**Ministry of Foreign Affairs, Regional Integration and International Trade
(Human Rights Division)**

**Materials for the study on the Impact of the COVID-19 pandemic on human rights of young people**

1. **What are the main challenges that young people face in your country in connection with the COVID-19 pandemic and the response to it? If any age-disaggregated data has been collected in this regard, please include it in your response.**

1.1 The United Nations, for statistical purposes, defines ***‘youth’***, as those persons between the ages of 15 and 24 years, without prejudice to other definitions by Member States.

1.2 Based on opinions gathered through interactions with young people who participated in various online youth activities/programmes organised by the Ministry of Youth Empowerment, Sports and Recreation, the major challenges faced by young people are summarised as follows:

1. Education:

Children and youth are provided with free education from pre-primary level up till tertiary level, that is from age 3 till roughly 24 years. As a result of the COVID-19 pandemic, many young people are unable to follow and complete their educational and career path as scheduled due to closures of academic and training institutions since the start of the pandemic. Academic courses are being run online on zoom platform with interaction from educators or national TV programmes.

Moreover, some young people are struggling to adapt to new modes of instructions and learning (e.g virtual classrooms, limited contact with teachers) and uncertainty regarding examination or are unable to follow online classes due to lack of IT equipment, connection problems and lack of interest.

1. Leisure:

Young people have restricted access to outdoor leisure due to prevailing COVID-19 regulations. With the closure of Social Welfare Centres, young people had to stay at home and therefore could not practice sports and games and participate in community activities/actions. Those who could afford have turned to private gymnasiums for their physical activities but participation in community activities/actions has not been possible for them owing to sanitary restrictions.

1. Work:

According to Statistics Mauritius, for period ending September 2021, young persons represented only 8.5% of total labour force in employment.

Young male and female persons who are in employment, have been similarly affected like any other worker, in cases where the enterprise in which they are working has been negatively impacted, whether in terms of reduction of working hours, reduction of wages or even through job loss following restructuration or retrenchment or even closure of enterprise. Moreover, those not yet in employment remained unemployed for longer periods of time due to businesses and other institutions being inactive, organizations being under reduced activity during the pandemic, delayed recruitment processes for practically all Public Services (except for some essential services such as Health, Security etc) and no new job creation due to lack of investments or uncertainties.

1. Family:

Young people, especially teenagers, have shared that they are being left to themselves and some have also reported that they are bored.

1. Health:

Young people have shared their frustration over the prolonged experience of being socially isolated from their peers. Moreover, lack of new employment opportunities and prolonged inactivity have resulted in adverse effect on psychological moral of the youth causing family and social stress.

1. Vaccination status:

Young people have expressed the wish to have more Information on Education and Communication (IEC) campaigns regarding the COVID-19 vaccination and any possible side effects.

1.3 Measures/ response to address the above-mentioned challenges include:

1. socio-economic schemes and support have been introduced by the Government of Mauritius to maintain maximum employment and avoid jobs losses;
2. re-launching of all the economic activities and also re-opening of the educational and training institutions at the earliest. This would only be possible once the whole population get fully vaccinated against the virus. For some young people, school has resumed as from February 2022; and
3. increase in the vaccination programmes, including the Booster dose.

1.4 Fortunately, the country is being geared towards these objectives despite the emergence of other virus variants and the economic activities are gradually recovering for instance the Tourism and Service industry.

1.5 With regard to disaggregated data, no such specific data has been collected in the State of Mauritius. However, there is a list of redundant workers who are currently on the workfare programme as a consequence of the COVID-19 pandemic. The table provides for registered redundant workers aged between 15 – 34.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Age group** | **15 - 19** | **20 - 24** | **25 - 29** | **30 - 34** | **TOTAL** |
| **Sex** | **Female** | **Male** | **Female** | **Male** | **Female** | **Male** | **Female** | **Male** |   |
|   | **9** | **27** | **215** | **316** | **371** | **441** | **338** | **432** | **2,149** |
|  |  |  |  |  |  |  |  |  |  |

Out of a total of **4,944** redundant workers registered under the Workfare Programme, **43%** are within the age 15 to 34.

1. **What measures is your Government taking to support young people and ensure the full implementation of their rights during and after the pandemic? Please provide examples of policies and programmes adopted to this end, in particular regarding**
2. **right to work and social security (including, for example, to address the job loss, reduction of working hours, wage cut, etc.);**

2.1 Measures taken by the State of Mauritius with regards to right to work include:

1. Access to and discrimination in employment
2. Every person aged 16 years above, like any other worker, is eligible to and has the right to enter into a contract of employment. This right is further entrenched in **Section 5** of the WRA which stipulates that

*“(a) no worker shall be treated in a discriminatory manner by his employer in his employment or occupation; and*

 *(b) no person shall be treated in a discriminatory manner by a prospective employer in respect of* ***access to employment or occupation****”.* (emphasis is ours)

Parargraph (a) of the Section prohibits any forms of discrimination against a worker on ground, among others, of **age** (including young person).

1. Moreover, the Youth Employment Programme (YEP) is being promoted and there has been an increased intake of youth under the said programme. Dissemination of vacancies is also being promoted through media (TV programmes “Magazine de L’emploi et des métiers” and on the following website: <https://mauritiusjobs.govmu.org/>). Young people are also provided with counselling and career guidance in their search for jobs/trainings in view to increase their employability. The Government is also promoting labour migration through prospection in countries like Canada, India and Australia.
2. Equal Remuneration for work of equal value
3. With a view to ensuring equal opportunities and compliance with the issue of equal remuneration for work of equal value to workers, including young male and female persons in the labour market, Section 26(1)(a) of the WRA provides that “*every employer shall ensure that the remuneration of a worker shall not be less favourable than the remuneration of another performing work of equal value”*.
4. Wages prescribed for various categories of workers by Remuneration Regulations governing terms and conditions of employment in various sectors of economic activity apply indiscriminately to all workers including young male and female persons.
5. Additionally, with a view to enhancing and improving the standard of living and conditions, especially of the lowest paid workers, including young persons, Government has with effect from 01 January 2018 introduced a **national minimum wage** through the National Minimum Wage Regulations 2017 as provided for under the National Wage Consultative Council Act.

The national minimum wage which was initially set at Rs 8,140 per month for all full time employees has been revised to Rs 9,700 and Rs 10, 075 in 2020 and 2021 respectively. In line with the payment of the additional remuneration for Year 2022, the amount was reviewed to Rs 10,575.

The national minimum wage applies indiscriminately to all workers, including young persons, whether they are employed under a standard contract or in precarious employment situations or otherwise.

1. Reduction of number of hours of work and remuneration
2. Under Section 32 (1A) (b) (2) of the WRA, an employer can request a worker to work temporarily for a shorter number of hours than that specified in his agreement at a reduced remuneration. However, the employer’s decision can be implemented **only** when the Supervising Officer of the Ministry of Labour, Human Resource Development and Training has given his approval.
3. Additionally, Section 15 of the WRA also provides that an employer can reach an agreement with a full-time employee to perform part time work for a specified period of time, subject to the approval of the Supervising Officer of the aforementioned Ministry.

However, with a view to protecting workers from any abusive use of this provision, more particularly in the wake of the pandemic period, the said section further stipulates that any such measure shall in no manner exceed 3 months and that the worker has the option to revert back to his full timework at the expiry of that agreement.

From June 2020 – April 2021, 80 employers had made an application under the above provisions. Following the aforementioned Ministry’s investigation into the issue, approval was granted in 7 applications only.

It is to be noted, though, that the said Ministry did not entertain any application for a reduction in remuneration where the worker’s wages would have fallen below the national minimum wage.

1. Additionally, special provision exists under Section 15, in case where an employer chooses to terminate the employment of a worker when the latter has agreed to work at a reduced remuneration on part time basis. In the said instance, any computation of severance allowance would have been computed on the basis of the remuneration the worker would have drawn prior to his entering into the part time agreement.
2. Measures to curtail job loss
3. The WRA provides under Section 72 for instances where an employer decides in normal circumstances to reduce his labour force for economic reasons. A Redundancy Board is established under the said section to examine the request of an employer to reduce its workforce and to make recommendation as appropriate.

However, in the wake of the COVID-19 pandemic, including during the lockdown period and thereafter and despite its negative impact on enterprises, the WRA was amended to prohibit nonetheless any decision by employers to terminate the employment of their workers on economic and financial grounds.

1. To address such issues, the amendments made to the WRA require enterprises in economic and financial difficulties to seek financial support from prescribed institutions with a view to maintaining their operations and by the same token to preserve employment of all its workers, including young persons.

Any decisions by employers in breach of the above section would be deemed to be unjustified, thus enabling any laid off workers to make representation to the Redundancy Board to claim either their reinstatement or else to get an Order for the payment of severance allowance for unjustified termination of employment.

For period March 2020 to December 2021, it was noted that:

* 130 employers have made an application to the Redundancy Board for reduction of workforce. All the applications were disposed as appropriate; and
* 116 cases of Reinstatement or payment of Severance Allowance were reported by workers/workers’ organisations at the Redundancy Board. 111 cases were disposed of while 5 other cases are still under consideration.

Employers have also been prohibited until 30 June 2022 as per Regulations from reducing their work force on economic ground.

1. Furthermore, Section 64(1) of the WRA prohibits termination of employment of workers, including young persons, solely on the basis of a number of grounds, including among others, that of age. In such cases section 64(1A) of the Employment Relations Act provides an aggrieved worker the possibility to report a dispute for his reinstatement to the Commission for Conciliation and Mediation or else to have the matter lodged at the Industrial Court for adjudication on the payment of severance allowance for unjustified termination of employment.
2. Other measures were addressed in the WRA under the Workers’ Rights (Work from Home) Regulations 2020 to encourage the concept of work from home. Work from home is concentrated mainly in the services sector. The figures show that since March 2021, 61 % of workers in the professional, scientific and technical sectors, 59 % in the information and communication sectors and 42 % in the financial and insurance sectors are currently working from home.
3. During the lockdown period (from 20 March 2020 to 01 June 2020 & from 10 March 2021 to 30 April 2021), the Government of Mauritius provided financial support to enterprises, through the Government Wage Assistance Scheme (GWAS), for the payment of wages of their workers. Certain sectors of economic activity which were severely impacted by the pandemic, for example the tourism sector among others, and which comprise a huge pool of young persons in its labour force, are still benefitting from the financial support under the GWAS. However, the COVID-19 Act 2020 specifically prohibits those enterprises which are benefitting or has benefitted from the financial support under the GWAS or any other schemes set up by Government to terminate the employment of their workers.
4. Additional schemes introduced by the Government of Mauritius include the Self-Employment Assistance Scheme (SEAS), eligible to self-employed individuals in the State of Mauritius and the Self-employed One-Off Grant Scheme, applicable to individuals who were entitled to the SEAS.
5. Job loss and Transition Unemployment Benefit
6. It is to be noted that a number of workers have still been laid off during the COVID-19 pandemic, whether on economic grounds or otherwise. To address this issue, the social protection measures that exist in the WRA under the Workfare Programme (WP) to provide for a financial support to laid-off workers have been enhanced during the pandemic period. This was made to provide a higher financial support to those laid off workers who would otherwise find themselves in very difficult position to secure another job overnight.
7. The Transitional Unemployment Benefit (TUB) payable to laid off workers under the WP was reviewed to 90% of the workers’ wages for the first 6 months of unemployment and a further period of 6 months at 60% of their wages (i.e., a maximum of 12 months without a job) instead of the established 90% first 3 months followed by 60% for the next 3 months and 30% for the last 6 months.
8. Additionally, those workers, including young person if any, who were initially not eligible, due to their shorter length of service (at least 180 days of continuous employment) to the payment of the TUB, were provided, following amendment to the WRA, to a special TUB of Rs5,100 for a period of 6 months from 01 July 2020 to 31 December 2020.
9. Furthermore, Section 84(1) (ba) of the WRA regarding payment of a TUB provides that in cases where workers are on leave without pay pursuant to an Order made by the Redundancy Board under section 72A (5) of the same Act, the workers would be eligible to the payment of the TUB as may be appropriate.
10. **right to enjoyment of the highest attainable standard of physical and mental health (including with the increase in domestic violence and abuse, anxiety and depression, stress caused by social isolation, etc.);**

2.2 Measures taken include, *inter alia*:-

1. online sports coaching sessions on social media platforms and sensitisation on addictive behaviour;
2. setting up of regional youth volunteer teams to participate in cleaning campaigns, blood donation campaigns, disaster management interventions; and
3. online leisure activities such as quiz, live concerts, Slam, Do It Yourself (DIY) activities and digital games.
4. **right to participate meaningfully in political and public affairs (including in connection with the prohibition of gatherings and transition to online rallies);**

2.3 Measures taken by the Government of Mauritius, include *inter alia:-*

1. organisation of online training on Youth Entrepreneurship; and
2. delivery of the following programmes online:
3. National Youth Civic Service;
4. Life Skills Education Programme;
5. Peer Education Training;
6. Duke of Edinburgh Award Programme; and
7. Forum on Food Transformation System.
8. **other rights or freedoms**

With regards to the right to freedom of association, Section 29 of the Employment Relations Act (Right of workers to freedom of association) provides thatall workers, including young persons, have the right to establish or join a trade union of their own choice. There is no distinction in relations to occupation, **age**, marital status, sex, sexual orientation, colour, race, religion, HIV status, national extraction, social origin, political opinion or affiliation.

1. **What role have the young people had in COVID-19 response, vaccination and recovery efforts in your country?**

3.1 With regards to the COVID-19 pandemic response and recovery efforts, the following measures have been taken:

1. sensitisation campaigns conducted by young people to encourage the public to maintain sanitary precautions (such as wearing of masks, using sanitisers and keeping social distancing);
2. outreach programme which enabled Youth Leaders to provide socio-emotional support to other vulnerable youth;
3. informal help line to support young people stranded away from their country of residence;
4. organisation of online youth-friendly activities to encourage young people to share their experiences and positive messages;
5. informal sharing of information to promote vaccination campaigns; and
6. innovative activities/programmes to promote creativity, food security and resilience.

3.2 The Government started the first dose vaccination for young persons from 18 to 39 as from January 2021. The campaigns were also conducted at schools. There has been a positive impact on young persons as vaccination is necessary in view of re-opening of schools and a return to normal.

3.3 As at 03 February 2022, 72.1 percent of adolescents aged 12 to 17 years have received a first dose of vaccine and 46.5 percent have received a second dose.

1. **What measures is your Government taking to value/encourage the role of youth in COVID/19 response, vaccination and recovery efforts?**

4.1 The Government of Mauritius is encouraging the population as a whole to get themselves vaccinated and campaigns are being implemented to reinforce sanitary measures to curb the spread of the pandemic. The target group include young people as well and access to vaccines has been made very easy to them.

4.2 Amidst its challenges, the COVID-19 pandemic has created an opportunity for the population and decision makers to reflect on the functioning of the Mauritian society to identify its strengths and weaknesses and to build back better. The risk of job losses and falling income streams are essentially the main concern of the majority of the population and precarity can adversely affect social cohesion.

4.3 The use of innovations in ICT and digital technologies could bring competitive edge to the industries and improve efficiency of access to goods and services by consumers. ICT and digital technologies are most accessible to the youths and they can tap on it for access to jobs and self-employment possibilities.

4.4 Protection of jobs in affected sectors, assistance to struggling enterprises, employability, reskilling and redeployment of retrenched workers are likely to grow in importance.

4.5 The implementation of the National Training and Reskilling Scheme by the Government targeting 6,000 youths mostly are in line with protecting jobs and creating new ones.

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