to be considered:

Awareness Raising Campaign

People with disabilities and parents having children with special needs are often looked down in society. This negative attitude is often due to a lack of information on disability. This creates a frustration among people with disabilities. All public officers, hospital staff, police officers and all public staff around the island have no idea on how to assist persons with disabilities. Specific awareness raising is needed among election administrators, and revision of legislation, to ensure also that all persons with disabilities enjoy their right to vote and be elected, in accordance with articles 29 and 2 of the CRPD. In public bus transportation, bus drivers are often not helpful and members of the public do not give up reserved seats for persons with disabilities.

Doctors often don't know how to tell parents about the disability of their child. Another big problem noticed in hospitals or elsewhere is the communication problem. Assistance should be given to people with disabilities where they have to benefit from public services (ex. Sign language interpreter). Professionals all throughout the public sector should be aware of accessibility requirements.

Recommendations

- **As quoted in the CRPD art 8, awareness rising should promote recognition of the skills, merits and abilities of the persons with disabilities, hence promoting employability which will lead to dignity.**
- **The government must organize intensive and ongoing awareness campaign by creating an Awareness Campaign Agency with objectives to empower persons with disabilities as well as their families with information about the rights of persons with disabilities, making disabled people conversant with the CRPD and programmes for the public at large to change their negative attitude and adopt a more positive attitude towards people with disabilities. This awareness campaign agency must look into all the issues and aspects in the life of a person with disability and liaise with all organizations working in the field of disability and do networking. It should be made an integral part of an inter-ministerial body overseeing implementation of the CRPD. Promotion of rights, respect and dignity should be the main concern of this agency. All messages and campaigns of the agency should be developed in close consultation and with the active involvement of persons with disabilities and their representative organizations.**
- **The awareness campaigns agency should collaborate with election administrators, and include awareness raising on the right to participate in political and public life and**

around elections, and to revise the Constitution and other election laws to eliminate any restriction on the right to vote and be elected of all persons with disabilities.

2. Accessibility

Persons with disabilities suffer much from lack of accessibility all around Mauritius and in all areas. They are hence deprived of many opportunities and are disadvantaged in education, employment, sports, public services, transportation, communication and information. One does not need to look far for examples: the public buses are inaccessible, and most schools are two stories high with stairs. In addition, with tourism being a main industry, the lack of accessible hotels prevents persons with disabilities from working in this important sector of the economy.

Such situation prevents persons with disabilities from being autonomous and to access to the physical and information environment. In addition, it seriously inhibits their participation in political and public life of Mauritius (counter to article 29 CRPD⁴). The lack of accessibility is both a continuing effect and expression of exclusion, and a decision and an act that perpetuates continued exclusion. According to article 9 in the CRPD, different measures should be taken so as to offer quality life to all persons with disabilities and to ensure all this on an equal basis with others.

Recommendations

- **The government must withdraw its reservation on Article 9.2 (d) and 9.2(e) of the CRPD that includes provision of signage in Braille and easy to read formats and provision of live assistance and intermediaries such as sign language interpreters, and seek technical assistance from OHCHR and from countries with good practices on implementing these provisions. It should allocate resources in the Ministry of Education to increase professional training of interpreters in Mauritian Sign Language (MSL) and institute relevant courses and qualifications at university.**
- **The Building Act that addresses issues of physical accessibility to buildings for persons with disabilities must be implemented in toto and taking into consideration relevant and up-to-date technical standards and specs. There must be a severe fine imposed for those who do not comply.**
- **The government must develop and adopt minimum accessibility standards in consultation with disabled peoples' organizations and implement them.**

⁴ See Human Rights Council resolution A/HRC/RES/19/11, available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session19/Pages/ResDecStat.aspx>.

- **The government must take immediate and ongoing steps to improve roads and pavements and remove all barriers encountered for wheelchair users and blind people all over the island.**
- **Elevators and ramps need to be installed in schools.**

3 Quality Education

There are two parallel education systems in Mauritius:

1. Specialised schools for students with disabilities
2. Mainstream

According to the World Bank data Mauritius spent about 3.7% of its GDP on education in 2010. There is no data available on how much was spent on special education. Inclusive education is inexistent. In some rare cases parents with personal support try to integrate their disabled children in the mainstream school. Doctors, school psychologists or head teachers refer children to special schools. In all cases, children with disabilities have to be in specialised schools.

The educational system is supposedly free for all Mauritian children but it is not so for children with disabilities. Children who do not have disabilities go to schools situated in their catchment area. Children with disabilities travel a long distance to attend a specialised school. Parents have to bear the cost of transport. Even though public transport is free for persons with disabilities, such is not the case for parents whose children attend specialised school. If the children travel by the school bus, parents have to pay for transport services even during holidays. The refund of transport is given for the child only for the days he is at school. If parents choose the option of accompanying the child, they have to look for a place where they can wait whole day while their children are at school. In such case there is a big discrimination concerning education. A grant is given to NGOs catering for education. Very often it is not sufficient and parents have to bear the cost to adjust the expenses encountered by NGOs.

According to article 24 of the CRPD, children with special needs require inclusive education. Specialised schools do not report to the ministry of education for a unanimous curriculum. Each school adopts its own programme. They report to the ministry of education only for attendance of children. More and more specialised schools are being created which is counterproductive for integration. Some children who are in the mainstream are neglected and not getting the adapted support that they need and are forced to leave mainstream education to attend specialised schools.

Children who do not have intellectual disabilities but who have other learning issues and needs are referred to special schools and are mixed up with children with intellectual disabilities. They often end up later in sheltered workshops.

Tertiary education is free in Mauritius. However, not many persons with disabilities access tertiary education. A deaf person currently attending the University of Mauritius is believed to be the first deaf person to attend the university in its history.

Recommendations

- **Government should withdraw the reservation on art 24.2(b) of the CRPD and provide for inclusive, quality and free primary and secondary education to children with disabilities on an equal basis with other children.**
- **All matters relating to education of students with disabilities must be under the Ministry of Education.**
- **Students with disabilities should not be excluded from the general system on the basis of disability**
- **Early screening, early identification for an early follow-up is needed for the children with disabilities with specific needs so as to offer them a quality education for their development**
- **Reasonable accommodation should be provided in schools**
- **The government should provide effective individualised support with qualified teachers and flexible curriculum to help students with specific needs**
- **Free and safe transportation to education should be provided to children with disabilities by the government.**

4. Protection of persons with disabilities against violence and abuse

In Mauritius there are 2 residential institutions for children with disabilities while most live with their families. There is a high prevalence of sexual abuse by family members, trusted people, close associates such as bus drivers, neighbours or members of the community. This continues to increase and nothing is being done, especially for children and young persons with intellectual disability, and deaf persons. Even though in certain cases the children do complain, parents prevent them from going forward with complaints. As parents do not know the rights of their children they are not encouraged to fight. There is not adequate support systems to protect children with disabilities and help them get out of abusive situations. The child protection system is weak and lacking effective and urgent response mechanisms to keep children with disabilities safe from abuse, or to investigate and where appropriate prosecute perpetrators of abuse. In addition, the public is not informed via public campaigns of how to

recognize and report abuse. There is no accessible child protection hotline available to children with disabilities or those who witness abuse.

Recommendations

- **The government must make strict legislation and undertake programmes to prevent abuse, exploitation, violence, or cruel or inhuman treatment or torture of children with disabilities by parents or other members of society. Laws have to be reinforced and sentences more tough for abusers. Law must mandate staff or caregivers who work with children or adults with disabilities to pass appropriate background checks and provide relevant certificates issued by a competent body.**
- **Parents' education by the ministry concerned is needed; with special telephonic helplines to report cases assisted by competent and trained staff to answer help lines. According to articles 13, 14, 15 and 16 in the CRPD, people with disabilities need to be assisted and provided with all measures to protect them against any kind of cruelty, exploitation or abuse. State should provide necessary measures to assist them in their quest of justice in all ways. This would include availability of sign language interpreters as well as psychosocial support for trauma survivors.**
- **Confidential and free ongoing specialised support, including peer support, should be made available for trauma survivors.**
- **Security should be present at all public areas, isolated places, public toilets**
- **Institutions and schools should have separate toilets for boys and girls with security around.**
- **The government must organise on-going campaigns, talks and workshops, awareness programmes to encourage children and youngsters who have been abused or are being abused to talk about it to the appropriate persons; to train teachers and caregivers so that they can detect signs and behaviours of abused children.**
- **Police officers should be trained on how to ask questions and not to act a rude and threatening way. The dignity and respect of an abused person with disability should be maintained with strict confidentiality. Feelings and voice of disabled abused children and adults should be given due consideration and not as mere imagination.**
- **In cases where an institution has been detected as not secure for people with disabilities, government should take severe measures and close it. Legal measures should be taken against professionals suspected of abuse, complicity or failure to take the necessary actions, from the government and the institutions. Safe other arrangements should be made for the persons with disabilities living there, consulting them. The government should look at how other countries have elaborated and implemented de-institutionalization plans in keeping article 19 of the CRPD, living**

independently and being included in the community which includes providing services in the community.

5. Employment

According to article 27 in the CRPD, people with disabilities have the right to earn a living like any other person. According to a Training & Employment of Disabled Persons Board report, between 1992 and 2001, only 88 persons with disabilities were employed. The unemployment rate in 2011 in Mauritius was 7.8% ⁵. There are no proper statistics concerning employment of persons with disabilities in private or public sector. The Training & Employment of Disabled Persons Act in 1996 has as objective to promote training and employment opportunities for persons with disabilities in accordance with the provisions of the Training & Employment of Disabled Persons Act, which stipulates that the labour force of all employers having 35 employees or more should include 3% of persons with disabilities.

It has always been considered that persons with disabilities are only suitable for basket-weaving, handicrafts, jewellery and not all sectors of employment.

There is a need to offer a diversity of employment to people with disabilities such as tourism, information/communication and technology. To realise this quality education should be provided to children with disabilities and to meet their specific needs so as to be able to meet such challenges.

Schools need to review their curriculum and be in line with the pre-vocational institutes so as to offer a wider and broader perspective of employment to young persons with disabilities.

Recommendation

- Training and employment of persons with disabilities should be directed to the Ministry of Labour and not to the Ministry of Social Security
- State should safeguard and promote the realisation of the right to work ensuring that the 3% of persons with disabilities are included at work in all sectors public and private. This law has to be implemented with a job coaching to facilitate the professional integration
- Work conditions, including accessibility, protection, equal opportunities and equal remuneration should be safeguarded by the state
- Interviews of people with disabilities should be carried out in a more flexible approach with adapted requirements (ex. Sign language for deaf persons)
- Soft loans should be granted to people with disabilities who want to run a business

⁵ http://www.indexmundi.com/mauritius/unemployment_rate.html

- In the state UPR report of 2009, the Government of Mauritius highlighted the work done by the training and employment board. According to the Audit report closure of this board was recommended. To promote employment of disabled persons another body attached to ministry of labour should take over and work in collaboration with other ministries to implement persons with disabilities' right to work and employment.

To conclude we see that in all legislation of Mauritius, persons with disabilities' rights are mentioned. At all levels, education, health, sports and leisure, freedom of vote, employment, protection issues and non-discrimination. However all laws need to be reviewed carefully to ensure their consistency with the CRPD (as required by article 4 of it). In addition, implementation remains a big challenge for in all the laws there is still misunderstanding and misinterpretation on disability issues. All the rights of the CRPD are intercrossed and all the issues tackled in the report need to be taken as a whole for the best interest of persons with disabilities. The specific needs and diversity of disability are so broad that a disability responsible focal point and staff should be set up in each ministry, and these should come together regularly to work in a unified and coherent manner. This should have a fair, open, transparent and predictable mechanism for consulting with persons with disabilities and their representative organizations.

Persons with disabilities in Mauritius must be given the same, equal opportunities as others, to participate in all aspects of life in Mauritius. This is needed to have the equal, fair and democratic society that Mauritius aspires to achieve. And without such equal respect and inclusion, such a society can never be achieved.

