



Embassy of the Republic of Mauritius and Permanent Mission of Mauritius to the United Nations and other International Organizations

Ambassade de la République de Maurice et Mission Permanente auprès des Nations Unies et des autres Organisations Internationales

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The Embassy and Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter of the Special Rapporteur on adequate housing dated 29 March 2018, has the honour to submit the attached replies of the Government of Mauritius on the questionnaire relating to informal settlements and human rights.

The Embassy and Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

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Geneva, 13 June 2018

The Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
1211 Geneva

Special Rapporteur on adequate housing

(Reply to the questionnaire)

Introduction

The right to adequate housing is not only about providing four walls and a roof but include also:

- (i) security of tenure, which guarantees legal protection against forced eviction;
- (ii) availability of safe drinking water, adequate sanitation, refuse disposal as well as energy for cooking, heating, lighting and food storage;
- (iii) affordability, whereby housing cost does not threaten enjoyment of other human rights;
- (iv) habitability, with provision of adequate space and protection against natural and structural hazards;
- (v) accessibility, considering special needs of marginalized groups;
- (vi) location, comprising healthcare services, schools and other social facilities;
- (vii) cultural adequacy, with the expression of cultural identity.

The Ministry of Housing and Lands through the National Housing Development Company is responsible for construction of pro-poor low cost housing.

The National Empowerment Foundation is responsible under its Empowerment Community Programme for certain social housing programmes targeting the poor.

Please find below responses to the questions in the questionnaire

1. Please provide statistical data on the numbers of people living in informal settlements, clarifying the definitions used and including disaggregated data by relevant characteristics (gender, disability, age, etc.) where available. Provide estimates of the number of households renting within informal settlements.

The Statistics Office of Mauritius carried out the Housing and Population Census in 2011. The information compiled does not relate to informal settlements as such. Nevertheless, they do capture Building or structure occupied as improvised housing unit (e.g. longère, garage, tent). The total number of such cases were as follows:

Republic of Mauritius	172
Urban Area	119
Rural Area	53

Please see the table annexed (Annex 1) for details on the Housing and Population Census –

2. Please provide information on access to water, sanitation, electricity and other services, including availability and costs. Also refer to any relevant qualitative studies or documentation of the lived experiences of residents.

(a) Statistics Mauritius has through Housing Census collected data for the population by geographical district in respect of:

- Type of water supply
- Type of toilet facilities
- Connection to sewerage system
- Method of refuse disposal; and
- Access to electricity

(b) These data were published in the Environment Statistics 2016. It is to be noted that the data excluded homeless households. Extract of the Digest on Environment Statistics 2016 is herewith enclosed.

Please see the attached documents (Annex 2)

(c) Availability of facilities, accessibility and habitability:

The social housing programme addresses the issue of social cohesion by reserving some housing units for hardship cases, which comprise disadvantaged and marginalized families such as single mothers with children, subject to their meeting the eligibility criteria and to confirmation from relevant institutions as to their disadvantaged socio-economic status. There is also focus on community outreach and development through strengthening of social and cultural integration via the provision of adequate space/plots of land for the implementation of appropriate social and recreational facilities in social housing development through relevant stakeholders.

3. Please provide information and data on environmental, health or security concerns and experiences, including violence against women, affecting residents in informal settlements. Please include disaggregated health statistics, including life expectancy, mortality and any data on injuries or facilities of residents of informal settlements as compared to the general population.

(a) Mauritius being a welfare State, medical care is **free for everyone and the right to health care is guaranteed for everybody**, without any discrimination. The right to health to everyone is provided for in different legislations. Some examples are as follows:

- (i) the welfare of mental patients is governed by the Mental Health Act, which serves as guidelines for the management, security and welfare of patients; The Brown Sequard Mental Health Care Centre was established under this Act to provide mental health care to all those who seek help without discrimination;
- (ii) there is a Trust Fund provided for under the Specialised Medical Care Act which caters for the operation of a Specialised Medical Care Centre and the management of other institutions for the provision of high-tech medical care;
- (iii) the HIV and AIDS Act 2006 protects the rights and privileges of people living with HIV and those affected by the disease. It safeguards a wide range of protection to key affected populations and ensures that stigma and discrimination do not hinder accessibility to health care services. The Immigration and Civil Status Act has been amended to allow a non-citizen who is HIV infected to marry a Mauritian citizen, provided he has disclosed his HIV status to his partner;
- (iv) Maternal Child Health (MCH) services, including ante-natal care and post natal care have been strengthened. Exclusive breastfeeding for the first six months and continued breastfeeding for two years and beyond is being promoted. There is almost a 100% immunization coverage through the Expanded Programme of Immunization (EPI), including vaccination carried out by the private sector;
- (v) Sexual and reproductive health services are available in all hospitals and health care centres and are fully accessible by any citizen, free of cost. Section 235 of the Criminal Code has been amended in order to allow for abortion in cases of therapeutic abortion as well as in cases where ensuing pregnancies is the result of rape or incest; and
- (vi) The prevalence of major communicable diseases of public health importance has decreased considerably during the past few decades, mainly due to improvements in safe water supply and environmental sanitation. Now, non-communicable diseases coupled with an ageing population are the main challenges to the health sector.

(Please find attached a set of health indicators which refer to the entire population of the Republic of Mauritius- Annex 3)

- (b) The Building Control Act provides for every building to be designed, constructed and maintained in a way that guarantees people's safety, society's well-being, the protection of the environment, and aesthetic value, and satisfies functional requirements of utility, accessibility, gender compliance, structural safety, fire safety and safety of use, as well as sustainability requirements.
- (c) Public policies, programmes or plans put forward by Mauritian government related to "social cohesion", aiming at ensuring inclusive housing for disadvantaged groups such as migrants and refugees, women, young people, older people, and people with disabilities in urban centres.

(d) In designing layouts for social housing projects, adequate provision is also made for open/green/play spaces for the enjoyment of the beneficiaries who would come to reside in the new housing unit.

4. What goals and timelines have been adopted to ensure that all informal settlements will be upgraded to meet the standard of adequate housing by 2030? Please provide information on plans, upgrading/resettlement policies and whether these plans include human rights standards. Please also explain how responsibilities have been allocated to different levels of Government.

Government policy has been to legalize the situation of the squatters after having done a social survey in order to determine the eligibility of the squatters for Government assistance to acquire housing. The relocation of the squatters depends on the availability of land that is suitable for housing. Due to the high cost of providing infrastructure such as roads and social amenities, it has not always been possible to settle the squatters in the same area.

5. What are the primary reasons for people living in informal settlements?(eg. rapid urbanization, gap between housing costs and income; loss of ancestral land; internal displacement; immigration; lack of titled land; etc.). Please refer to relevant research or reports.

- (i) Some families/citizens are not skilled and educated. As such, they may not be employed with a decent salary and thus find difficulty to afford for owned or rented housing.
- (ii) Some families are headed by single mothers or are split families without owning any property.

6. What laws are in place to protect and ensure the rights of residents of informal settlements, before, during and after any upgrading, if it takes place? Have these laws been effective? Please provide references to any important court decisions.

(a) There is no specific legislation to protect the rights of such persons who construct these temporary shelters that have been constructed on land upon which the person has no legal right to. However, it has been a long standing practice that Government gives due consideration to the relocation of such persons, in the event that they are displaced. Any person who feels aggrieved following an order of eviction may in urgency seek an injunctive relief from the courts.

(b) Furthermore, the attention is also drawn to the fact that in the National Budget Speech of 201/2017, the national poverty lines, which stood at Rs.6,200 and Rs 5,000 (excluding transfers) for Mauritius and Rodrigues, respectively had been reviewed with the introduction of a new scheme under which every adult on the Social Register of Mauritius is entitled to a monthly subsistence allowance based on a minimum threshold of Rs. 2,720 per

adult with a maximum threshold of Rs.9,520 , for a family of two adults and three children. The quantum of subsistence allowance to be paid is the difference between the assessed income and poverty threshold of the household. In this connection the Social Integration and Empowerment Act was enacted in 2016. Following the change in law, a new database of 8,340 eligible poor households had been constituted under the Social Register of Mauritius (SRM) as at 31 December 2016. The first payment of the monthly subsistence allowance to 7,993 eligible households, who have signed their social contracts, was effected on 15 December 2016 for a total amount of Rs.14.9 Million. The registration of households living in absolute poverty under the SRM is on-going.

(c) Social housing developments are planned in such a manner so as to encourage social integration of inhabitants in the region. As far as possible, the sites are identified near built up areas and close to recreational and social amenities. **According to the Government programme (2015-2019), Government** will increase housing supply and home ownership for the economically and socially disadvantaged. The construction of some 10,000 social housing units during this present mandate (years 2015-2019) has been planned. The housing units are sold to beneficiaries of different income thresholds by the NHDC with varying subsidy from the Government as follows:

Income Thresholds by NHDC with varying subsidy from the Government

Social Housing Schemes	Income eligibility criteria and subsidy level
Scheme I: Implemented by the NEF For NEF beneficiaries who are owners of land/or lessee of state land	<ul style="list-style-type: none"> • Less than Rs 6,200 per household per month (Eligible under SRM) • Government contribution: 75 % • Beneficiary's contribution: 25 %
Scheme II: Implemented by the NHDC Ltd 10 % of the NHDC integrated houses earmarked for NEF beneficiaries who are not land owners.	<ul style="list-style-type: none"> • Less than Rs 6,200 per household per month (Eligible under SRM) • Government contribution: 75 % • Beneficiary's contribution: 25 %
Scheme III: Implemented by the NHDC Ltd Target households not falling under Schemes I and II above	(i) Between Rs 6,200 to Rs 10,000 per household per month. (Not eligible under SRM) <ul style="list-style-type: none"> • Government contribution: 2/3 • Beneficiary's contribution: 1/3
	(ii) Between Rs 10,001 to Rs 15,000 per household per month. <ul style="list-style-type: none"> • Government contribution: 50% • Beneficiary's contribution: 50%
	(iii) Between Rs 15,001 to Rs 20,000 per household per month. <ul style="list-style-type: none"> • Government contribution: 20% • Beneficiary's contribution: 80 %

(d) The Ministry of Housing and Lands also provides other forms of housing assistance; financial assistance for casting of roof slabs and purchase of building materials for households who own a plot of land but cannot afford to complete construction of their house and has reached up to the beam level and for households who own a plot of land but cannot afford to start construction of a housing unit respectively.

a) **Grant for casting of roof slab** for an area up to 110m². The eligibility criteria are:

- ≤Rs10,000 : a maximum one-off cash grant of Rs 75, 000
- Between Rs 10,000 to Rs 15,000: a maximum one- off cash grant ofRs 40,000.

b) **Grant for purchase of building materials** to start construction of a housing unit of up to 110m². The eligibility criteria is:

- ≤Rs10, 000 : a maximum one-off cash grant of Rs 65, 000

(e) The beneficiaries can settle the cost of the houses either by cash or through Government Sponsored Loans from financial institutions such as the Mauritius Housing Company (MHC) or from other lending institutions. All beneficiaries are granted a long term residential lease expiring on the 30 June 2060 on the plot of State land. Annual rentals for leases regarding sites built up with a housing unit are at a nominal rate based on the beneficiaries' income as shown below:

Annual Rentals for leases

Household Income	Annual Rental	Remarks
<Rs 7,500	Re 1	
Rs7501 – Rs 10,000	Rs 1000	50% increase for each subsequent period of 10 years.
Rs10,001 – Rs 15,000	Rs 2000	50% increase for each subsequent period of 10 years.
Rs15,001 – Rs 20,000	Rs 3000	50% increase for each subsequent period of 10 years.

(f) **The National human rights standards and legislations regarding the right to adequate housing are as follows:**

- (i) The forms of tenure protected by law are freehold ownership, either individual or collective i.e, copropriété, as well as leasehold rights and tenancy rights;
- (ii) The Constitution: Sections 3 and 8 of the Constitution guarantee the right of individuals to protection for the privacy of their home and other property and from deprivation of property without compensation, which is a form of protection against

adult with a maximum threshold of Rs.9,520 , for a family of two adults and three children. The quantum of subsistence allowance to be paid is the difference between the assessed income and poverty threshold of the household. In this connection the Social Integration and Empowerment Act was enacted in 2016. Following the change in law, a new database of 8,340 eligible poor households had been constituted under the Social Register of Mauritius (SRM) as at 31 December 2016. The first payment of the monthly subsistence allowance to 7,993 eligible households, who have signed their social contracts, was effected on 15 December 2016 for a total amount of Rs.14.9 Million. The registration of households living in absolute poverty under the SRM is on-going.

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forced eviction. No compulsory acquisition of property is allowed, unless it is in the interests of defence, public safety, public order, public morality, public health, town and country planning, or to promote the public benefit or the social and economic well-being of the people of Mauritius;

(iii) Land Acquisition Act. Whenever compulsory acquisition is carried out by the Government, the Act provides for the payment of adequate compensation as well as a right of access to the courts to any person having a right over the property, to challenge the legality of the acquisition of the property;

(iv) Transcription and Mortgages Acts. The Act requires that deeds witnessing transfers of immovable property are transcribed, to guarantee a secure title to land owners;

(v) State Land Act. The Act provides for grant of long term leases to beneficiaries over State Land for residential purposes and has recently been amended to allow lessees to acquire these residential plots, thus improving security of tenure from lease to ownership. While the Act tends to discourage the illegal occupation of State Land, it also allows the regularization of squatters by the grant of a building site lease over the occupied site;

(vi) Landlord and Tenant Act. The Act essentially regulates rights and obligations of landlords and tenants regarding rent and possession of tenement. The Act provides for recovery of possession of a dwelling by the landlord but ejection of a tenant is subject to a Possession order being made by a relevant court;

(vii) Measures in Government Programme 2015-2019: to protect financially distressed people, legislation will be enacted to prohibit, for a period of two years, the sale by levy of the only house of a worker who has been made redundant on economic grounds. In the same vein, the overall procedure of sale by levy will be reviewed to prevent collusion between financial institutions, legal advisors and their agents; and

(viii) The Building Control Act provides for every building to be designed, constructed and maintained in a way that guarantees people's safety, society's well-being, the protection of the environment, and aesthetic value, and satisfy functional requirements of utility, accessibility, gender compliance, structural safety, fire safety and safety of use, as well as sustainability requirements.

7. Please provide, if applicable, information on international development assistance received for projects and programmes related to informal settlements. To what extent are these projects implemented within a human rights framework and linked to the achievement of the 2030 Agenda targets?

No submission

8. Please provide information about successful upgrading or settlement projects or experiences that could provide good practices elsewhere. Please also share lessons learned from unsuccessful projects or approaches.

Some projects for the rehabilitation of squatters are listed below

(a) Relocation of Squatters at Pointe aux Sables

Description: Provision of services and infrastructure for 55 plots at Pointe aux Sables

Cost of Projects: Rs 26,996,562.42

(Responsibilities at different levels of Government)

- Road Development Authority (RDA)-Construction of roads, drains and footpath.
- Central Water Authority (CWA)-Water reticulation Network
- Central Electricity Board (CEB)-Network for Electricity Supply
- Local Authority (City Council of Port-Louis)-Provision of Led Lanterns

(b) Relocation of Squatters Longere Tole /Blanc at Baie Du Tombeau

- No. of housing units to be constructed: 150
- The housing units will be constructed on the same plot of land where the "Longère" is presently located.
- Description of housing unit: Row type on a ground + 1 basis
- Carpet Area of each housing unit: 55m² ; Ground floor: 34m² and First Floor: 21m²
- Extent of land: 3A39
- Cost of Project: Rs 250,703,415.00
- Works have started in February 2018
- All necessary facilities such as water, electricity and sanitary fittings and connection to WMA network will be effected. Moreover, infrastructure network will include access roads, footpath, storm water network, street lighting, parking lots and green spaces.
- Project will be implemented in two phases over a period of approximately 2 years.
- Works are expected to be completed by the year 2020.

