

**Universal Periodic Review (31st session, October-November 2018)**  
**Contribution of UNESCO**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Mauritius**

**I. Background and framework**

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State Party to this Convention (20/08/1970)	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	19/09/1995 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	04/06/2004 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	29/03/2006 Ratification			Right to take part in cultural life

## Right to education

### II. Promotion and protection of human rights on the ground

1. The Constitution of Mauritius (1968)<sup>1</sup> does not enshrine the right to education. The Constitution provides that no person attending any place of education shall be required to receive religious instruction if it relates to a religion that he/she does not profess and that no religious, social, ethnic or cultural group shall be prevented from establishing and maintaining schools. It also guarantees the provision of several human rights and fundamental freedoms<sup>2</sup> “without discrimination by reason of race, place of origin, political opinions, colour, creed or sex”, including the freedom to establish schools. Formal education is governed by the Education Act<sup>3</sup> and Education Regulations of 1957 and the relevant amendments made by newer enactments. The legislation was amended in 2004 to make education compulsory up to the age of 16 with the introduction of 11 year schooling as from 2005. All government schools and all schools receiving public funds are “open to pupils of any race or religion”.
2. In terms of reporting to UNESCO, Mauritius did not submit a national report within the framework of the 9<sup>th</sup> Consultation (2016-2017) of Member States on the measures taken to implement the UNESCO 1960 Convention against discrimination in education, even though reports had been submitted for the 8<sup>th</sup> (2011-2013) and 7<sup>th</sup> (2007) Consultations. Otherwise, Mauritius reported on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the 5<sup>th</sup> (2012-2013) and 6<sup>th</sup> (2016-2017) Consultations.

## Freedom of opinion and expression

### ➤ Constitutional and Legislative Framework:

3. The Constitution of the Republic of Mauritius guarantees freedom of expression under Article 12, in particular freedom to hold opinions and to receive and impart ideas and information without interference.<sup>4</sup>
4. No freedom of information law has been adopted in Mauritius.
5. Defamation is criminalized under Article 288 of the Criminal Code Act. Any person who is guilty of defamation shall be liable to imprisonment for a term not exceeding one year and/or a fine.<sup>5</sup>

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/06828232d8eea155d5f5c0ab244a9bb15e471253.pdf>

<sup>2</sup> These human rights and fundamental freedoms are enumerated in Article 3 and are the followings:

- (a) the right of the individual to life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools, and
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.

<sup>3</sup> <http://www.unesco.org/education/edurights/media/docs/0d81d3ea8d232a709c68e41224e1b358f7978b99.pdf>

<sup>4</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=189309](http://www.wipo.int/wipolex/en/text.jsp?file_id=189309)

<sup>5</sup> <http://www.wipo.int/edocs/lexdocs/laws/en/mu/mu008en.pdf>

➤ Implementation of Legislation:

6. The Information and Communication Technologies Authority, established by the Information and Communication Technologies Authority, is the regulatory and licensing body for matters of communication and information.<sup>6</sup> The nine Board members of the ICTA are appointed by the Government.
7. The Independent Broadcast Authority in charge of regulating the sector<sup>7</sup> is a body composed of members of the Government.<sup>8</sup>

➤ Safety of Journalists:

8. Since 2008, there has been no journalists killed in Mauritius.

### III. Recommendations

9. Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (October 2013)<sup>9</sup>:

**128.33.** *Continue the efforts related to human rights education and awareness-raising*

**128.34.** *Continue its efforts in the area of human rights education and training, particularly by implementing relevant provisions of the United Nations Declaration in human rights education and training*

**128.35.** *Request the international community to provide assistance to the project on incorporating human rights in the school curriculum*

**128.36.** *Intensify the efforts to integrate human rights education in the national curriculum (Sierra Leone);*

**128.37.** *Pursue its plans to integrate human rights across the curricula of primary and secondary schools*

**128.38.** *Continue its efforts towards human rights training, capacity-building and human rights education, especially through integrating human rights in the educational curriculum*

**128.39.** *Consider providing appropriate human rights education and training to public servants and law enforcement officials*

**128.95.** *Consider mainstreaming sexual and reproductive health education in schools and offering access to contraception to young people*

**128.98.** *Continue taking measures to further strengthen its education and health systems*

**128.99.** *Strengthen its education policies to ensure that no child drops out of school at primary level due to structural reasons*

**128.100.** *Step up efforts, particularly in the educational system, by taking additional measures to put an end to the phenomena of some students being absent from school during the elementary and secondary level, in order to reach the desired goals in this friendly country*

**128.101.** *Consider adopting policies to encourage women and girls to choose non-traditional fields of education, including technical and vocational training*

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<sup>6</sup> [https://www.icta.mu/docs/laws/ict\\_act.pdf](https://www.icta.mu/docs/laws/ict_act.pdf)

<sup>7</sup> <http://www.iba.mu/>

<sup>8</sup> <http://www.iba.mu/board.html>

<sup>9</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/191/69/PDF/G1319169.pdf?OpenElement>

**128.102.** *Adopt policies to encourage women and girls to choose nontraditional fields of education and work, including relevant technical and vocational training*

**128.103.** *Continue to raise the literacy rate amongst women, particularly those living in rural areas*

**128.104.** *Expand activities to promote access to quality education for all children, in particular ensuring that children whose first language is different from the language of instruction are not at a disadvantage*

**128.105.** *Promote the linguistic plurality through education*

**128.108.** *Work to ensure inclusive, quality and free primary and secondary education to children with disabilities on an equal basis with other children*

## **Review and specific recommendations**

10. Mauritius' first response to ensure an equal access to education and to provide equal opportunities for all was to amend the Education Act in 2004 in order to make education compulsory up to the age of 16. To go further on this process, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research in collaboration with the Early Childhood Care and Education Authority [ECCEA] "is currently working on amendments that need to be brought to the Early Childhood Care and Education Authority Act in order to make pre-primary education compulsory in Mauritius"<sup>10</sup>.
11. Mauritius adopted otherwise several policies and measures to expand the access to education and to counter absenteeism and school dropout. The Zone d'Education Prioritaire (ZEP) Project "started in 2003 with a view to breaking the cycle of poverty through education. Its main objectives are to combat social inequalities and ensure the provision of equal opportunities for learning to all children [...] Thirty-three primary schools were identified as low performing having a percentage pass rate at CPE [Certificate of Primary Education] consistently below 40 percent for a number of consecutive years"<sup>11</sup>. One of the achievements of the ZEP Project is a "decrease in the pupil's rate of absenteeism from 15.7% in 2007 to 9.3% in 2014. 24 schools out of 30 scored pupils' attendance rate better than 90% in 2014"<sup>12</sup>. More generally, data provided by Mauritius show that the net enrolment ratio in primary school in Mauritius stand at 98% in 2016 for both sexes, 97% for males and 99% for females<sup>13</sup>. Mauritius furthermore adopted concrete measures to encourage both quality and participation. For instance, "the government provides cash transfers conditional on children's enrolment at age 4, and it provides quality assurance for private centers. This has resulted in a gross enrolment ratio of 120% in 2012 from 94% in 1999"<sup>14</sup>. In the same line, to "help parents in sending their children to school, the Ministry of Education provides free transport facilities to all school children as

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<sup>10</sup> Mauritius, National report submitted to the Committee on Economic, Social and Cultural Rights, 13 September 2017, E/C.12/MUS/5, para.148

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMUS%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMUS%2f5&Lang=en)

<sup>11</sup> *Ibid.*, para.152

<sup>12</sup> *Ibid.*, para.154

<sup>13</sup> *Ibid.*, para.149

from primary level”<sup>15</sup>. Mauritius should thus be encouraged to continue to further strengthen its education system, to guarantee an equal access to it with concrete measures and to monitor the results of the policies adopted.

12. However, “one third of children do not pass the Primary School Leaving Certificate examinations (inclusive of repeaters), as indicated by the NHRC [National Human Rights Commission] which highlights language problems as a possible reason for such situation. English and French are used as media of instruction whereas most people speak Creole. The NHRC recommended that in the early years of schooling Creole should also be used as a medium of instruction to help children who are at a disadvantage”<sup>16</sup>. Since this observation, “Government encourages the use of mother tongues to facilitate teaching and learning [...] the *Kreol Morisien* was introduced in Standard I in 2012 as an optional subject. Bhojpuri has also been integrated during the same year, as a corollary of Hindi Language in Standard I”<sup>17</sup>. However, Creole remains an optional language. Schools are not adequately provided with educational materials in this language, which thereby limits the access to education for Creole-speaking children and contributes to high dropout rates. Mauritius should be encouraged to reinforce the inclusive dimension of its educational system, in order to include all learners and children and to ensure that their mother tongue is by no means an obstacle to their education.
13. Otherwise, to ensure “that all children, irrespective of socio-economic, status, physical capabilities/disabilities, gender or race, have access to education, the Education and Human Resources Strategy Plan 2008-2020 sets the framework to ensure that, by 2020, all children requiring Special Education Needs [SEN] in Mauritius enjoy access to relevant and high quality SEN education. The Ministry of Education and Human Resources, Tertiary Education and Scientific Research has taken several measures for the inclusion and integration of children with SEN, namely:
  - (a) “The registration procedures for Special Education Needs children have been reviewed [...]
  - (b) Schools are being retrofitted with ramps to facilitate access to the classrooms;
  - (c) All new secondary schools constructed have already been provided with adapted toilets for the disabled;
  - (d) Facilities like music room, library, science laboratory, computer room are available on the ground floor where necessary [...]
  - (e) Educators are encouraged to provide individual extra assistance to children with disabilities so as to allow them to keep pace with their classmates;
  - (f) Children with disabilities benefit from extra time for the CPE examination;
  - (g) Enlarged print school books/manuals and question papers are produced for children suffering from visual impairment;

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<sup>17</sup> Mauritius, National report submitted to the Committee on Economic, Social and Cultural Rights, 13 September 2017, E/C.12/MUS/5, para.161

<sup>17</sup> Mauritius, National report submitted to the Committee on Economic, Social and Cultural Rights, 13 September 2017, E/C.12/MUS/5, para.161

- (h) A Mauritanian Sign Language has been developed to ease communication for children with deafness; and
- (i) Children with hearing impairment are provided with the service of sign languages interpreters for the purpose of examination”<sup>18</sup>.

14. Registered SEN schools (NGOs) receive a Grant-in-Aid from the Ministry of Education. Nevertheless, in 2010, only 60 children with disabilities were attending regular schools, 966 were attending special schools and 705 were in day care centres<sup>19</sup>. In this way, Mauritius does not effectively provide for an inclusive education for children with disabilities and does not bring a comprehensive response to counter and eliminate the physical, socioeconomic and cultural barriers that prevent the full inclusion of children with disabilities in school and beyond in society. Mauritius should otherwise be encouraged to less over-rely on NGOs to provide specialized services to children with disabilities and to train teachers and social workers in schools to adequately take in charge these children, including with an individual follow-up process to ensure their inclusion in mainstream schools.

15. Regarding gender equality in education, according to information provided by “the Gender Parity Index (GPI) for education in Mauritius is 1.0 since 1990 as in Mauritius boys and girls are equally likely to enroll in primary school”<sup>20</sup>. However, women and girls continue to face unequal opportunities in technical and vocational education; in 2013, 72% of students enrolled in publicly funded technical and vocational courses were males. Mauritius should therefore be encouraged to foster women and girls’ access to technical and vocational trainings and to support them to choose fields of education they do not traditionally used to consider.

16. Finally, in matters of human rights education, “the Government of Mauritius in collaboration with the Commonwealth Secretariat has integrated human rights education at secondary level. At tertiary level, Human Rights Education already forms part of the curriculum of LLB courses at the University of Mauritius. An LLM course in International Human Rights Law has also been introduced as from academic year 2013-2014”<sup>21</sup>. The NHRC recommended to the Government that a culture of human rights “be encouraged from an early age by the introduction of human rights education in schools”<sup>22</sup>. Mauritius should be thereby encouraged to root human rights education more deeply in all curriculum, including in primary education with adapted contents.

➤ **Specific recommendations:**

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<sup>19</sup> Mauritius, National report submitted to the Committee on the Rights of Child, 28 October 2013, CRC/C/MUS/3-5, para.392

<sup>19</sup> Mauritius, National report submitted to the Committee on the Rights of Child, 28 October 2013, CRC/C/MUS/3-5, para.392

<sup>20</sup> Mauritius, National report submitted to the Committee on Economic, Social and Cultural Rights, 13 September 2017, E/C.12/MUS/5, para.179

<sup>21</sup> *Ibid.*, para.146

<sup>22</sup> Mauritius, National report submitted to the Committee on the Rights of Child, 28 October 2013, CRC/C/MUS/3-5, para.471

1. Mauritius should be encouraged to further reinforce the inclusive dimension of its educational system, in order to include all learners and children and to ensure that their mother tongue is by no means an obstacle to their education.
2. Mauritius could be encouraged to train teachers and social workers in schools to adequately take in charge these children, including with an individual follow-up process to ensure their inclusion in mainstream schools.
3. Mauritius could be encouraged to foster women and girls' access to technical and vocational trainings and to support them to choose fields of education they do not traditionally consider.
4. Mauritius could be encouraged to root human rights education more deeply in all curriculum, including in primary education with adapted contents.
5. Mauritius should be encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Mauritius should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education<sup>23</sup>.

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### **Freedom of opinion and expression**

17. The Government is further recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
18. The Government is encouraged to introduce a freedom of information law that is in accordance with international standards.
19. The Government is encouraged to assess the appointment system for the broadcast licensing authority to ensure that this body is independent.

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### **Cultural Rights**

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>24</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>25</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>26</sup>, Mauritius is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Mauritius is encouraged to give due consideration to the participation of communities, practitioners, cultural

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<sup>23</sup> <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

<sup>24</sup> Periodic Report available at: <http://whc.unesco.org/document/116967>

<sup>25</sup> Periodic Report not available

<sup>26</sup> Periodic Report not available

actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

21. Mauritius submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Mauritius reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.