

MAURICE ILE DURABLE

**CONSULTATIVE WORKSHOPS
14 JUNE – 29 JULY 2011**

Working Group 6 EQUITY

Final Report

15th of August 2011

DEVELOPMENT OF MAURICE ILE DURABLE (MID) POLICY, STRATEGY AND ACTION PLAN
MAURICE ILE DURABLE CONSULTATIVE WORKSHOPS

Report of MID Working Group 6- Equity

I. Preamble

Sustainability rests on three pillars: the environment, the economy, and the society. The model of economic development adopted so far has been based on the notions of “control” and of domination over nature and has not eradicated poverty although it has resulted in better living conditions generally. The move towards a sustainable society needs to be based on environmental and social justice. Equity is a crucial element when rethinking development, as economic development without taking into account the views and aspirations of the community to a fairer society will inevitably lead to turmoil in the long-run.

Even if Mauritius is regarded worldwide as an economic success and has always held its gem-like reputation in Africa, many social issues still need to be addressed to secure the country’s reputation in the developing world. We have moved from a low-income economy, based primarily on sugar-cane cultivation and sugar production, to a middle-income economy with growing industrial, financial and tourist sectors within three decades. Economic success has allowed the country to establish one of the most comprehensive welfare systems amongst developing countries. In addition, the country has an excellent track record with regards to its Millennium Development Goals (MDG) status.

In spite of all these economic achievements and the comprehensive welfare system established, a deeper insight inevitably reveals a number of areas that have to be re-visited to level the playing field for each member of our society. During the four days that the different stakeholders (representatives of socio economic groups, ministries and third sector organizations) met, debates and proposals were recorded in order to contribute to the MID project. It was found essential to identify and investigate those areas where inequitable situations exist. Concrete

measures were proposed together with remedial actions to address those key issues in a sustainable way, thereby moving towards greater equity within the Mauritian Society.

Recommendations were classified under the following sub themes related to equity:

- (i) Poverty and exclusion
- (ii) Socially disadvantaged groups
- (iii) Education
- (iv) The family, human values and leisure
- (v) Work
- (vi) Governance and NGOs

For each issue discussed the legal and institutional framework were identified, a stock-taking of the present situation was carried out, a gap analysis completed, challenges identified, and recommendations proposed, together with the appropriate time schedule for implementation. Consultation sessions were also carried out with the stakeholders in Rodrigues.

Proposals ranged from concrete affirmative actions to deep policy changes. Equity, which by meaning entails a sense of natural justice, can be enhanced by the implementation of these recommendations and is a realizable goal in the construction of tomorrow's Mauritius. It is to be noted that consensus among stakeholders was not reached on some issues. This was to be expected.

Schedule of meetings:

Meeting of animation team- Thursday, the 9th of June, 2011

DAY 1 - Tuesday, the 21st of June 2011

DAY 2- Friday, the 1st of July 2011

DAY 3- Friday, the 15th of July 2011

DAY 4 – Friday, the 29th of July 2011

RODRIGUES: 22nd and 23rd of June, 2011

II. Composition of Animation Team

The animation Team was composed of:

- (i) Mrs Danielle Wong, Director Mauritius Export Association (MEXA). Chairperson of the sub working group on EQUITY.
- (ii) Mr Mahen Gondeea, Council Member, Municipality of Port Louis. Vice Chairperson, of the sub working group on EQUITY.
- (iii) Mr Sandrasagarren Naidu, Coordinator National Empowerment Foundation (NEF) Coordinator, Ministry of Social Integration and Economic Empowerment (MSIEE)
- (iv) Mrs Daisy Tatur-Ramasamy, Environment Officer/facilitator, Ministry of Environment and Sustainable Development (MOESD)
- (v) Mr Nicolas Ragodoo, Rapporteur, Lecturer, University of Mauritius (UoM)
- (vi) Mr Asrani Gopaul, Rapporteur, Lecturer, University of Mauritius (UoM)

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IV. LIST OF ACRONYMS

(i)	(APRM).....	African Peer Review Mechanism
(ii)	(CSO).....	Central Statistical Office
(iii)	(CSR)	Corporate Social Responsibility
(iv)	(ILO).....	International Labour Organisation
(v)	(IRA).....	The Industrial Relations Act
(vi)	(MACOSS).....	Mauritius Council of Social Services
(vii)	(MCCI).....	Mauritius Chamber Commerce and Industry
(viii)	(MDG).....	Millennium Development Goals
(ix)	(MEXA).....	Mauritius Export Association
(x)	(MLIRE).....	The Ministry of Labour, Industrial Relations and Employment
(xi)	(MOESD).....	Ministry of Environment and Sustainable Development
(xii)	(MSIEE).....	Ministry of Social Integration and Economic Empowerment
(xiii)	(MSSNSSCWRI).....	Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions
(xiv)	(NEF).....	National Empowerment Foundation
(xv)	(NESC).....	National Economic and Social Council
(xvi)	(NGO).....	Non Governmental Organization
(xvii)	(NHDC).....	National Housing Development Company
(xviii)	(NRB).....	National Remuneration Board
(xix)	(PRB).....	The Pay Research Bureau
(xx)	(SIDPR).....	Sustainable Integrated Development Plan for Rodrigues
(xxi)	(UNDP).....	United Nations Development Programme
(xxii)	(UOM).....	University of Mauritius
(xxiii)	(WG).....	Working Group
(xxiv)	(ZEP).....	Zone d'Education Prioritaire

V. Executive-Summary

Mauritius is regarded worldwide as an example of economic success, political stability and peaceful cohabitation, but there is still room for improvement with regards to the living and working conditions in the country. The MID committee has made provision for equity as a sine qua non condition for real success to happen in the country. We must not forget that development needs to be human-centred and this can only be a reality when the playing field is leveled for everyone. It is a legitimate aspiration for every citizen to have a fair chance of participating in every aspect of development. Socio economic and cultural background should not hinder one's participation in the construction of tomorrow. Thus, the outcome of the reflections of the subcommittee on equity is of utmost importance in the MID architecture.

Discussions amongst members of Working Group 6 on Equity (representatives of socio-economic groups, ministries and NGOs) were very fruitful and constructive. All the stakeholders contributed actively to the working sessions, identifying areas where inequitable situations exist and proposing a series of recommendations to fight against these. The debates were organised around the following key themes: Poverty and Exclusion; Socially-disadvantaged groups; Education; The family, human values and leisure; Work; and Governance and NGOs. This section provides a synthesis of the complete report, presenting the actual situation, highlighting the gaps identified, the challenges ahead and the main recommendations proposed by the working group.

Poverty and Exclusion

The Working Group expressed concerns about the persistent poverty problem, both in Mauritius and in Rodrigues, in spite of all the measures taken and the resources devoted towards poverty-alleviation. Amongst the main gaps identified were: the difficulty to identify the 'real poor' given that there is no objective criterion established; the inability of the present framework to cater effectively for those in need; the duplication of poverty-alleviation programmes; the pauperisation of the middle class and; the palliative solutions generally proposed by politicians to fit within an electoral time frame.

As such, WG6 considered the challenges ahead, and the issues to be addressed. There was a general consensus that there is a need to create more wealth by boosting sustainable economic development and to ensure that the poverty alleviation mechanisms that have been set up deliver the goods, even in the globalised economic context, and the fierce competition, constitutes major hindrances to achieve these goals.

The key recommendations proposed are: the need to distinguish between absolute and relative poverty; the application of the social register presently being developed; the professionalization of the service delivery towards those in need and the adoption of a holistic approach to break the cycle of poverty and to fight against exclusion.

Socially Disadvantaged Groups

WG6 devoted a lot of attention to the consideration to be given to groups finding themselves in difficult situations and suffering more than others as a result of ascribed factors, changing circumstances, or contingencies of life. As such, the present situation of women, of the stigmatised groups (former prisoners, drug users, those suffering from HIV/ AIDS and persons with different sexual orientation) and of the differently-abled persons were considered, amongst others.

What emerged out of the discussion was that in spite of the significant efforts made, wide disparities still prevail in terms of opportunities available for men and women in different spheres of life. Also, the support presently being provided is not perceived as being effective in helping those in need. On the other side, the stigmatised groups are increasingly being marginalised and are called to suffer in silence, and the physically challenged still have to struggle on a daily basis.

The main recommendations that came out of the debates on the socially disadvantaged groups are: the need to proclaim the Equal Opportunities Act; the setting up of integrated housing projects, the inclusion of anti-discriminatory statements and measures in professional codes of ethics and laws; the setting up of a comprehensive master-plan for the differently-abled.

Education

WG6 considered positively the massive expenditure of the Government towards education, and the achievements in terms of enrolment rate. However, a number of gaps were identified, such as the high rate of absenteeism in ZEP schools, the present curriculum that is too tilted towards academic subjects, and the unequal chances of success.

It was clear, therefore that there are a number of measures to be implemented so as to bring the notion of equity at the classroom level. The main recommendations reached by the Working Group are as follows: the need to ensure that the education system is in line with the market requirements and the economic development; working out an alternative to the CPE; reviewing the system of automatic promotion; the evaluation of the teaching staff and an upgrading of the status of teachers.

Families, Human Values and Leisure

The importance of healthy living at the individual, family, community and national level can never be under-estimated. WG6 focused on violence and abuse against children, in spite of the legal and institutional framework established, and also considered the situation with regards to the elderly, who are now considered as a burden for many families. The group also highlighted the difficulties being encountered in the nation-building process.

A number of proposals were made so as to remedy to the present situation, such as the need to reinstate the notion of national identity so as to create a sense of patriotism and solidarity, the importance of encouraging next to kin to support families with children having difficulties, the education of adults in parenting-skills, the optimum use of the competencies, time and knowledge of our elders, and the need to establish a framework allowing for more work flexibility.

Work

Based on the discussions, there was genuine concern with regards to what is perceived as worsening work situation, and the exploitative conditions prevailing in some sectors of the

economy, under the capitalist model. Some provisions of the new labour legislation 2008 were also perceived as being at the detriment of the workers. In the Rodriguan context, the lack of job opportunities is even leading to a massive movement of the active population to Mauritius.

As such, a more humane approach to growth is being recommended. Also, the working group shared the view that work need to be included as a right entrenched in the constitution of the country. It also proposed that all sectors of activity be covered by remuneration regulations, and that certain provisions of the new labour legislations of 2008 be reviewed. With regards to Rodrigues, a comprehensive study so as to analyse the magnitude, as well as the impact of the movement of people to Mauritius is recommended.

Governance and NGOs

Working group 6 was to the opinion that good governance and good practice at every level of society. The group also agreed civil society has to be empowered to participate in decision making at all levels. This will ensure that corruption is minimized. Laws exist but they are sometimes not being implemented. The committee goes on to agree that there is a need for more environmental justice. Among the main gaps identified by the working group is the correlation between the failure of our institution and equal justice. The idea of better monitoring and evaluation in the public sector was even raised. They furthermore feel that power is concentrated in the hands of ministries and other executives. The Legal aid system, which can ensure access to justice for all, is not functioning properly as legal fees for barristers and lawyers are high that people cannot afford it and sometimes they fall outside the criteria of legal aid.

It was recommended that we should have a more participative approach in the decision making process. A mechanism which ensures constant participation of civil society needs to be set up, and in this context, there is a need for access to information as this is one of the prerequisites to an effective participation of civil society in the decision making process. Adequate resources need to be allocated to enable institutions, such as the Human rights commission, to function properly. The role of the police in investigations has to be reviewed. The introduction of class action in the legal system is recommended.

Also, the Working Group came to the conclusion that, as it stands now, NGOs and other civil society organisation are not properly empowered. As such, the present legal framework has to be reviewed and proper policies be designed. A project-based mode of operation also needs to be adopted. There is wastage of fund as a lack of coordination prevails among institutions in Mauritius. Thus it has been felt that there is a need for establishing linkages amongst ministries and departments for more coherence, follow-up and monitoring of decisions taken. The group agreed that national projects should be evaluated from three different angle to know the economic, social and environmental implications of each policy decision taken by Government so as to ensure Government accountability. Relevant information and documents need to be made public. According to the members, transparency with regards to political institutions and their finance is also a must. In fact, political parties need to be registered and asked to submit their audited returns for income and expenditures. Moreover, the committee noted that it was important to ensure that public funds are not being wasted. Fringe-benefits granted in the public sector need to be reviewed as they may not be conducive to the delivery of a public-oriented service but rather to behaviour which aims first and foremost to protect their own interest. Performance and productivity in the public sector need to be improved. The use of appropriate tools for same is to be encouraged.

Introduction

Mauritius is regarded worldwide as an economic success story, and the country's reputation is even more pronounced in the African continent and in the developing world. The country has moved from a low-income economy, based primarily on sugar-cane cultivation and sugar production, to a middle-income economy with growing industrial, financial and tourist sectors within three decades. Other sectors, such as fish processing, Information and Communication Technologies, and hospitality and property development are also fast expanding. The per capita income reached more than US\$ 6900 in 2009 (APRM, 2010), with a low level of unemployment, primarily frictional in nature. This economic success has allowed the country to establish one of the most comprehensive welfare systems amongst developing countries, and even in the world. Indeed, there are very few countries which provide a free public health care system with a comprehensive network of medical units scattered throughout the island; a universal pension scheme for all those above 60 years of age, as well as for widows, handicapped and socially vulnerable groups; Free public transport for the elderly (aged 60 and above) and students; A comprehensive social net to protect the poor, including state subsidies on essential items. In addition, the country also has an excellent track record with regards to its Millennium Development Goals (MDG) status.

In spite of all these economic achievements and the comprehensive welfare system established, a deeper insight reveals a number of areas that have to be re-visited. It is essential to identify and investigate those areas so as to be in a position to propose concrete measures and remedial actions to address those key issues in a sustainable way, thereby moving towards greater equity within the Mauritian Society. For this purpose, however, it is clear that the active participation and contribution of a representative cross-section of the Mauritian society is required in order to have an objective appreciation of the present situation with regards to equity status in different fields. Hearing from those active at grass-root level is a crucial step towards the identification of the issues/ aspects that are effective, and those that need to be revamped, reviewed or replaced. The primary aim of the working group (WG) 6 on Equity is to collect the views of the key stakeholders in the different areas and to propose a 10-year strategy and a 3-year action plan.

The term Equity was derived from the Latin word 'Aequitas', which generally means 'fairness' or 'even'. In a broad sense, Equity means natural justice, what is moral and ethical, and which has to be fair and just. A fair and inclusive social system that caters for the needs of everyone is one of the most powerful levers to make society more equitable. In 'Ethics', Aristotle views equity as:

“For equity, though superior to justice, is still just ... justice and equity coincide, and although both are good, equity is superior. What causes the difficulty is the fact that equity is just, but not what is legally just: it is a rectification of legal justice.”

However, in practice, it is not an easy task to intervene in such a way as to strike the right balance between the different (and at times even conflicting) requests for assistance and support. It is often virtually impossible to satisfy all parties with scarce resources available. Still, identifying and prioritising areas for intervention need to be based on the concept of natural justice, aiming at those who are genuinely in need so as to compensate them for the suffering, imbalance, injustice or discrimination they have been suffering from over the years. Equity implies compensatory measures through concrete affirmative action in favour of those who have been enduring the contingencies of life. Only through positive interventions will society be able to level the playing field that has been tilted against specific social groups.

In the Mauritian context, in spite of the willingness and commitment of one and all to move towards greater fairness, there are still several areas where specific groups are clearly lagging behind, or are being treated in an unfair way. The primary aim of this working group is to take stock of the present situation with regards to equity, identifying the gaps to be filled, and highlighting the main challenges/ emerging issues that the Mauritian authorities will have to address. Based on the discussions held, a series of concrete recommendations are also proposed, and these have been prioritised under short-term, medium term and long-term actions.

List of themes/sub-themes addressed by Working Group 6

1. Poverty and Exclusion
2. Socially disadvantaged groups
 - (i) Equal opportunities
 - (ii) Stigmatised groups
 - (iii) Access to Health
 - (iv) Differently-abled persons
3. Education
4. Family, human values and leisure
 - (i) Leisure and entertainment
 - (ii) Unaccompanied children
 - (iii) Children in alternative care
 - (iv) Ageing
5. Work
 - (i) Equity at work
 - (ii) Child labour
6. Governance
 - (i) Participation in decision making and politics
 - (ii) Enforcement of laws/ access to justice
 - (iii) Role of NGOs

It is important to point out that consultation sessions were also held in Rodrigues, and the main views of the Rodriguans on Equity have been included in the Report. The views of the Chagossians have been integrated as well. However, members of the working teams in Rodrigues agreed to the fact that a lot of work has already been done through the Sustainable Integrated Development Plan for Rodrigues (SIDPR) and therefore recommended this document to the MID Committee. Soft copies of same were provided to the members of the Mauritian team.

1 Poverty and Exclusion

1.1 Legal Framework

Social Aid Act (1983)
Mauritius Council of Social Services (1970)
National Pensions Act (1976)

1.2 Institutional framework

Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions
Mauritius Council of Social Services
Ministry for Social Integration and Economic Empowerment
National Empowerment Foundation
Trust Fund For Vulnerable Groups
National Pension board
Ministry of Finance

1.3 Stock taking

With regards to absolute poverty, significant improvement has been noted. In 1996-97, 2832 households were living on less than USD 2 per day, constituting 1.03 per cent of all households in the country. This number had fallen to 2237 households in 2006-2007 at 0.67 per cent of all households. However, dealing with the poverty issue is still high on the agenda given that, as far as relative poverty is concerned, Mauritius has not really reduced the number of poor households in the past 15 years. Some 7000 families, still living in some 229 pockets of poverty across the country, have been identified by the authorities.

The Gini Coefficient and the Gini Concentration Index both show rising inequity. Inequities faced by the poor lead to a cycle of impoverishment which is perpetuating the poverty situation, with all the social problems associated.

Notwithstanding the inadequacies of the education system, children from poor families carry the additional burden of undernourishment and social and cultural backgrounds as children from

better-off families. Access to free health care alone does not convey a comprehensive picture of the status of health with regards to equity. Furthermore, some poor communities are located next to polluting industries and other environmental hazards, which affects their health.

The poverty problem is even more widespread in Rodrigues where, according to the UNDP (2009), it is estimated that 37.5% of the adult population (compared to 13.6% in Mauritius) is living on less than Rs2250 per month and that the incidence of poverty (37.6%) is well above the national average (9.7%).

1.4 Gap analysis

Even if the country has done very well in terms of the eradication of absolute poverty, Mauritius has not really reduced the number of poor households, despite various forms of aid and subsidies, and the massive amount spent on the provision of a comprehensive welfare state and the involvement of business organisations through their CSR programmes

Amongst the main gaps identified by the Working Group (WG) is the difficulty in identifying the 'real poor' given that there is no objective criterion, presently, to make a difference between those in absolute poverty (having less than Rs 5000 per family) and those in relative poverty. Also, given that the real poor are not being targeted by the present social protection system, their needs are not being properly addressed, whereas those who can be considered as being less 'in need' are benefitting from extensive social coverage. In fact, the system established for the allocation of subsidies can be considered as being unfair, given that those earning a little more than the arbitrary cut-off level set up by the Government are not eligible for any subsidy. It has also been noted that there are presently too many programmes geared towards different social groups, but with no link between them, thus leading to duplications and wastage of resources, and with no proper follow-up to ensure the continuity of projects/ programmes implemented in the long-run.

Whilst on one side the present bureaucratic model does not seem to be adapted to the poverty reality at grass root level and is characterized by stereotypes, on the other side the scarce human resources are not presently being valued, and is leading to the exclusion of a whole section of the

active population. A main problem is the on-going pauperization of the middle class, given the constant rise in the cost of living.

Another major gap identified is the inadequacy between decisions taken and solutions proposed by politicians on the one side and the effective solutions to the poverty issue. Indeed, too often political decisions taken fit within an electoral time frame only and are palliative solutions whereas poverty is structural and requires long term solutions.

1.5 Challenges/Emerging issues

The WG6 shared the view that it is essential to create more wealth by boosting sustainable economic development. This will impact positively on welfare provision (E.g. through CSR). Provided, however, that the socio-economic model adopted is one which is people-oriented, respectful of nature and generating wealth which is distributed in a more equitable manner.

In the Rodriguan context, it is essential to take the necessary steps to ensure that the structures which have been set up (Trust-Fund/ National Empowerment Foundation etc) deliver the goods in terms of poverty alleviation. It is also important to set up the proper mechanism to fight against the feminisation of poverty.

Finding an alternative model faces many constraints as we are in a globalised economic context and face harsh competition. It is clear therefore that such a system cannot be implemented overnight; and indeed, implementing the MID vision will be an uphill battle against several odds at international level. This being said, housing, health, education and decent living conditions are human rights that have to be catered for.

1.6 Recommendations

In the light of the above, what are the measures to be implemented to fight against poverty and social exclusion? The WG identified a series of actions, and these can be categorized as follows: First, it is **essential to distinguish between absolute poverty and relative poverty** and come up with a clear definition which would be applicable in the Mauritian context. A comprehensive

poverty line has also to be established. It is also important to review the present welfare distribution and to work on a graduated scale for social protection system. Differentiating between the poor, and establishing a social security system that encourage more those making some efforts (E.g. the working poor category), is also an essential move in the fight against poverty. On the other hand, it is also important to review present poverty alleviation programmes so as to ensure that a culture of dependency and assistance is not being encouraged.

It is also essential to **work on the application of the social register** presently being developed by the Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions in collaboration with the UNDP. This will be a valuable scientific tool to provide institutions with a data base for action, identifying those in need, and also to keep track of the services they have been granted access to. In fact, by making use, and regularly updating the social register, the Mauritian authorities will be in a better position to help those who are genuinely in need, and to monitor the progress they are making over time. The application of this instrument will also provide valuable information on the updated status on those depending on pensions to survive.

Also, the fight against poverty cannot be left to volunteers only. It is **essential to review the status and remuneration of those engaged in the poverty battle** so as to ensure that a professional approach is adopted and the level of service is enhanced. An institute for the training of professionals in social work is also needed in this move towards enhanced service-delivery. It is also important to inculcate the notion of social entrepreneurship and establish an institution responsible for training potential entrepreneurs in this area.

The fight against poverty cannot be done in isolation. In fact, it is essential for the different stakeholders involved to **adopt a holistic approach** so as to break the cycle of poverty. A synergy between the different actors is a must. This can be achieved through the setting up of integrated villages taking a comprehensive outlook on the struggle of those living in poverty. Still, this integrated approach has to be coupled with micro-level interventions through case-management at grass-root level. The measures taken and projects implemented have to be

monitored closely so as to ensure that targets set are being met and that the programmes/ projects are not diverting from their initial poverty-alleviation objectives.

It is also important to **broaden the definition of exclusion** to include those who are financially stable, but are socially excluded. Community based development can also be an effective tool in the fight against exclusion. Ultimately, there is a need to adopt an alternative socio-economic model of development, given that the present economic model has not been successful in the fight against poverty, and is in fact causing a worsening of the poverty situation.

With regards to Rodrigues, where the poverty situation is even worse, it is **essential that the necessary support is provided to those in need**. However, over and above the assistance given, it is crucial to ensure that those in need are provided with the necessary incentives and facilities so as to be able to stand on their own feet. It is also vital that the necessary follow-up is done, with regards to programmes or projects initiated.

	Proposed Actions	Short term (0-3Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Distinguish between absolute poverty and relative poverty and set up a mechanism to update level and database	X		
2	Address the issue of dynamic and multidimensional poverty			X
3	Ensure synergy and a coherent mechanism in the fight against poverty			X
4	Implementation of social register	X		
5	Extend use of social register to other social assistance schemes		X	
6	Ensure Institutional capacity for running items 1-5	X		

7	Run a national needs-based assessment of resources needed to set up a dedicated social-work institute	X		
8	Setting up of an institute for the training of professionals in social work	X		
9	Ensure regulation of social-work associated professions	X		
10	Ensure active and effective participation of targeted groups in all programmes developed	X	X	X
11	Aim towards a graduated scale for social protection	X		
12	Promote institutionalisation of social entrepreneurship	X		

2 Socially disadvantaged groups

- (i) Equal opportunities
- (ii) Stigmatised groups
- (iii) Access to Health care
- (iv) Persons with disabilities

2.1 Legal Framework

Equal Opportunities Act (2008)
National Pensions Law (1976)
Protection of Human Rights Act (1998)
Sexual Discrimination Act (2002)
Protection from Domestic Violence Act (1987)
Trust fund for Disabled Persons Act (1988)
Disabled Person Training and Employment Act (1996)
National Council for the Rehabilitation of Disabled Persons (1986)
Senior Citizens Council Act (1985)
HIV/AIDS act (2006)
Chapter 9 of the Constitution
Ombudsman Act (1969)
Employment Rights act (2008)
Ombudsperson for Children Act (2003)

2.2 Institutional framework

Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions
Ministry for Gender equality, child development and family welfare
Office of the Ombudsperson for Children
National Empowerment Foundation
National Human Rights Commission
Office of the Ombudsman

Our way of life is determined by ascribed elements, as well as social and environmental factors. It is clear that, at birth, we do not all have the same life chances. We also have to face changing circumstances and contingencies of life. In all societies, there are groups finding themselves in difficult situations and suffering more than others. They are therefore in need

of concrete measures to help them to keep pace with those who are better-off. Societies have always been characterized by this unequal relationship. It is high time to think about equity measures so as to remedy to this situation.

2.3 Equal opportunities

2.3.1 Stock taking

2.3.1.1 Women

In spite of the significant efforts made through amendments in the legislations and educational campaigns, wide disparities still prevail in terms of opportunities available for men and women. Indeed, even if in terms of academic performance girls clearly outperform boys, this is not replicated in the work environment, where women are still very much under-represented in the decision-taking spheres. For instance, the figures below give an indication of women's presence in the executive, parliament and Judiciary.

Representation of women in the executive, parliament and the judiciary (2008)

	Men	Women	Total	Percentage of Women
Judges (Chief Judge/Sr. puisne judge/all other judges)	8	5	13	38.46
Magistrates (Intermediate Court/Sr. District/District)	16	25	41	60.98
Permanent Secretaries (2007)	18	9	27	33.33
Ministers (May 2010)	22	3	25	12.00
Members of Parliament	58	12	70	17.14

(Source APRM, 2010)

The rates of unemployment, it stood at 4.4% for men and 12.3% for women in 2009. On the other side, cases of Domestic Violence against women have been high over the years (approx 3500 reported cases in 2010). Also, despite labour laws and Remuneration orders, women are still discriminated against in terms of salary in some areas, in line with their job title. E.g. Women (Labourer) v/s Men (Handymen)

In the Rodriguan context, even if women are at the centre of development, they still have to face a patriarchal model, where men are very much in control of the economy and of the institutions. Rodriguan women are also vulnerable with regards to poverty and to domestic violence as well.

2.3.1.2 Social protection and access to basic amenities

In spite of the comprehensive welfare system established, and the massive sums invested, the allocation of resources and the support provided is not efficiently helping those at the bottom of the social hierarchy. Indeed, housing projects implemented, CSR funds collected, and the present social-aid system are not reaching those who are most in need in an effective way.

2.3.1.2 Chagossian community

The Chagossian community, as a result of their suffering through their forced displacement, the social stigma of being referred to as 'Ilois', and being lumped together in the poorest section of the population, also has the characteristics of a socially disadvantaged group.

2.3.2 Gap Analysis

2.3.2.1 Women

In terms of women's representation in Parliament, Mauritius is still far from achieving the 30 per cent agreed in the SADC Declaration on Gender and Development (of 1997 and updated in 2005). At local level, the glass ceiling and the sticky floor prevent women from reaching the highest levels in many sectors, thus perpetuating a gender-based discriminatory model. Working women, on their part, are still over-represented in the informal sector and the secondary labour market is characterised by little opportunity for training and promotion, poor working conditions, job insecurity and exploitation. Women's undervalued contribution is not restricted to the world of work, but also in different spheres of society: within the family, high rates of domestic violence against women is symptomatic of a patriarchal society.

In the Rodriguan context, even if women are doing their very best to help their family, they are very often unable to cope with the family needs. Also, they are disadvantaged as they do not have the same level of access to funding and support from authorities as compared to men.

2.1.1.1 Social Protection and access to basic amenities

- Present housing schemes being done in a haphazard way
- CSR programmes are not reaching those who should be helped.
- Social-Aid system is not efficiently reaching those who are in need

2.1.1.2 Chagossian Community

- TheChagossian history and cultural heritage is totally absent from the school curriculum
- The very existence of the Chagossian community as a human, social and cultural group is threatened. Over the thousands of native Chagossians exiled to Mauritius, less than 700 are still alive and most of them are elderly people

2.3.3 Challenges and Emerging Issues

It is essential to ensure that the proper legal and institutional framework are enforced to ensure that all the citizens of the Republic benefit from the same rights and have an equal access to opportunities.

2.3.4 Recommendations

2.3.4.1 Women

- **Equal opportunity act** needs to be proclaimed.
- With regards to the Local Govt Bill, the **working group rejected the quota of 30%**, pointing out that affirmative action should be across the board
- With regards to Rodrigues, there is a **need to provide women with more opportunities** and support when initiating a project.
- It is also **essential that men play a more active role** in the projects initiated by women in Rodrigues.

2.3.4.2 *Social Protection and access to basic amenities*

- **Integrated housing projects** have to be set up, so as to promote a healthy lifestyle and help the residents to adopt values that will help them to get out of poverty
- **NGOs should be legally endowed** with the right to represent the interest of victims in court cases and to pursue class actions. Legal access to the socially disadvantaged need to be reviewed as well.
- It is also important to **re-think the CSR guidelines** and processes to make them more inclusive, and take into account the aspirations of those at the lowest level of the social hierarchy.
- A **One-stop-shop for all Social Services** needs to be established, with centralised social services in each region.
- With regards to access to basic amenities, there is a need for a targeted approach for contributions/support/subsidies towards basic amenities for the needy (housing, water, electricity, food). It is also important to introduce **relay housing concept** for the needy in future housing schemes and to set up a mechanism to discourage owners of empty housing units so as to counter speculations. It is also vital to establish social housing schemes so as to tackle the worsening housing problem.

2.3.4.3 *Chagossian Community*

- Measures needed to **preserve the Chagos Intangible cultural traditions** for transmission to the younger generations born in Mauritius
- As education opens the door to empowerment, **Grants and Scholarships** need to be provided to young Chagossians to enable them to aspire to move beyond primary and secondary education and undertake post-secondary education.

2.4 Stigmatised groups

2.4.1 Stock-taking

It is also important to consider the living conditions of former prisoners, drug users, those suffering from HIV/ AIDS and other groups that are stigmatized by society. It is true that a number of NGOs are very active on the ground to accompany those who find themselves in such

difficult situations. The state has also introduced the methadone Substitution Therapy Programme and the needle exchange programme. Still, the number of injecting drug users has reached 20 000, according to conservative estimates, and some 4000 persons are currently living with HIV/Aids. An average of 540 new cases has been detected each year since 2006 (National Aids Secretariat, 2011).

Annual number of new cases of HIV and AIDS detected among Mauritians

Year	Number
2004	525
2005	921
2006	542
2007	546
2008	538
2009	548
2010	568

(Source: National Aids Secretariat, 2011)

Persons with different sexual orientations also constantly suffer from stigmatisation and labelling coming from those who consider themselves as forming part of the mainstream society, and who view those who are different as being deviant.

2.4.2 Gap-Analysis

- These groups are increasingly being marginalised and are called to suffer in silence. The visibility of these groups seem to be minimised as far as possible so as to be in a position to portray the heavenly image of a problem-free and stress-free Mauritius
- Restricted access to legal services for the socially disadvantaged groups.

2.4.3 Challenges and Emerging Issues

There is a need to protect all citizens against discrimination, stigmatisation and labelling. Institutions having the appropriate resources and skills need to be empowered to ensure that such prejudicial practices are discontinued.

2.4.4 Recommendations

It is important that anti-discrimination statements and measures be included in professional codes of ethics and laws

2.5 Access to Health care

2.5.1 Stock-Taking

In terms of access to health services, there is a clear perception that those who have the means benefit from better services in private clinics whereas those who have no alternative than to rely on the public service suffer from a poor level of service, in spite of the massive budget allocations for the public health sector, which stood at Rs7.4 billion in 2010.

2.5.2 Gap Analysis

With regards to the massive sums invested in the Mauritian health system (Rs7.4 Bn), the level of service in public hospitals is not to the satisfaction of the recipients. Mauritius still has one of the worse records in terms of Diabetes and cardio-vascular diseases in the world. Thus, the public health service is clearly not matching the investment per capita in terms of service provision.

2.5.3 Challenges and emerging issues

Providing a state of the art service to all Mauritian citizens is the challenge ahead. The Mauritian authorities need to ensure that funds allocated are being used in an optimum way, and that Mauritians are made to adopt a healthier lifestyle. In fact, a **holistic approach** has to be taken so as to improve the environment in which people are presently working and living: Leisure activities, Culture, Access to public spaces are all important for a healthy lifestyle, and therefore need to be looked into.

2.5.4 Recommendations

The issue of contributory health service and schemes v/s free and universal model was discussed (*however no consensus reached*) and the working group was of the opinion that there is a need

for **further debate at national level**). There was a consensus on maintaining the present system, whilst re-thinking about its sustainability in the long-run.

It is also essential to improve the quality of service delivery through accountability and performance types system. The recipients deserve a good standard of service as a massive amount of money is devoted to this sector. A **national computerized delivery of pharmaceuticals/medications should also be introduced** as the present system leads to a lot of wastage in terms of prescriptions and human resources. The Public health sector and the private sector (Clinics/ Pharmacies) can be made to share the same computer network so as to be aware of the medications prescribed and delivered. This will allow a better follow-up whilst reducing costs.

WG 6 also supported the view that there is a need to **review and improve home-based care system**: E.g. for treatments and follow-up & visiting doctors (as per best practice). This will lead to savings in terms of transport cost for families and also help to fight overcrowding in hospitals. The home also provides a more conducive environment with regards to recovery, as compared to being confined in a hospital for a long period of time. The WG also proposed the implementation of a system of **Contributory health Schemes** and recommended that the **financing of surgeries/ treatment at international level be reviewed** and **schemes established to providing treatment to these patients locally**, (through private clinics) whenever possible.

2.6 Physically-Challenged

2.6.1 Stock-Taking

The Training and Employment of Disabled Persons Act of 1996 includes a section on antidiscrimination whereby it is clearly stipulated that it is an offence for an employer to discriminate against disabled persons when advertising for employees, when determining or allocating wages, salaries or pensions, and when determining other matters about employment. The Training and Employment of Disabled Persons Board takes care of persons with disabilities and a dedicated funding mechanism for their vocational training has been established. As such, provision is made under Mauritian laws to respect and to provide assistance to the physically challenged group. Different forms of social protection ensure that the physically challenged

people enjoy full participation in society. Many NGOs are granted subsidies from the government to improve the life of the physically challenged citizens. However, in spite of all these measures taken, and the laws that have been enacted, the disabled are still discriminated against and are suffering in silence, whether in terms of mobility, ease of access, job opportunities, or other facilities.

2.6.2 Gap Analysis

In spite of the legal and institutional frameworks that have been established, the physically-challenged still have to struggle daily. They have difficulties in moving around freely, they are unable to get access to many buildings. They are also discriminated against in terms of job opportunities, and are denied access to many services and facilities. Another major flaw noted is the fact that initiatives towards the handicapped are presently being done on a residual basis.

2.6.3 Challenges and Emerging issues

As highlighted above, the laws have already made provisions for the employment of differently-abled persons up to 3% of an undertaking labour force. However, there is a need to ensure compliance. Moreover, it is also crucial to ensure that the differently-abled persons have all the necessary support to develop their skills and educational credentials. Along these lines, several recommendations are proposed.

2.6.4 Recommendations

Persons with disabilities should be termed as differently-abled persons, as the terms presently being used tend to place a person's disability as the master-status. However, it is clear the differently-abled can develop a whole range of skills and can contribute positively to a country's economy and society.

Given the piece-meal approach presently adopted in the service delivery, there is a **need for a comprehensive master plan for the differently-abled**. This will allow for a complete rethinking of the Facilities, the training and job opportunities that have to be provided to the handicapped.

Services for the handicapped can also be provided at a regional level, instead of having a centralised institution: e.g. Centre Lois Largesse. This will mean that the handicapped will be made to travel less each day so as to attend school. However, this decentralisation of services requires the political will, and has to be placed high on the agenda.

It is also essential to ensure that the **State initiates the proper mechanism** to ensure that there is a proper follow up of persons with special needs right from birth. This can be done as from the day of birth to ensure that children with disabilities are treated in an equitable way. Public institutions also have to be set up to cater for persons with special needs. These institutions need to take care of the pre-primary, primary and secondary schooling of these children. However, they also need to be provided with the possibility to join the mainstream if they have progressed satisfactorily. Special centres for development of talents or professions (similar to MITD) can also be established to ensure that these children can develop their full potential.

Also, **buildings and road infrastructures need to make provision for differently-abled persons.**

	Proposed Action	Short term (0-3Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Proclaim Equal Opportunity Act	X		
2	Ensure multi-Stakeholders and gender-based representation in all national processes	X	X	X
3	Legally endow NGOs to represent victims in court	X		

	and to pursue class actions			
4	Review CSR guidelines with all stakeholders and establish processes for implementation	X		
5	Aim towards a One stop-shop in each region for all social services		X	
6	Introduce the relay-housing concept for the needy in the future housing schemes	X		
7	Include anti-discrimination statements and measures in professional codes of ethics and laws	X		
8	Organise a national debate on contributory v/s free and universal health services	X		
9	Introduce a national computerised delivery system of pharmaceuticals and medication.		X	
10	Review and improve home-based care system	X		
11	Elaborate a comprehensive master plan on differently-abled children			
12	Mainstreaming differently-abled children in the school system	X		
12	Reinforce implementation of legislature and legislation regarding infrastructure for the differently-abled	X		
13	Decentralise services for the disabled.		X	
14	Mainstreaming differently-abled children in the school system	X		

3 Education

3.1 Legal Framework

The Education Act (1957)
The Ombudsperson for Children act (2003)
Mauritius Examinations Syndicate Act (1984)
Child Protection Act (1994)
National Children’s Council Act (2003)

3.2 Institutional framework

Ministry of Education and Human Resources
Ministry for Gender equality, child development and family welfare
Private Secondary School Authority

3.3 Stock-taking

The 2005 Education Act increased the age for compulsory schooling from 12 to 16 years. The gross enrolment ratio (GER) was of 95 per cent for pre-primary, 102 per cent for primary schools and 69 per cent for secondary schools in 2006 (Education and HR strategy plan 2008-2020). Successive Mauritian Governments have maintained and even extended a system of free education system for all. In fact, over and above the free education system, students are also able to travel freely on public transport, and all the textbooks are provided to children at primary level, as well as those in need at secondary level. The Examination fees for students taking part at the Cambridge School Certificate and Higher School Certificate is also subsidized for those coming from working-class and Lower middle class families. Government spending on education is shown below:

Total Government Expenditure, Republic of Mauritius	Rs(Millions)
	2008/2009
Total Government Expenditure	74,800.0
of which expenditure by Ministry of Education & Human Resources	8,020.3

Source: CSO, 2010

A *Zone d'Education Prioritaire* (ZEP) programme has also been set up for disadvantaged students. The ZEP offers facilities to needy students and mobilises all resources in a specific zone in an attempt to raise the standards of achievement in these schools.

3.4 Gaps

Despite Mauritius being signatory of the Convention of the Rights of the Child, many children are still not attending school in Mauritius. Also, In spite of free, universal and compulsory education, and a massive yearly investment (Rs 8 billion/11% of Govt expenditure), the chances of success at the final primary level examinations in Mauritius are still very unequal. Some schools consistently score pass rates of 100% whilst others struggle to reach a mere 10%. At primary level, the average pupil/teacher ratio is too high: For 2009 it stood at 29 pupils per teacher (CSO, 2009). In fact, some 2500 students in each cohort are unable to cross the CPE barrier, failing twice. They are mostly from a poor background and have to leave the mainstream at 12-13 years. In spite of free education, fee-paying tuition is almost mandatory for students hoping to score good grades at CPE level. As such, it is clear that we are not on an equal footing to face educational challenges. Some come to school with nothing to eat, and others with family problems of all kinds. The present curriculum is too tilted towards academic subjects. It does not emphasise creativity, innovation and overall development, but is based more on memorization. Culture and sports are neglected. High absenteeism rates prevail in some ZEP schools, and the automatic promotion mechanism contribute to the present system, where some students leave school at CPE without being able to read and write. Illiteracy inevitably leads to marginalization and exclusion. Also, given that the new emerging and technical subjects are not being given the same consideration, there is a gap between the supply and demand of the labour.

3.5 Challenges/ Emerging issues

It is clear, therefore, that a number of issues need to be addressed so as to bring the notion of equity at the classroom level. Indeed, access to schools is itself based on one's place of residence. As such, it inevitably leads to a class-based segregation that needs to be addressed. In addition, the barrier of the CPE examinations at 12 years, the unequal access to financial, social and cultural capital, the high teacher/pupil ratio in classrooms, and the wide gaps in the performance of schools are all key issues that need to be addressed.

3.6 Recommendations

First, there is a need to review the present education system to **ensure that it is in line with the market requirements and the economic development**. However, it must not focus solely on economic imperatives: there is a need to inculcate human values, and focus on the development of citizens of tomorrow, rather than concentrating only on success or failure in academic subjects. This includes rights-based education. A mandatory community service to the nation also needs to be introduced either at secondary or at tertiary level. In fact, a model that promotes cooperative learning, rather than competition amongst students needs to be emphasised.

An alternative to the CPE has to be worked out. Continuous assessment should be included right at the primary level. It is also important to broaden the scope available to students. Thus, a variety of fields with different curriculum: academia, scientific, economic or social orientation, manual, artistic has to be developed. In fact, our educational model should be reflecting the needs of society based on the MID vision so as to have the right kind of students who are trained according to future requirements. The notion of sustainable development needs to be integrated in the school curriculum.

The system of automatic promotion need to be reviewed as well, and a proper mechanism has to be set up to accompany the slow learners. As such, a **proper child-centered education** rather than exams-based system has to be established. This will inevitably require a more active participation of parents in the education of their children. Whenever needed, parents themselves need to be educated through adult education programmes so as to be empowered to guide their children. More vocational opportunities are also to be provided for those who have more aptitudes in skills-based jobs rather than academic subjects.

The community (parents, teachers, businessmen and managers) should participate actively in the education of the children, and the Ministry of Education need to ensure that the standard and the level of education being delivered are appropriate. Thus, under this model, it is the communities that have to ensure that the school infrastructures are maintained and improved. They will be enlisting community for running of schools and steering the education of its children. Both teachers and parents need to share the same values and look in the same direction.

It is also important that the teaching staff is evaluated yearly, and that the school management controls hiring of teachers. In that context, **it is crucial to upgrade the status of the teaching profession** and to review its training level, specialisations by level, its remuneration and evaluation system which should be all adapted to a modern career. At present, the teaching profession is not attracting the best candidates, as they are conscious that they will not be remunerated accordingly.

Currently crèches are under a different Ministry compared to other mainstream education units (preprimary, primary and secondary). This has to be reviewed, together with the standards of services being offered. Also, more Crèches have to be established to allow mothers to take up employment. This will be very helpful to those who are in poverty. There is also a **need to ensure that all children access standardised pre-primary schools**, both in terms of infrastructures and educational level. An evaluation of physical & mental difficulties in all children also needs to be carried out at an early stage so as to be in a position to offer a remedial system to those in difficulty. All schools also need to have remedial and psycho-social services to support children/families facing problems.

The **current Examinations system also needs to be reviewed**. The school system has to encourage value-based education and other agents of socialization (religious/ socio-cultural groups) need to participate in this process.

At the **Tertiary level, there is a need to revisit the running and delivery of courses** as they are mainly theoretical and academically oriented presently. In fact, there is a need to bridge the gaps between academia and needs of society

	Proposed Action	Short term (0-3Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Revision of the primary schooling system (CPE) – Primary schooling from year 5 – 13. Abolition of national exams for children aged 11 years old.	X		

2	Review of the curriculum at primary level including a variety of fields with different curriculum: academia, scientific, economic or social orientation, manual, artistic, human values have to be developed.	X		
3	As from 13 years old, identification of relevant fields of studies according to the children's interest and skills.	X		
4	Evaluation through continuous assessment	X		
5	standardize quality of service and delivery including control and follow up of pupils absenteeism		X	
6	Review the training and working conditions of teachers – gradual phasing out of private tuitions		X	
7	(a)Nursery (early childhood) should be under the Ministry of Education (b) standardize and ensure proper monitoring of nurseries	X X		
8	Inclusive education for special needs		X	
9	counselling liaison officers (between school, family and community)		X	
10	Enforcement for parental responsibilities with sanctions applied	X		
11	Open school and classes for homework and individual coaching/ Coaching	X		
12	Proper compilation and result dissemination on children not attending schools and absenteeism at schools	X		
13	Revisit the running and delivery of courses at tertiary level as they are mainly theoretical and academically oriented		X	

4 Children, Families, Human Values and Leisure

4.1 Legal Framework

Child Protection Act (1994)

Protection from Domestic Violence Act (1997)

Ombudsperson for Children Act (2003)

National Children's Council Act (2003)

Protection of Elderly Persons Act (2005)

Residential Care Home Act (2003)

4.1.2 Institutional framework

Ministry of Social Security, National Solidarity, and Senior Citizens Welfare
and Reform Institutions

The Ministry for Gender equality, child development and family welfare

National Children's Council

Office of the Ombudsperson for Children

4.3 Stock-Taking

Over the years, a number of policies have been implemented by Mauritian authorities so as to cater for the needs of children/families and to promote a healthy living. Initiatives towards children, the family and the elderly have gradually expanded, and Mauritius has also ratified several important international human rights and instruments such as the Convention on the rights of Children (CRC) in 1990, and the Hague Convention in 1993. In spite of all these efforts, however, there are still several shortcomings under our present system, and these need to be dealt with.

4.4 Gap analysis

In spite of the constant reinforcement of the legal and institutional framework, cases of violence and abuse on children are increasing over the years, and have reached alarming proportions. On the other side, a high number of parents are having difficulties in socialising their children, whilst the present education system is unable to keep track of the performance and regularity of students at school. Children in alternative care are not being monitored closely.

Despite pension schemes and the setting up of a Senior Citizens Council as well as the creation of Homes for the Elderly by the State and Civil Society, the contribution of the elderly is undervalued and many are now considered as a burden by their families.

With regards to human values, in spite of all the efforts made, there is a perception that the established boundaries between the different groups in Mauritius are being maintained. This is clearly at the detriment of the nation-building process. Also, the values associated with patriotism, and a sense of belonging, are not presently being reinforced enough. The concept of service to the nation is not being adequately promoted as well.

4.5 Challenges and emerging issues

Given the present context with regards to the protection of children and the elderly, as well as the promotion of family welfare, there are a number of issues that need to be addressed. However, this can only be achieved if there is a commitment at all level: individual, family, community and institutional levels. The resources, both financial and human, will have to be devoted to these causes as well. Still, it is clear that the present situation cannot be changed overnight, as the implementation of these measures require long term commitments.

The working group in Rodrigues pointed out that there is a need to take the necessary steps so as to provide the necessary psychological support to children at school and to fight school violence. This also applies in the Mauritian context

4.6 Recommendations

4.6.1 Family and human values

First, it is essential to intervene at national level to reinstate the **notion of a national identity** so as to create patriotism and solidarity. It is also important to ensure compliance with codes of ethics in various fields and professions, whether in the public or the private sector. However, as it stands presently, the codes of ethics are still too vague, and therefore need to be re-defined. Also, the media (particularly TV) can play a crucial role to reinforce values in the community.

It is also important to **educate adults in parenting-skills development** that are directed towards enhancing a pleasant family environment including the best interest of the child. Also, value education need to be taught and practiced in all schools. In fact, service to the nation need to be introduced in the education system and at the workplace. This will require the active participation of one and all. E.g. To use social actions in the community as team-building exercise. At university level, prior to access to specific programmes, a number of hours in terms of service to the nation can also be made mandatory. It can even be part of the curriculum and credit-based.

4.6.2 Children

With regards to unaccompanied children, there is a **need for the State to ensure the safeguard of children. The community and each individual also needs to be more responsive** towards children who are in danger. For this purpose, a dedicated and anonymous hotline needs to be set up.

The educational institutions also need to have appropriate follow up regarding students who are often absent and those displaying signs of ill-treatment or disturbed behaviours. In fact, with regards to the education of these children, an **empowerment of local Authorities** is emphasised, given that under this model, education will fall under the ambit of local authorities

As for children in alternative care, it is important to encourage **next to kin to support families with children having difficulties**, rather than the state, as it is under the present system. Also, is

essential to establish a proper mechanism to provide the appropriate guidance to families with children having difficulties, rather than just transferring the children to different institutions, which are already over-crowded. It is also important to respect the intimacy, privacy of children in alternative care.

Children in alternative care should get high considerations from the relevant authorities.

The protection of these children needs to figure high on the agenda of responsible institutions that must be provided with adequate means. Regulations also have to be established regarding Institutions providing service to Children in alternative care so as to ensure that all children are provided with the same level of service.

Also, it is essential to ensure that adults are not deciding everything for children. **There is a need to take into account what the children have to say.** The proper mechanisms need to be established so as to ensure that children are able to express themselves and have their voices heard.

4.6. 3 Ageing

With regards to the elderly, measures need to be implemented so as to **encourage the family to keep their elders** with them. However, whenever they need some support, this can be provided in terms of home visits and medical support. Still, it is important for the state to establish homes, thereby providing an alternative for the elders who find themselves in difficulty. In that context, it is important to establish standards and monitoring mechanisms to as to ensure that disparities with regards to level of service in different homes are eliminated.

The elderly can in fact contribute substantially a societal level. Indeed, an **optimum use of competencies, time and knowledge of our elders** can be made with regards to the socio economic and cultural development of the country. E.g. By taking care of children whilst parents are working. Over and above fulfilling this vital function, the elderly will also feel valued and important. As such, crèches and homes can be annexed. It is also important to ensure that provision is made in public buildings to provide access to public toilets and other public amenities for the elderly.

4.6.4 Leisure

It is important to review leave and work flexibility to allow **balance of work, family and leisure time**. There is a need to improve infrastructures so as to allow access to leisure activities. In fact, there is a need for a national strategic plan to be designed with all stakeholders of the sector. Also, family oriented leisure and entertainment need to be promoted. This can be achieved by empowering local authorities to define and operate the leisure and entertainment activities needed by its community as they are closer to the people and are more familiar with their needs. Political interferences need to be checked as well.

WG6 also recommended the introduction of the concept of community gardening and of family parks and the upgrading of public areas for public access. A proposal to stop all development on coastal sites met with reservation. In that respect, a study is in fact needed to evaluate the needs for, and space available for leisure and entertainment in different areas and at public beaches, and to determine the future requirements of the public for recreational space in that zone.

	Proposed Action	Short term (0-3Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Upscale Adult education in parenting skills	X		
2	Introduction of the concept of Community gardening and family parks	X		
3	Community Service to the nation to be introduced and evaluated in the educational system and work place		X	
4	Promote activities, programmes, projects for nation building	X		
5	Integrating all services related to family welfare under one umbrella – Family council including a “service d’écoute		X	

	communautaire »			
6	Media Campaign to promote communication within the family	X		
7	Welfare and protection of the children should be provided with adequate financial/human resources.	X		
8	To review the existing legal framework in connection with adoption		X	
9	Promote activités ‘inter générationnelles’, ‘comité des sages’ and ‘associations troisième âge’	X		
10	Enforcement of law for homes for elderly	X		
11	Public infrastructure to be made more user friendly in order to take into account needs of the elderly population		X	
12	Proper follow up and regulation of institutions providing service to children in alternative care	X		
13	Put into place a system to encourage families to keep their elders		X	
14	A study to evaluate the needs for recreational spaces for Mauritians so as to determine the future requirements	X		
15	Promote common human values at all levels through legislations	X		

5 Work

5.1 Legal Framework

Employment Rights Act, Act No. 33 (2008)
Employment Relations Act, Act No. 32 (2008)
Occupational Safety and Healthy Act No 28 2005
Sex Discrimination Act 2004
National Pensions Act 1976
National Savings Act 1994
Industrial and Vocational Training Act 1988

5.2 Institutional framework

Ministry of Labour, Industrial Relations & Employment
Ministry of Social Security
National Tripartite forum
Pay Research Bureau
Conciliation and Mediation Commission
National Human Rights Commission

5.3 Stock-taking

The Ministry of Labour, Industrial Relations and Employment (MLIRE) has established various institutions to ensure that employers and employees operate within the regulatory framework. The Industrial Relations Act (IRA) of 1974 established the National Remuneration Board (NRB) to set minimum wages and other working conditions. The IRA introduced fundamental changes by institutionalising the industrial relations system and recognising trade unions. The Pay Research Bureau (PRB) is responsible for reviewing pay levels and conditions of service in the public sector every five years. It also conducts research into remuneration and conditions of employment to keep abreast of developments and trends in Mauritius and abroad. Social protection covering occupational accidents, disability and retirement has been in existence since

1976. The Industrial Relations Act has been replaced by the Employment Relations Act and the Labour Act has been replaced by the Employment Rights Act

The situation of workers in Mauritius is perceived to be worsening. Several factors have led to the present situation. One of the main problems noted is that the productivity gains do not seem to have benefited the employees, given the inflation rates. Even worse, based on the Gini Concentration Index, the share of revenue paid to the richest 20% of people over the five last years has increased from 44% to 45.6%, whereas the share of the poorest 20% has, in parallel, declined from 6.4% to 6.1%. On the one hand, the labour structure leads to a lack of skilled workers, and precarious work and lay-offs are gaining ground on the other. Migrant workers in certain sectors complain regularly of their poor working and living conditions. Also, the contributory social protection is limited in scope. In parallel, in spite of the established legal framework, cases of sexual harassment in the workplace are regularly reported. Also, a number of jobs are undervalued: E.g. Those working in agriculture, plumbers, carpenters, cabinet makers etc.

In the Rodriguan context, the lack of job opportunities has been highlighted by the members of the working group. This situation is leading to a mass movement of the active population to Mauritius, and is negatively impacting on the Rodriguan economy, as it is left with a dependant population only.

5.4 Gap analysis

It is essential, at this stage, to highlight the growing problem of ‘the working poor’, those who are working but still living at the margins of poverty in spite of all their efforts as the wages they earn is not enough to help them to move away from the poverty trap. Obviously, the unemployed and those in the informal sector are even more vulnerable.

Another major problem that needs to be underlined is the dual labour market: whereas there is a primary labour market characterized by high salaries, job security, opportunity for training and promotion, there is also a secondary labour market characterised by poor working conditions, where one can easily be laid-off, and where there is little scope for promotion or training.

In fact, the capitalist model geared towards profits requires a 'normal' rate of labour turnover and unemployment level, which put a downward pressure on wages and which at times compels people to take up jobs for which they are clearly over-qualified. In addition, the present gap in salaries between those at the top and those at the lowest level, which is already too wide, is growing even further.

In Rodrigues, the fact that maids are being exploited has been highlighted by the working group. It was even pointed out that these maids are at times not even paid, but only provided with their basic necessities. As this sector is not covered by a proper legal framework, it leads to the exploitation of these workers.

5.5 Challenges/ Emerging issues

The working group shared the view that certain provisions of the new labour legislations 2008/2009 are at the detriment of the workers. These need to be reviewed so as to ensure dignity of workers in the preservation of work and a decent remuneration. Hire and fire has become too easy and, as such, there is a need to protect the workers more. In fact, nowadays, even those in the civil service are facing job insecurity. Also, WG6 noted the difficulty of some groups to get access to jobs, in spite of the mandatory and institutional frameworks that have been established. Thus, there is a perception of unfairness in recruitment and promotion that prevails. At times, people do not have any alternative than to take up jobs for which they are clearly over-qualified.

It is observed that there is also a growing number of children working in the informal sector, even if the law clearly stipulates that schooling is mandatory up to 16 years. Cases of accidents at work, which impact on whole families (E.g. Construction sector) are on the increase. The fact that the standard of living of middle-income groups is being affected by inflation rates was also a matter of concern for the Working Group as there is a risk of pauperisation of that group.

Whether to provide universal benefits or means-tested benefits was also discussed. As it is presently, one need to meet the salary criteria of less than Rs x to be eligible to social benefits and if he/she earns Rs x + 1 he/she is debarred from the benefits. (E.g. SC/ HSC exams fees). However, it is clear that these cut-offs can be problematic for those who are just above, and who

will therefore lose a lot of benefits. On the other side, means-tested benefits inevitably lead to a risk of being stigmatized and labelled.

With regards to Rodrigues, it is vital to take the necessary steps to review the economic development path so as to create more job opportunities, thereby tackling the mass outflow of Rodriguans.

5.6 Recommendations

First and foremost, the working group emphasised the need for a **more humane approach to growth**. This can be achieved through the creation of sustainable jobs. There is therefore a need to change the present mind-set and also to train people in fields that have been neglected or undervalued, but which are crucial for our economic development. Also, the working group agreed on the need to include **work as a right entrenched in the constitution** of the country.

In order **to achieve greater social justice and wealth redistribution, a number of measures need to be implemented**. These can take the form of positive discrimination and affirmative actions in favour of those in need; the implementation of minimum wages; a more equitable ratio with regards to top salaries and those at the lowest level, and a more comprehensive social assistance towards the unemployed.

There are a number of **measures that need to be implemented at national level** as well, such as: Align HR planning to the needs of the economy; more transparency in recruitment and promotions; greater emphasis on health, safety and welfare at work; the harmonisation of terms and conditions of work in all sectors of activity in the Private Sector; the revision of terms and conditions both in the Public and Private Sector within the same time frame; the guidance to new employers with respect to labour legislation applicable to their enterprises. (leaves, benefits, salaries etc).

In addition, **all sectors of activity (Private Sector) need to be covered by Remuneration Regulations**. It is to be noted that the new labour legislations (especially the Employment Relations Act) which are compliant with international instruments tend to promote collective

bargaining with a view to securing more favourable remuneration and terms and conditions of employment than those prescribed by remuneration regulations.

Certain provisions of the new labour legislation of 2008 also need to be reviewed so as to ensure dignity of workers, the preservation of work, and a decent remuneration. There is a need to protect the workers more. In fact, the middle-income group is experiencing a degradation of its standard of living, which leads to a risk of pauperisation. Therefore, there is a need for an adequate compensation which is in relation to Inflation Rate.

However, with the global economic system, the Mauritian economy does not have much leeway. There is a **need, therefore, to take into account the global competition**. There is also a need to create wealth which will in turn create jobs for everybody, and to work out according to the local situation. We also need to think about how to create better opportunities and to improve the wages/revenue level of the population.

Wealth creation through entrepreneurship (versus business that is speculation-based) **needs to be encouraged** as it will create more job opportunities. There is a need to ensure that wealth created is more equitably distributed. It should also be understood that some economic proposals made by the authorities, such as the creation of a Duty-Free Island, are inconsistent with the principle which is at the heart of the MID project and which is to consume, produce and live in a sustainable way.

There should be compatibility with the development path taken and the type of jobs created. If need be there should be a training and re-skilling of workers.

A **portable severance allowance fund** need to be set up whereby employers contribute X day/s of the employee's salary to a fund each month. This will be available whenever the enterprise is facing difficulties.

Employees and employers need to be more involved and responsible, so as to feel that they are part of the organization, and the Decent Work Country Programme, as proposed by the ILO has to be implemented.

No consensus was reached on the issue of whether to tax business organisations and employers more than employees.

Ideally the ‘**minimum age**’ for employment should be set at 18 years instead of 16 years. According to ILO Minimum Age Convention No. 138, “*the minimum age shall not be less than the age of completion of compulsory schooling, and in any case shall not be below 15*”. For Mauritius it presently stands at 16, based on the compulsory education system (up to 16). In the Mauritian context, given that schooling is compulsory up till the age of 16 years, so is the minimum age for employment. However, the ILO Convention further observed that “*the minimum age for admission to any type of employment or work which is by its nature, or the circumstances in which it is carried out, likely to jeopardise the health, safety and morals of young persons, shall not be less than 18 years*”

In fact, there is a need to adopt a **holistic approach in tackling the problem of child labour** and to ensure that enforcement authorities exercise adequate supervision. On the other side, setting up a minimum wage will also ensure that the family has a adequate remuneration, and will therefore be in a better position to support the education of their children.

With regards to Rodrigues, it is important to carry out a **comprehensive study so as to analyse the magnitude, and the economic and social impact of the movement of Rodriguans to Mauritius**. It is also vital to ensure that the proper **legal and institutional framework be reinforced** so as to fight against exploitation in the Rodriguan private sector and its informal economy

	Proposed Action	Short term (0-3 Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Review the existing labour legislation	X		

2	Amendment of the Constitution to include work as a right	X		
3	Introduction of a National Minimum Wage	X		
4	Provision of a more Comprehensive Social Assistance for the unemployed	X		
5	Align HR planning to the needs of the economy	X		
6	More transparency in recruitment and promotions (e.g. through promulgation of Equal Opportunities Act).	X		
7	The harmonisation of terms and conditions of work in all sectors of activity in the Private Sector	X		
8	The revision of terms and conditions both in the Public and Private Sector within the same time frame	X		
9	Provide guidance to new employers with respect to labour legislation applicable to their enterprises (leaves, benefits, salaries etc)	X		
10	All sectors of activity (Private Sector) to be covered by Remuneration Regulations.		X	
11	Portable Severance Allowance Fund be introduced	X		
12	Rodrigues: need to reinforce the proper legal and institutional framework to fight against exploitation of workers		X	
13	Comprehensive study on the impact of the mass emigration of Rodriguans		X	
14	Revisit the development path of Rodrigues so as to create more sustainable job opportunities		X	

6 Governance

6.1 Legal Framework

Prevention of Corruption Act (2002)
Equal opportunity Act 2008 (not yet promulgated)
Constitution of Mauritius (1968)
The Registration of Association Act (1978)
Domestic Violence Act and Sex Discrimination Act (2002)
NGO Trust Fund Regulations (1999)

6.2 Institutional Framework

Prime Minister's Office
Ministry of Social Security
Ministry for Gender Equality
Office of the Ombudsman
Human Rights Commission
NGO Trust Fund Committee
The Independent Commission Against Corruption
Mauritius Council of Social Service
Other regulating bodies

6.3 Stock Taking

With regards to governance, many weaknesses have been noted especially in the participation of civil society in decision making process and the role of our institutions at different levels. Participation of civil society in decision making assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. Laws exist but they are sometimes not being implemented. It has been mentioned in the working session that there is a class-related disparity in the application of our laws. Our regulating institutions are not being empowered to do their work properly. Furthermore, the way to the implementation of the Equal Opportunity Act seems to be a very long process. This adds up to the inequality caused by other phenomenon such as poverty and discrimination. The model of development to be adopted is crucial. It needs to be sustainable and

people oriented. Globalisation is making it more difficult to adopt alternative model of development. The committee agrees that there is a need for more environmental justice.

6.4 Gap analysis

Even if the country is one of the most politically stable and economically viable of the African continent, the way to a well governed reputation still need to be paved. We are not highly ranked on the Transparency International Perception of Corruption (though we performed very well on the Mo Ibrahim Index). Among the main gaps identified by the working group is the correlation between the workings of our institutions and equal justice. The Working Group pushed forward the idea of better monitoring and evaluation in the public sector and more empowerment of our civil society. These are discussed in the sub sections below:

6.5 Participation in decision making and politics

Representative democracy is faced with discredit among the population and the working group shared the view that there should be a better functioning of democracy, which means governing a country in the best interest of all citizens. There is a lack of commitment to engage in both the development and decision making processes of the country. Furthermore, the Working Group deems that power is concentrated in the hands of the executive, ministries and other institutions.

6.5.1 Recommendations

There is a need for a more participative approach in the decision making process. The decision making machinery should be decentralised. Furthermore, effective participation of civil society is instrumental to the success of the implementation of the MID strategy and action plan A mechanism which ensures constant participation of civil society needs to be set up, and in this context, there is a need for access to information as this is one of the prerequisites to an effective participation of civil society in the decision making process. In this respect, the creation of a multi stakeholder body is proposed.

The idea of holding referendums on key issues was discussed and drawbacks were noted.

Local Government does not have enough power and lacks resources. They need more autonomy and resources to have power to function. *There was a proposition for Corporate Tax to be divided directly at source (10% Central govt and 5% to local Govt). However, no consensus was reached by the working group on this issue.* Abiding by the principle of good governance is essential to equity, for without good governance, the Maurice Ile Durable concept has no meaning. In terms of governance, there is therefore a need to ensure transparency/ integrity, accountability, ethics/ public morality, equity/ citizen equality. All reference to ethnicity have to be removed from laws and the constitution. It was proposed that the ethnic qualification be kept for research purposes and targeted actions for more equity, however, no consensus was reached on this issue.

6.6 Enforcement of laws /access to justice

The sub working group was to the opinion that although there is a multitude of laws in Mauritius, many of them are not properly enforced. E.g. laws regarding the construction industry. Municipalities and District councils lack human resources and they also suffer from political intervention/ pressure. This prevents correct enforcement of current laws. Some judgments may be clear but they are not enforced or followed up by different parties. Influential and monetary corruption is very present at different spheres of society.

A climate of fear prevails amongst employees in some sectors, preventing them from complaining against their employers as they are afraid to lose their jobs or of having to face repercussions on their family. Access to justice is very expensive and lengthy. The Legal aid system is not functioning properly. The fees for barristers and lawyers are so high that people cannot afford it and sometimes they fall outside the criteria of legal aid.

6.6.1 Recommendations

The **role of the police in investigations** need has to be looked into. There is a need for an independent study to analyze whether the existing institutions can be strengthened legally and financially. Adequate resources need to be allocated to enable institutions, such as the Human rights commission, to function properly. The role of the existing Police Complaints Bureau needs to be reviewed, or another institution needs to be created e.g. a Police des polices.

The introduction of class action (a form of lawsuit in which a large group of people collectively bring a claim to court and / or in which a class of defendants is being sued) in the legal system is recommended.

6.7 Governance/ NGOS'

The ties between politics and socio-cultural societies have to be reviewed. There is a need for a secular model of decision-making; constitutional and electoral reforms are needed in that process. NGOs and other civil society organisation are not properly empowered. The present legal framework has to be reviewed and proper policies be designed. The present educational system does not promote the necessary skills and environment to empower people. Decentralization of the present decision-making process is needed. A project-based mode of operation needs to be adopted. There is wastage of fund as a lack of coordination prevails among institutions in Mauritius.

6.7.1 Recommendations

There is a need for establishing linkages amongst ministries and departments for more coherence, follow-up and monitoring of decisions taken. The group agreed that national projects should be evaluated from three different angle to know the economic, social and environmental implications of each policy decision taken by Government so as to ensure Government accountability. Relevant information and documents need to be made public. Involvement of NGOs in the implementation of the MID at grass root or community level is of paramount importance as they constitute the link between the people and the policies to be implemented. NGOs should be empowered to participate fully in the decision making process. A framework preventing NGOs from diverting from their social/ environmental commitments is also needed. Once NGOs are empowered, they will have a key role to play.

Transparency with regards to political institutions and their finance is also a must. Political parties need to be registered and asked to submit their audited returns for income and expenditures. They also need to work out a programme before the elections and state clearly which type of society they aspire to.

Reforms in public administration and its performance need to become a reality. The setting up of an entity protecting the rights of the end-users of services offered by Central-govt, Para-statal bodies and local government was welcomed by members. The flaws of the system will then be identified and pointed out to those at the decision-making level. There is a need to revise the different inter-ministerial committees, with regards to the contributions they make. The composition and remuneration of committee/board members need to be reviewed so as to ensure that the same public servants are not nominated in a number of institutions, thereby diminishing their efficiency on these boards/committees.

The committee noted that it was important to ensure that public funds are not being wasted. Fringe-benefits granted in the public sector need to be reviewed as they may not be conducive to the delivery of a public-oriented service but rather to behaviour which aims first and foremost to protect their own interest. Performance and productivity in the public sector need to be improved. The use of appropriate tools for same is to be encouraged.

Deadlines for a reply with regards to communications/ queries addressed to a public institution have to be set. Too often, these institutions do not even acknowledge receipt of a document sent. *It is to be noted that a proposal was made to encourage the use of the term 'public servant' (as it emphasizes the notion of service to the public) instead of public officer, however, no consensus was reached on the matter.*

The way the private sector functions also need to be reviewed. Need to revisit the CSR initiatives. Audit reports need to be enforced. A Committee need to be set up to address issues raised to enable proper monitoring. Governance issues with respect to NGOs need to be reviewed.

	Proposed Action	Short term (0-3Years)	Medium Term (4-8 Years)	Long Term (>8 Years)
1	Creation of a multi-stakeholder body to include Civil Society or a review of the National Economic and Social Council (NESC)	X		
2	Freedom of Information Act to be proclaimed		X	
3	Review Local Gvt Act to give more autonomy to local bodies so as to have more impact in the implementation of MID.		X	
4	Laws and the constitution to be amended to remove all reference to ethnicity.		X	
5	Review electoral process and address financing of political parties			X
6	Evaluate and review the extent to which existing laws are being enforced.		X	
7	Review Legal aid system	X		
8	Independent study to analyze whether the existing institutions can be strengthened legally and financially.	X		
9	Review the role of the existing police complaints bureau or creation of another independent institution e.g. Police des polices.		X	
10	Introduction of class action in the legal system		X	
11	A secular model of decision-making process to be adopted.		X	
12	Stereotypes to be eliminated in the present legal framework and the educational system		X	
13	Adoption of Strategic Sustainability Assessment for policies, programmes and plans.		X	

14	Setting up of an entity protecting the rights of the end-users of services offered by Central-govt, Para-statal bodies and local govt.	X		
15	Review the different inter-ministerial committees to ensure more effective impact on implementation of decisions.	X		
16	Revisit the CSR guidelines and framework	X		
17	Need to sensitize different bodies on the issue of environmental justice	X		
18	Adopt an alternative model of development			X

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Annexes

Annex 1: List of members and contact details for Working Group 6- Equity

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Annex 2:

Maurice Ile Durable (MID) Process- WG6 Equity Base Paper

1.0 Background

Mauritius is regarded worldwide as an economic success story, and the country's reputation is even more pronounced in the African continent and in the developing world. The country has moved from a low-income economy, based primarily on sugar-cane cultivation, to a middle-income economy with growing industrial, financial and tourist sectors within three decades. Other sectors, such as fish processing, Information and Communication Technologies, and hospitality and property development are also fast expanding. The GDP per capita has reached \$ 12, 400 in 2009, with a low level of unemployment, primarily frictional in nature. This economic success has allowed the country to establish one of the most comprehensive welfare systems amongst developing countries, and even in the world. Indeed, there are very few countries which provide a free public health care system with a comprehensive network of medical units scattered throughout the island; a universal pension scheme for all those above 60 years of age, as well as for widows, handicapped and socially vulnerable groups; Free public transport for the elderly (aged 60 and above) on a 24 hr basis; A comprehensive social net to protect the poor, including state subsidies on essential items. In addition, the country also has an excellent track record with regards to its Millennium Development Goals (MDG) status.

In spite of all these economic achievements and the comprehensive welfare system established, however, there is a need to go beyond this glossy image of Mauritius. A deeper insight inevitably reveals a number of areas that have to be re-visited. It is essential to identify and investigate those areas so as to be in a position to propose concrete measures and remedial actions to address those key issues in a sustainable way, thereby moving towards greater equity within the Mauritian Society. For this purpose, however, it is clear that the active participation and contribution of a representative cross-section of the Mauritian society is required in order to have an objective appreciation of the present situation with regards to equity status in different fields. Hearing from those active at grass-root level is a crucial step towards the identification of the issues/ aspects that are effective, and those that need to be revamped, reviewed or replaced. The primary aim of the working group (WG) 6 on Equity is to collect the views of the key stakeholders in the different areas.

2.0 Equity

The term Equity was derived from the Latin word 'Aequitas', which generally means 'fairness' or 'even'. In a broad sense, Equity means natural justice, what is moral and ethical, and which has to be fair and just. A fair and inclusive social system that caters for the needs of everyone is one

of the most powerful levers to make society more equitable. In ‘Ethics’, Aristotle views equity as:

“For equity, though superior to justice, is still just ... justice and equity coincide, and although both are good, equity is superior. What causes the difficulty is the fact that equity is just, but not what is legally just: it is a rectification of legal justice.”

However, in practice, it is not an easy task to intervene in such a way as to strike the right balance between the different (and at times even conflicting) requests for assistance and support. It is often virtually impossible to satisfy all parties with scarce resources available. Still, identifying and prioritising areas for intervention need to be based on the concept of natural justice, aiming at those who genuinely deserve to be helped and are most in need, so as to compensate them for the suffering, imbalance, injustice or discrimination they have been suffering from over the years. Equity implies compensatory measures through concrete affirmative action in favour of those who have been enduring the contingencies of life for too long. Only through positive interventions will society be able to level the playing field that has been tilted against specific social groups for so long.

In the Mauritian context, in spite of the willingness and commitment of one and all to move towards greater fairness, there are still a number of areas where specific groups are clearly lagging behind. The working team has grouped key areas where the concept of equity will be put to the test. By critically analysing the present situation, we will be in a better position to identify the positive measures taken so far, but also highlight the negative aspects that need to be redressed. Areas identified for discussions are as follows:

ASSESSMENT OF EQUITY MEASURES

Towards the poor	For the socially disadvantaged	At work	In the education sector
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This base paper aims at providing a snapshot of the present situation with regards to the equity situation in these different fields, and also to highlight the key measures that have been taken so far in these areas so as to change/improve the situation. It only sets the stage for discussion, and is of course subject to adjustments, based on comments and suggestions received.

Poverty alleviation

1. Legal Framework

Social Aid Act

Mauritius Council of Social Services (1970)

National pension law (1976)

2. Institutional framework

Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions

Ministry for Social Integration (2010)

National Empowerment Foundation (July 2008)

National Pension board

Ministry of Finance

3. Status

With regards to absolute poverty, significant improvement has been noted. In 1996-97, 2832 households were living on less than USD 2 per day, constituting 1.03 per cent of all households in the country. This number had fallen to 2237 households in 2006-2007 at 0.67 per cent of all households. However, dealing with the poverty issue is still high on the agenda given that, as far as relative poverty is concerned, Mauritius has not really reduced the number of poor households in the past 15 years. Some 7000 families, still living in some 229 pockets of poverty across the country, have been identified by the authorities.

4. Gaps/Problems

Even if the country has done very well in terms of the eradication of absolute poverty, Mauritius has not really reduced the number of poor households, despite various forms of aid and subsidies, and the massive amount spent on the provision of a comprehensive welfare state and the involvement of business organisations through their CSR programmes

5. Way forward

The National Empowerment Foundation and the CSR regulations pertaining to a 1% contribution towards projects in favour of vulnerable groups, are all concrete examples of positive steps taken towards the creation of a society that take care of those at the margins of poverty. However, there is a need to reconcile measures taken with the realities on the ground.

- To what extent are these measures effective in giving a helping hand to those in need? Can better opportunities be provided for those at the lowest level of the social hierarchy?
- What can be done to improve the livelihood of those in need, and move towards a more equitable society?
- Do we need to think about a targeted approach for more equity?

Socially disadvantaged

1. Legal Framework

Equal Opportunities Act (2008)
National Pensions Law (1976)
Protection of Human Rights Act (1998)
Sexual Discrimination Act (2002)
Protection from Domestic Violence Act (1987)
Trust fund for Disabled Persons Act (1988)
Disabled Person Training and Employment Act (1996)
National Council for the Rehabilitation of Disabled Persons (1986)
Senior Citizens Council Act (1985)
HIV/AIDS act (2006)
Chapter 9 of the Constitution
Employment Rights act (2008)

2. Institutional framework

Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions
The Ministry of Women's Rights, Child Development and Family Welfare (MWRCDFW) (1982)
National Empowerment Foundation (2008)
National Human Rights Commission (2001)
Office of the Ombudsman (1969)

3. Status

Our way of life is determined by ascribed elements, as well as social and environmental factors. It is clear that, at birth, we do not all have the same life chances and we also have to face changing circumstances and contingencies of life. In all societies, there are groups finding themselves in difficult situations and suffering more than others. They are therefore in need of concrete measures to help them to keep pace with those in the mainstream. Examples of groups that can be considered as socially disadvantaged are:

o Women

In spite of the significant efforts made through amendments in the legislations and educational campaigns, wide disparities still prevail in terms of opportunities available for man and women. Indeed, even if in terms of academic performance, girls clearly outperform boys at all levels, this is not replicated in the work environment, where women are still very much under-represented in the decision-taking spheres. For instance, the figures below give an indication of women's presence in the executive, parliament and Judiciary.

Representation of women in the executive, parliament and the judiciary (2008)

	Men	Women	Total	Percentage of Women
Judges (Chief Judge/Sr. puisne judge/all other judges)	8	5	13	38.46
Magistrates (Intermediate Court/Sr. District/District)	16	25	41	60.98
Permanent Secretaries (2007)	18	9	27	33.33
Ministers (May 2010)	22	3	25	12.00
Members of Parliament	58	12	70	17.14

(Source APRM, 2010)

- Rates of Unemployment stood at 4.4% for men and 12.3% for women in 2009.
- Number of Domestic Violence cases against women has been high over the years (approx 2000 reported cases each year).

○ **Physically Challenged**

The Training and Employment of Disabled Persons Act of 1996 includes a section on antidiscrimination whereby it is clearly stipulated that it is an offence for an employer to discriminate against disabled persons when advertising for employees, when determining or allocating wages, salaries or pensions, and when determining other matters about employment. The Training and Employment of Disabled Persons Board takes care of persons with disabilities and a dedicated funding mechanism for their vocational training has been established. As such, provision is made under Mauritian laws to respect and to provide assistance to the physically challenged group. Different forms of social protection ensure that the physically challenged people enjoy full participation in society. Many NGO are granted subsidies from government to enhance the life of the physically challenged citizens.

○ **Stigmatised groups**

It is also important to consider the living conditions of former prisoners, drug users, those suffering from HIV/ AIDS, and other groups that are stigmatized by society. It is true that a number of NGOs are very active on the ground to accompany those who find themselves in such difficult situations. The state has introduced the methadone Substitution Therapy Programme and the needle exchange programme. Still, the problem seems to be worsening. Indeed, the number of injecting drug users has reached 20 000, according to conservative estimates, and some 4000 persons are currently living with HIV/Aids, and on average 500 new cases is being detected each year.

**Annual number of new cases of HIV and AIDS
detected among Mauritians**

Year	Number
2004	525
2005	921
2006	542
2007	546
2008	538

4. Problems/ Gaps

○ **Women**

- In terms of women's representation in Parliament, Mauritius is still far from achieving the 50 per cent required by the SADC Declaration on Gender and Development (of 1997 and updated in 2005)
- The glass ceiling and the sticky floor prevent women from aspiring to reach the highest levels in many sectors, and this clearly serves the interest of men, who are able to replicate the same gender-based model. Working women, on their part, are still over-represented in the informal sector and the secondary labour market characterised by little opportunity for training and promotion, poor working conditions, job insecurity and exploitation.
- Women's exploitation is not restricted to the world of work, but also in different spheres of society: within the family, for instance, domestic violence against women is rampant.

○ **Physically Challenged**

- In spite of the legal and institutional framework that have been established, the physically challenged still have to struggle daily, whether in terms of mobility, ease of access, job opportunities, or other facilities.

○ **Stigmatised groups**

These groups are increasingly being marginalised and are called to suffer in silence. The authorities seem to have a covert policy to minimise the visibility of these groups as far as possible so as to be in a position to market the heavenly image of Mauritius given that the country is aiming at receiving some 2 million tourists by 2015.

5. Way forward

- To what extent are the present mechanisms effective in helping and accompanying the socially disadvantaged groups?
- What are the innovative instruments that can be introduced so as to ensure that a higher level of equity prevails in favour of the socially disadvantaged, compensating for their sufferings?
- How to ensure that institutions established do not marginalise and stigmatise those groups even more, rather than helping them?

Work

1. Legal Framework

Employment rights Act (2008)

Employment relations Act (2009)

2. Institutional framework

Ministry of Labour, Industrial Relations & Employment

National Wage Council

National Tripartite forum

Pay Research Bureau

Conciliation and Mediation commission

3. Status

The Ministry of Labour, Industrial Relations and Employment (MLIRE) has established various institutions to ensure that employers and employees operate within the regulatory framework. The Industrial Relations Act (IRA) of 1974 established the National Remuneration Board (NRB) to set minimum wages and other working conditions. The IRA introduced fundamental changes by institutionalising the industrial relations system and recognising trade unions. The Pay Research Bureau (PRB) is responsible for reviewing pay levels and conditions of service in the public sector every five years. It also conducts research into remuneration and conditions of employment to keep abreast of developments and trends in Mauritius and abroad. A Contributory social protection covering occupational accidents, disability and retirement has also been established.

4. Gaps/Problems

- One of the main problems noted is that the productivity gains do not seem to have benefited the employees, given the inflation rates
- Even worse, based on the Gini Concentration Index, the share of revenue paid to the richest 20% of people over the five last years has increased from 44% to 45.6%, whereas the share of the poorest 20% has, in parallel, declined from 6.4% to 6.1%.
- Migrant workers are constantly complaining about their poor working and living conditions

- The contributory Social Protection seem to be limited in scope.
- In spite of the established legal framework, cases of sexual harassment in the workplace are regularly reported.

5. Way forward

- It is essential to re-visit the present social protection system to monitor whether employees are being treated in a fair way.
- It is also important to focus on the Female Unemployment rate, and the sectors in which women are concentrated.
- How to ensure that those at the lowest level of the social hierarchy are given the opportunity to improve their living conditions?
- It is also vital to reflect on the growing ‘working poor’ phenomenon: those who are working, but still unable to ‘make both ends meet’ in spite of all their efforts

Education

1. Legal Framework

The Education Act (1957)

The Ombudsperson for Children act (2003)

Mauritius Examinations Syndicate Act (1984)

2. Institutional framework

Ministry of Education and Human Resources

3. Status

The 2005 Education Act increased the age for compulsory schooling from 12 to 16 years. The gross enrolment rate was 95 per cent for nurseries, 102 per cent for primary schools and 69 per cent for secondary schools in 2006. Successive Mauritian Governments have maintained and even extended a system of free education system for all. In fact, over and above the free education system, students are also able to travel freely on public transport, and all the textbooks are provided to children at primary level, as well as those in need at secondary level. The Examination fees for students taking part at the Cambridge School Certificate and Higher School Certificate is also subsidized for those coming from working-class and Lower middle class families. Government spending on education is shown below:

Total Government Expenditure, Republic of Mauritius		Rs(Millions)
		2008/2009
Total Government Expenditure		74,800.0
of which expenditure by:		
Ministry of Education & Human Resources		8,020.3

Source: CSO, 2010

A *Zone d'Education Prioritaire* (ZEP) programme has also been set up for disadvantaged students. The ZEP offers facilities to needy students and mobilises all resources in a specific zone in an attempt to raise the standards of achievement in these schools.

4. Gaps/Problems

- In spite of free, universal and compulsory education, and a massive yearly investment (Rs 8 billion/11% of Govt expenditure), the chances of success at the final primary level examinations in Mauritius are still very unequal. Some schools consistently score pass rates of 100% whilst others struggle to reach a mere 10%.
- At primary level, the average pupil/teacher ratio for 2009 stood at 29 pupils per teacher (CSO, 2009).
- Some 2500 students in each cohort are unable to cross the CPE barrier, failing twice. They are mostly from a poor background and have to leave the mainstream at 12-13 years.
- In spite of free education, fee-paying tuition is almost mandatory for students hoping to score good grades at CPE level.

5. Way forward

- How to provide a better chance of success to school children coming from a poor social background?
- What are the in and out of school factors that need to be dealt with in an attempt to improve the performance of children from the ZEP schools
- How can the funds available be allocated in a more effective and a fair way?
- Is there a need to review the universal provision of free education to one and all?

