

ORAL ANSWERS TO QUESTIONS
RIGHTS OF PERSONS WITH DISABILITIES - UN CONVENTION (12/07/16)

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the persons and children with disabilities, she will state –

(a) the measures being taken in Mauritius pursuant to the recent publication of the Report of the United Nations Committee on the Rights of Persons with Disabilities (CRPD), indicating when the –

(i) reservations to the Convention on the Rights of Persons with Disabilities will be withdrawn;

(ii) Optional Protocol to the said Convention will be ratified, and

(iii) discriminating provisions in the Constitution of the Republic of Mauritius in relation thereto will be repealed;

(b) the budgetary provisions agreed upon in the forthcoming budget in relation thereto –

(i) in respect of the Non-Governmental Organisations, and

(ii) for the provision of inclusive schools, and

(c) when the Disability Bill will be introduced in the House.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Madam Speaker, with your permission, I shall in reply to this Private Notice Question also be answering to the Parliamentary Question No. B/737 as it deals with the same subject matter.

As the House is aware, Mauritius signed the UN Convention on the Rights of Persons with Disabilities in September 2010 and ratified it in January 2010. By virtue of our being a State Party to that Convention, Mauritius has to ensure compliance with provisions of that Convention in terms of promotion of rights of persons with disabilities.

There is an existing protocol which allows the UN agency to monitor the degree of compliance of the State Party in terms of its obligations towards the application of the provisions of the Convention. Within that established framework, Mauritius submitted its initial State Party Report in April 2012 wherein Government gave an account of actions taken with a view to aligning with the requirements of the Convention. This report was the subject of an examination at the level of the UN Committee of Experts on the Rights of Persons with Disabilities.

Subsequently, in accordance with the calendar established by the UN, Mauritius was invited in August 2015 to discuss the contents of the report. I led a delegation to Geneva. During the Interactive Working Session with the UN Committee of Experts, the latter expressed appreciation in respect of the following –

- the fruitful dialogue that took place between the UN experts and the members of the Mauritius delegation;

- the substantial increase in the social budget in support of persons with disabilities;
- the launch of a database on disability;
- the enactment of legislation to prohibit harassment on the basis of disability at the place of work, and
- the report of Mauritius was prepared in accordance with the UN Reporting Guidelines and has been presented within the prescribed time limit.

However, the UN Committee made a number of observations and recommendations, the main ones being the removal of the following reservations on the Convention –

(i) reservation on Article 11 concerning situations of risk and humanitarian emergencies. This Article stipulates that States Parties shall take all necessary measures to ensure protection and safety of persons with disabilities in situations of risk, involving situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

When Mauritius signed the Convention in 2007, a reservation was put on this Article as at that time no provision existed in law for the safety of persons with disabilities in situations of risk and humanitarian emergencies. This has now been remedied by the enactment of the National Disaster Risk Reduction and Management Act. In fact, section 16 (2) of the Act provides for the safe evacuation of ‘persons at risk’ which include persons with disabilities. Therefore, persons with disabilities are catered for and the reservation may be removed. In consultation with the Ministry of Environment, Sustainable Development, and Disaster and Beach Management, steps will be taken on this Article;

(ii) removal of reservation on Article 9.2 (d) concerning accessibility to buildings.

This Article stipulates that State Parties should, and I quote – “Provide in buildings and other facilities open to the public signage in Braille and in easy-to-read and understand forms;”

The Ministry of Public Infrastructure and Land Transport has already finalised draft Building regulations in consultation with my Ministry and disability activists.

These regulations provide for universal design requirement in respect of new buildings and buildings under major renovation works. Provision is also being made for signage in Braille to become an inescapable requirement. As soon as these regulations are promulgated, actions will be initiated for the removal of the reservation.

(iii) removal of reservation on Article 24.2 (b) about inclusive education. This Article stipulates that State Parties shall ensure that persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others.

Mauritius has a parallel system in education provision. Historically, it is NGOs which have started providing services to children with disabilities. Over time, this practice has

continued, so much so that there are still a large number of special schools being run by NGOs and to which Government provides a range of assistance.

With a view to ensuring parity of esteem, since 2006 Mauritius has officially adopted a policy of inclusive education, and I am informed that the Ministry of Education and Human Resources, Tertiary Education and Scientific Research has taken a number of measures to gradually allow for the integration of children with disabilities in mainstream education, the main ones being –

- (i) all new schools are required to be fitted with access facilities such as ramps, adapted toilets and so on;
- (ii) teachers are being trained in Special Needs Education by the Mauritius Institute of Education;
- (iii) 14 integrated units have been set up in a number of schools to accommodate children with severe disabilities;
- (iv) assistive devices such as wheelchairs and hearing aids are provided to children with disabilities;
- (v) transport costs are refunded by the Disability Unit of the Ministry of Social Security, National Solidarity and Reform Institutions;
- (vi) in the Nine-Year Schooling Project, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research is ensuring that the project captures properly the element of inclusive education.
- (vii) At secondary and tertiary levels already, there is a full inclusion of students with disabilities. As a result, it is proposed after consultation with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, to find out whether the conditions are gathered for a formal submission to be made to the UN agency for the removal of this reservation.

As regards part (a) (ii) of the question, I have to inform the House that, as soon as the reservations are removed, Mauritius will proceed with the ratification of the Optional Protocol, to which we are already a signatory member.

Madam Speaker, regarding part (a) (iii) of the question, the Government Programme 2015-2019 spells out Government's commitment to proceed with a constitutional amendment to remove any form of discrimination on the basis of disability. Much ground has been covered so far and a draft Constitutional Amendment Bill is nearing finalisation in consultation with the Attorney General's Office. In the same breath, consideration is being given to the two observations made by the UN Committee of Experts concerning sections 34 and 43 of the Constitution.

As regards part (b) of the question, I am informed by the Ministry of Finance and Economic Development that there have been already several rounds of discussions on support to NGOs and in particular for special needs education in the context of the

Budget 2016-2017. However, at this stage, it will not be appropriate to announce any measure and their respective budgetary provisions in respect of the outcome of these discussions prior to the presentation of the Budget.

I have had consultation with the hon. Minister of Finance and Economic Development with regard to proposals of my Ministry. The hon. Minister of Finance and Economic Development has shown much concern and has been very positive in his approach. So, I can assure the House that consideration is being given for support to persons with disabilities in the next Budget.

As regards part (c) of the question, I wish to inform the House that my Ministry has been actively working on the draft Disability Bill, which aims at promoting and protecting the rights of persons with disabilities, eliminating discrimination against them, and incorporating the provisions of the UN Convention on the Rights of Persons with Disabilities. The Attorney General's Office has already given its preliminary vetting in respect of the draft Disability Bill.

After official consultations held with Ministries and Departments concerned in May and June this year, the draft Disability Bill will shortly be submitted for its agreement in principle to Cabinet before the document is shared with a broader spectrum of stakeholders, involving NGOs, disabled people organisations, disability activists, the Opposition parties and the civil society at large. After this process, the draft Bill will be finalised with the Attorney General's Office before its introduction in the National Assembly.

Mr Bérenger: Madam Speaker, I thank the hon. Minister for a lot of information provided to the House and through us to the country. But, surely, she will agree with me that the tone which she has adopted is very positive, very optimistic, whereas the tone of the report from the UN is damning. I would use a strong word than 'damning', but it is damning. So, have the main recommendations - some of which have already been approved from what I have just heard - been brought to the attention of Cabinet, and does Cabinet disagree with any of the main recommendations made in the UN report?

Mrs Jeewa-Daureeawoo: Well, the UN Committee is an independent organisation which promotes the rights of persons with disabilities in all countries which have signed and ratified the Convention on the Rights of Persons with Disabilities. Its mission is to see to it that the best mechanism is put in place in all member countries to respond to the needs of persons with disabilities. However, we have to understand that each Member State country has its own constraints with regard to financial resources. But, to reply to the hon. Leader of the Opposition, we have not yet brought the recommendations of the UN Committee to Cabinet.

Mr Bérenger: I am a bit surprised that one main criticism and recommendation has not been mentioned by the hon. Minister from what I heard, and that is employment of disabled people. Can I read paragraph 37 -

“The Committee is concerned that the quota of 3% of the workforce composed of persons with disabilities only applies to the private sector and remains inadequately enforced.”

This is very forceful and very negative, very damning, in fact, as I said.

Can I know from the hon. Minister what measures are going to be taken on this score when we remember that, a few days ago, on 28 June, there was PQ No. B/588 and no figures were provided at all? Can the hon. Minister provide us with figures of the actual employment of disabled people in the private sector, where it should be 3% by law and in the public sector where the law does not provide for it, but, surely, Government must show the good example?

Mrs Jeewa-Daureeawoo: Well, private companies are very reluctant to ensure full compliance of the quota of 3%. However, a committee on employers have been set up to look into the matter. The committee has launched sensitisation campaigns. Sensitisation campaigns are being carried out twice monthly to give an insight of the Training and Employment of Disabled Persons Act to the employers.

At the same time, we are appealing to employers to do an effort to employ people with disabilities. We are also providing them with CVs of people with disabilities and urging them to make an effort to employ these people. At the same time, we have to realise that the quota of 3% is not abiding on Government. However, I am working in close collaboration with the Minister of Civil Service and Administrative Reforms, Minister of Environment, sustainable Development, and Disaster and Beach Management, hon. Alain Wong Yen Cheong, to see to it if Government also can make an effort to employ more people with disabilities. However, we have to admit that with regard to employment in the Civil Service, we do not make a distinction with regard to people with disabilities and abilities, they are treated equally.

Mr Bérenger: Madam Speaker, I am glad to have heard that Government is going to withdraw the reservations which we had expressed in the past concerning the Convention. I hope we do not waste time. I was a bit disturbed by the words used: ‘may be removed’. Then the hon. Minister said that action is being taken on the ratification of the additional protocol, which allows individuals in the country to make complaints to the Committee. Can I know whether this is going to come at last? I am glad to hear amendments to those parts of the Constitution, but also, what the Committee calls ‘*derogatory language*’, ‘*insulting language*’ in relation to handicapped people in different pieces of legislation. I heard the Minister say that this is being worked upon urgently. But, at least, can we have a date when this additional protocol allowing individuals to complain to the Committee will be ratified?

Mrs Jeewa-Daureeawoo: Well, I think we will have to work on the recommendations first. It is only then that we will be able to ratify the protocol.

Mr Bérenger: Madam Speaker, as far as education is concerned, which is my special concern right now, can I know whether the hon. Minister has well noted the following – “The Committee is concerned about the over reliance of the State party on NGOs to provide specialised services to children with disabilities without the necessary support, monitoring and regulatory guidance for these NGOs.”

These are very strong words.

I am sure the hon. Minister is aware that what is being done for the education of handicapped children, *c'est un scandale*. We should be spending more on the education of handicapped children than children who are in good health and we are spending much less. Can I insist, in the forthcoming Budget, that we must increase both the money going to NGOs, give them the means of doing what Government asks them to do, but also, increase the budgetary provisions for inclusive schools?

Mrs Jeewa-Daureeawoo: Well, I understand that, at present, the budget of NGOs granted to the Ministry of Education is about Rs60 m. The budget allotted to my Ministry with regard to NGOs is about Rs19 m. About Rs12 m. is being spent at the level of my Ministry with regard to NGOs which take care of children with disabilities. Our aim is moving towards an inclusive education. It is true to say that our educational institutions should be ready to accommodate children with disabilities in the mainstream education system. I understand that the Ministry of Education is in the process of creating more special integrated units in the mainstream education institution in an attempt to enabling children with disabilities to benefit for an inclusive education. We need to succeed in removing the disparity between children with disabilities and children with abilities with regard to education.

Mr Bérenger: Can I ask the hon. Minister whether she has had the opportunity of discussing two urgent situations with her colleagues, the Minister of Education and Human Resources, Tertiary Education and Scientific Research and the Minister of Finance and Economic Development, where a recent organisation for autism children, as we know, has been forgotten by everybody until recently?

Now, there is more and more awareness on that problem of children with autism.

The ONG *Autisme Maurice* is on the point of closing the few schools that it is running and so on. *Ils sont au bout du rouleau*.

Secondly, has she discussed with the Minister of Education and Human Resources, Tertiary Education and Scientific Research the transfer of the nine APEIM schools where we have 254 children with disabilities? Those nine schools are supposed to be taken over by *Bureau d'Education Catholique*. This has been agreed, and yet, this has been going on since 2014. Has she discussed with her colleague to effectively give the required funds, because that has been dragging on for two years now?

Mrs Jeewa-Daureeawoo: First of all, let me say that NGOs play a vital role in the promotion of social and community development. Their activities are spread all over the island. They come up to the rescue of people from all walks of life. *Le gouvernement ne peut tout faire. Nous avons besoin de nos partenaires privilégiés tels que les ONG, le secteur privé et la société civile.*

Government appreciates the effort made by NGOs to contribute effectively to the development and well-being of persons with disabilities. That is why we are doing all our best to strengthen this institution. Indeed I have spoken to my friend, hon. Mrs Dookun-Luchoomun, who is in charge of Education. Everything is being done at the level of her Ministry to see to it that BEC takes over those schools.

To add, Madam Speaker, at the level of my Ministry, we take care of about 45 NGOs. 35 NGOs are concerned with children with disabilities. Well, if we have a look at the NGOs Audited Report of 2014, one can see that most of the NGOs have a surplus; out of the 35 NGOs only 9 is in a deficit situation. The rest is doing quite well. But as has been rightly said by the hon. Leader of the Opposition, we have to give all the necessary support to NGOs. I fully agree; we are a caring Government; we are doing the needful to give all the necessary support to NGOs, but with regard to *Autisme Maurice*, I have been given to understand that, up to now, *Autisme Maurice* has not made a request for financial assistance to my Ministry. Last year, it applied for an *ad hoc* support. This has been taken care of, but I do understand that financial assistance is being given to *Autisme Maurice* through the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

Mr Bérenger: May I ask the hon. Minister whether she does not agree with me that what we should do urgently - we are talking about education of handicapped children, of a humane treatment of autistic children; we don't know how many there are, there are no figures -

the first thing to do is a full survey, to know how many handicapped children are in schools, how many are not receiving any education and how many autistic children we have in Mauritius? There are no figures and we need urgently a survey to know what we are really dealing with.

Mrs Jeewa-Daureeawoo: Yes, I fully agree with the hon. Leader of the Opposition. This is my concern too. I have discussed this issue with my colleague, hon. Mrs Dookun-Luchoomun. Well, I think we will have to ask for a survey so that we can know the number of autism in Mauritius. As such, we will know what are the concrete actions to be taken for their well-being, support and protection.

Mr Bérenger: If I can have a last one on the last part of my question, the Disability Bill. I am sure she is aware that the report is critical of the draft so far; not of the whole draft, but parts of the draft, especially they are critical –
“The Committee recommends that the State party reconsider clause 11 of the draft Disability Bill and renounce to the creation of integrated units in schools (...)”.

And so on and so on. When finalising the Disability Bill, are the strong criticisms of the Committee being taken on board?

Mrs Jeewa-Daureeawoo: Well, I am still working on this issue.

Madam Speaker: Hon. Uteem.

Mr Uteem: Thank you, Madam Speaker. The Committee was very critical about protection afforded to children with disabilities against corporal punishment and sexual abuse. So, may I know from the hon. Minister what precise measures have been taken by her Ministry to ensure protection of children with disabilities against possibility of sexual and other form of physical abuse?

Mrs Jeewa-Daureeawoo: This is being taken care of by my colleague, the hon. Minister of Gender Equality, Child Development and Family Welfare.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Thank you, Madam Speaker. With regard to budget provisions for NGOs and inclusive schools, I fully understand the reason why the hon. Minister is not able to disclose, but would the hon. Minister be able to consider the following.

Insofar as Occupational Therapists are concerned, the Ministry of Education is currently paying a contribution of Rs10,000 a month, whereas the market value for a fully qualified

full time therapist is Rs20,000 a month and this is a vital service for children to fully integrate into society eventually. Can the hon. Minister recommend that this cost be fully met by Government so that this vital service does not suffer for small NGOs not being able to meet the additional Rs10,000 monthly?

Mrs Jeewa-Daureeawoo: Well, I take note of the suggestion of the hon. Member and I will discuss it with my colleague, hon. Mrs Dookun-Luchoomun.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: I am sure the hon. Minister must know that in our National Pensions Act, Section 8 says that a person shall be qualified to receive an Invalidity Basic Pension when he has reached the age of 15 and is under the age of 60.

Therefore, somebody having reached the age of 60, is not entitled to the Basic Invalidity Pension. Can I ask the hon. Minister whether this particular section of the law should not be reviewed to allow people reaching the age of 60 to continue being paid their Invalidity Basic Pension in case that pension is higher than the old age pension?

Mrs Jeewa-Daureeawoo: At the age of 60, the Basic Invalidity is swapped to Basic Retirement pension. However, if I may add there is a disparity with regard to pension paid to a child with disabilities who is below 15 and that paid to a child with disabilities who is above 15. In fact, as per the National Pension Act, a person is eligible for Basic Invalidity Pension only if he has reached the age of 15 and is under the age of 60. But I wish to reassure the House that I am not insensitive to the plight of those children.

In fact, one of the main priorities of this Government is the well-being of vulnerable people, including children with disabilities. In December 2015, we had increased the pensions. Children with disabilities, who are below the age of 15, now are being paid only a Carer's Allowance, which we all know is means tested under the Social Aid Regulations. They are each drawing a Carer's Allowance of about Rs2,972 monthly. Over and above that allowance, they are benefitting from an additional allowance of Rs450 if they are bedridden and in cases of incontinence, an allowance of Rs450 is being paid.

In the course of discussions held prior to the forthcoming Budget, I have made a proposal to the hon. Minister of Finance and Economic Development to see to it if children with disabilities below the age of 15 can benefit from Basic Invalidity Pension. The Minister of Finance and Economic Development has taken good note of this suggestion.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: According to Article 24 of the Convention, when it comes to education, those with disabilities should have the same facilities without discrimination

and on equal basis with others. The hon. Minister just mentioned that transport is being refunded, but is she aware that the transport is being refunded because these children cannot travel by bus and they are only refunded the bus transport, not the appropriate transport which they use to go to University or colleges? Can I ask the hon. Minister whether she will review the refund and make sure that they are refunded the proper cost of the transport and not the bus transport which they cannot use?

Mrs Jeewa-Daureeawoo: We are looking at that too.

Madam Speaker: Hon. Fowdar!

Mr Fowdar: Madam Speaker, in regard to the criteria of 3% for employment of disabled persons, can I ask the hon. Minister whether this applies to the State-owned companies and parastatal bodies and whether she has checked whether they are complying with this 3% criteria?

Mrs Jeewa-Daureeawoo: No.

(Interruptions)

For State-owned companies, yes!

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: To end, can I appeal through the hon. Minister to Government - we are in a very special situation. This year we are celebrating the 10th anniversary of that Convention for the Protection of the Rights of the Disabled.

Secondly, we have a number of NGOs that are *au bout du rouleau*, as I said earlier on, and thirdly, we've just had a damning – with due respect to the hon. Minister who is doing her best – UN report a few months back. Can I, through the hon. Minister, appeal to Government that we do something special for specially the education of handicapped children in the forthcoming Budget?

Mrs Jeewa-Daureeawoo: First of all, let me thank the hon. Leader of the Opposition to have come up with this PNQ because it is the concern of one and all. I wish to reassure the House that our Government is working relentlessly to promote the welfare and well-being of people with disabilities. We are also working towards protecting their rights too. We have the interest of people with disabilities at heart. We will leave no stone unturned to make our society a better place and at the same time do what has to be done so that we can promote the rights of persons with disabilities and protect them as much as we can.