**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE (HUMAN RIGHTS DIVISION)**

**COVID recovery plans and policies from a right to development perspective**

**1. Legislations**

Since 2020 to date, the Mauritian Government in response to the evolving challenges brought about by the COVID-19 pandemic, has adopted and amended several legislations both primary and secondary in an aim to prevent the spread of COVID-19, and also to cater for recovery plans and policies from a right to development perspective.

 (i) On 19th March 2020, the **Quarantine (Quarantinable Diseases) Regulations 2020** were made under the **Quarantine Act**.

1. The Minister of Health and Wellness was empowered, by order to deny any conveyance entry into Mauritius from a country, or prohibit the departure from Mauritius for a country or to transit in a country, where there was a prevalence of the Wuhan Novel Coronavirus (2019-NCov) in that country, provided he is satisfied it was necessary to prevent a danger to public health in Mauritius, including the spread of the Wuhan Novel Coronavirus (2019-NCov).
2. Similarly, the Minister could by order prevent a person from embarking or disembarking from a conveyance where he is satisfied that it was necessary to prevent a danger to public health in Mauritius, including the spread of the Wuhan Novel Coronavirus (2019-NCov).
3. On the same day an order was made to prevent entry of any conveyance into Mauritius other than a conveyance transporting goods and prohibiting any person from boarding or disembarking other than the crew.
4. These measures were for a period of 15 days and have been subsequently extended on several occasions (General Notices 558, 559 of 2020 and General Notices 578, 579 of 2020).

The **Quarantine (Quarantinable Diseases) Regulations 2020** were revoked on 12 June 2020 (GN 121 of 2020) and the **Quarantine (COVID-19) Regulations 2020** were made under the **Quarantine Act 2020** which was passed and proclaimed on 12th of June 2020. The latter is considered in more detail below. An order has been made under section 4 of the Quarantine Act 2020 declaring that there is or likely to be an epidemic of COVID -19 and that a quarantine period shall be in force in Mauritius for the period staring 12 June 2020 and ending 31 August 2020. An order has also been made under section 3(1) of the Quarantine Act 2020 whereby the Prime Minister has prohibited the entry of Aircrafts and ships into Mauritius until 31 August 2020, except for those aircrafts and ships as he may approve.

The **Quarantine (COVID-19) Regulations 2020** in a nutshell makes provision for the following:

1. Where a person is suspected of being infected with COVID-19 or has been in contact with another person who has or may have been infected with COVID-19, then that person may be confined in a quarantine facility.
2. The regulation further provides for a medical examination of the quarantined person to be carried out by a quarantine officer by taking the person’s biological sample or by requiring the person to provide a sample.
3. The person in quarantine may be required to provide details of his travel history and information about other persons with whom he has travelled or had contact with.
4. Where the person in quarantine is tested COVID-19 positive, then he shall immediately be transferred to a hospital for treatment.
5. On the other hand, where a person is not tested as being COVID-19 positive, that person shall nonetheless be confined for another period of 7 days where there is another person who has been confined in the quarantine facility and has been tested as being infected with COVID-19.
6. It must be noted that the period during which a person is to be confined in a quarantine facility shall be for a minimum period of 14 clear days, excluding the first day on which the person is confined.

Consequently, the Minister of Health and Wellness also issued notice under section 78 of the Public Health Act which provides that where any part of Mauritius appears to be threatened with, or is infected by any dangerous epidemic, endemic, infectious or communicable disease, the Minister may by notice published in the Gazette, direct that sections 79 to 83 of the Public Health Act shall be applicable to Mauritius. (Sections 79 and 80 empower the Minister to make regulations to combat or to prevent the resurgence of epidemic and sections 81-83 basically deal with sanitary measures to be taken by sanitary authorities).

(ii) The **Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020 (GN 58 of 2020)** was made under the **Public Health Act** and came into force on 20 March 2020.

1. In addition to the regulations under the Quarantine Regulations, the above regulations provide for the isolation of persons infected with coronavirus as well as for suspected of being infected, those having been in contact with an infected person and those persons arriving from high risk countries to be quarantined. Regulation 11 provides that a person has a right to be informed of the reasons of his isolation or quarantine, the powers under which he is quarantined or isolated, the next steps to be taken as well as the penalty (Fine not exceeding Rs 500 and imprisonment for a term not exceeding 6 months) related to breach of the quarantine or isolation, providing misleading or false information and obstructing a person in the discharge of his functions under the regulations.
2. The Regulations also empowers the Minister, by order, where he considers it necessary or expedient in the interest of public health to order that measures be taken to control the movement and conduct of persons in any hospital, place of quarantine or isolation or any other area (regulation 15). He may also order that such an area be a restricted area, thereby rendering access to and from the restricted area to be under the control of the Commissioner of Police.
3. It enables the Minister, where he is satisfied that it is necessary or expedient for the purpose of preventing the spread of coronavirus, by a curfew order, direct that, within Mauritius or within such area and during such hours as may be specified in the curfew order, no person or class of persons shall remain outdoors.
4. However, this order excludes to the following persons: -
* a person who has to avail himself of medical treatment, or procure essential supplies, foodstuff, medicine or any other item essential for his or his family’s subsistence or livelihood;
* a Judge or Magistrate for the purposes of attending Court;
* a barrister or attorney who has to attend a police station, place of detention or court;
* a medical practitioner who has to attend hospital, private medical institution or patient in need of urgent medical care;
* a pharmacist who has to attend his place of work;
* A member of the National Assembly for the purpose of attending a sitting of the National Assembly or any other meeting in relation to the sitting of the National Assembly.
1. Furthermore, the Commissioner of Police by virtue of regulation 14(2) of the above regulations, issued permit on such terms and conditions as he may impose, to a person to be out of doors for the sole purpose of leaving his place of residence to go to work and vice versa.

It must be noted that a curfew order, for the period from 23rd March 2020 to 2nd April 2020, was issued by virtue of General Notice 512 of 2020. By virtue of this Order the categories of workers who may proceed to work were:

1. such judicial officers in respect of such minimum judicial services as the Chief Justice deems essential, and such employees of the public sector, including Ministries and Government departments, public enterprises and statutory bodies, providing essential services to the public as may be designated by the Head of the public bodies concerned; and

(b) employees of the private sector providing strictly essential minimum services.

Regulation 16(1) of the above regulation also enables the Minister, where it appears that premises are being used for any purpose or in any manner which may lead to the spread of coronavirus, by General Notice, order that the premises be closed or remain closed or not to admit customers therein as may be reasonably necessary to prevent the spread of coronavirus.

It must be noted that given that many cases of violation of the curfew order were noted and people were going in mass in supermarkets, the closure of all trading places was ordered for a period of 7 days from 25 March 2020 (General Notice 515 of 2020), save for the following premises and activities:

(a) food and cooking gas distribution and associated logistics;

(b) on-line food order and home delivery;

(c) doctor’s offices and medical facilities;

(d) pharmacies from 6 a.m. to 5 p.m.;

(e) petrol stations from 6 a.m. to 5 p.m.;

(f) medical supply establishments;

(g) hotels;

(h) banks from 10 a.m. to 1 p.m.;

(i) port and airport and related businesses;

(j) security services; and

(k) cleaning and scavenging services.

However, public sector organisations, including Ministries and Government Departments, public enterprises and statutory bodies providing essential services to the public continued to operate as authorised.

By General Notice 547 of 2020 made on 31 March 2020, all supermarkets, hypermarkets and food shops were opened from Mondays to Saturdays between 9 am to 5 pm and bakeries could not perform retail sales. However, customers had limited access to these shops. All customers having their surname starting from A-F were able to shop on Mondays and Thursdays only, those having their surnames starting from G-N were able to shop on Tuesdays and Fridays only and those with surnames O-Z on Wednesdays and Saturdays only. All these food outlets were to remain closed on Sundays. There were other conditions which were prescribed, such as verification of identity documentation and temperature checks. These measures were to last until 15 April which is also the date to which the Curfew order has been extended. (GN 548 of 2020)

The Curfew Order (General Notice 561 of 2020) and the closure order (General Notice 562 of 2020) were further extended to 4th May 2020 and subsequently till 1st June 2020 (General Notices 576 and 577 of 2020). As from 4th May and 14th May, further categories of business were allowed to reopen, including hairdressers, hardware stores, meat/poultry and fish shops, and certain business and services were allowed to open with lesser or without restrictions (other than safety measures prescribed).

Considering the situation concerning COVID-19 in Mauritius and as there was no local positive case of COVID-19 since 26 April 2020, all economic, commercial and social activities resumed normally as from 15 June 2020, except for horse racing which is held in camera as from 20 June 2020. The Prevention and Mitigation of Infectious Diseases (Coronavirus) Regulations 2020 was subsequently revoked but however, the sanitary measures to prevent the resurgence and further spread of Covid-19 are to be observed as detailed further below in regulations made on **17 May 2020.**

Following the amendment to the Public Health Act through the COVID-19 (Miscellaneous Provisions) Act 2020 (Section 45), the penalty for a breach of the regulations including the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020 and any order made pursuant to its provisions was increased to a fine of up to Rs 200,000 and imprisonment of up to 5 years.

A COVID-19 Solidarity Fund was set up under the Finance and Audit Act to provide support to the population and the community at large who are being affected by the COVID-19 pandemic. The Government invited the private sector and the public at large to contribute to this Fund.

A COVID-19 Projects Development Fund was also created as a special fund under the Finance and Audit Act for the financing certain projects in the context of the implementation of an investment programme following the negative impact of the COVID-19 pandemic on the economy.

As from 23rd March 2020, by regulations, the price of onions and potatoes were prescribed. A maximum mark-up was also prescribed in respect of certain commonly used food and non-foodstuffs. For the island of Rodrigues, the price of food and other products including canned fish, oil, infant milk and adult diapers were fixed by regulations.

Value Added Tax on hand sanitizers and protective masks was decreased from 15% to 0% as from 24 March 2020.

Moreover, the Government Wage Assistance Scheme was introduced on 23 and 24 March 2020 and is subsidy to Employers, as a response to the COVID-19 pandemic, to ensure that all employees (on a full time or part time basis) were duly paid their salary initially for the month of March and this scheme was been extended.

Similarly, the Self-Employed Assistance Scheme which was introduced on 31 March 2020 was also extended and to assist self-employed persons (self-employed individual who is in business or a tradesperson operating in the informal sector, including an artist and who has been in business for the last 3 months) who have suffered a loss of revenue as a consequence of the lockdown in the fight against COVID-19.

Subsequently, the **Income Tax Act** was amended by the COVID-19 (Miscellaneous Provisions) Act 2020, with effect from 23 March 2020 to provide for the legal framework for these schemes. It is worth noting that for a self-employed to benefit from the scheme he must be over 18 years and a citizen of and resident in Mauritius while the Wage Assistance Scheme is applicable of migrant workers as well.

(iii) **The Light Rail (Covid-19 Sanitary Measures) Regulations 2020 and The Road Traffic (COVID-19 Sanitary Measures) Regulations 2020 (GN 91 and 90 of 2020, respectively)** came into operation on 16 May 2020.

1. These regulations prescribed the obligations as regards safety measures which are to be observed by operators of light rail, buses, contract transports and taxis. The conduct of passengers while using such modes of transportations as well as the persons who may travel and when they can travel are also regulated.
2. Thus, senior citizens could only travel on buses and light rail on specific days. However, the restrictions did not apply to senior citizens who are travelling for the purpose of attending work or availing himself of medical treatment or procuring medicine.
3. On 30 May 2020, following the revocation of the Curfew Order, the regulations were amended (GN 102 and 103 of 2020) to provide that no senior citizen shall travel in a light rail and bus during the peak hours of 06h00 to 10h00 and 14h30 to 19h00 on week days. These restrictions have now been removed.

(iv) **The Prevention of Resurgence and Further Spread of Epidemic Disease (COVID-19) Regulations 2020** was made on 17 May 2020 following the amendment of the Public Health Act which provides for the sanitary measures to be observed to prevent the spread and resurgence of Covid-19:

1. The Regulation provides that every person shall, in any place, other than his ordinary place of residence wear a protective mask over his nose and mouth and ensure that every child aged 5 and above who is in his company also wears a mask.
2. However, this obligation does not apply to persons travelling alone in a private vehicle or with members of his household.
3. The regulation further provides that every person shall in any place, except his ordinary place of residence, keep a distance of at least one metre from any other person except where the person is in company of a child under the age of 12 and observe other social and physical distancing rules prescribed in the regulations. Employers are under an obligation to implement these rules.
4. Furthermore, every person has to disinfect his hand regularly using an alcohol based, hand sanitiser where same is available including at his ordinary place of residence. Employers are also under an obligation to provide hygiene products, clean and disinfect surfaces at the place of work and regularly dispose of wastes.

(v) **The Covid -19 (Closing down of Premises & Restriction of Activities & Movement in Public Places) Regulation 2020** came into operation on 30 May 2020, after the revocation of the Curfew Order.

1. It provides for the closing down of certain premises (amusement centres, aquarium, bookmaker, casino & gaming house, theatre, night club, cinema hall, multi-purpose hall including wedding halls, fitness centres, village halls/community centres/social welfare centres/youth centres/leisure parks) and the restriction of activities (fair, public event sports, horse racing, gathering for weddings, team sport, public auction, cultural/social event or gathering, religious gathering outside places of worship).
2. The Regulation also prohibits movement in public places like public beach, public garden, children’s playground, natural parks and natural reserves.
3. It must be noted that those restrictions were valid until 15 June 2020.

(vi) The **COVID-19 (Miscellaneous Provisions) Act 2020** was passed on 13 May 2020 and amends several pieces of legislation. Some of these are covered below.

(vii) **The Quarantine Act 2020** was also enacted on the 13 of May 2020 and it came in operation on 12 June 2020. It was enacted to deal with matters relating to the Covid-19 during the lockdown period in Mauritius so as to minimise the propagation of the disease among the population, the protection of public health and the quarantine of people coming to Mauritius from abroad.

1. The Act provides that where the Minister considers that it is necessary and expedient to prevent the introduction and spread in Mauritius of a communicable disease, he shall by notice published in the Gazette, declare that there is likely to be an epidemic of the disease and a quarantine period shall be in force in Mauritius, or part thereof, as from such date as may be specified in the notice.
2. Furthermore, where the Minister considers that there is no longer a threat of an epidemic, he shall, by notice published in the Gazette, declare the end of the epidemic.
3. The Act provides that during a quarantine period, the Prime Minister may, by Order, prohibit the entry of aircrafts and ships into Mauritius, order that commercial premises or offices specified in the Order shall remain closed for such period and under such terms and conditions as he may specify.
4. The Prime Minister may also order that all persons shall remain indoors, within such area and during such period, and under such terms and conditions, as he may specify. However, Commissioner of Police may issue a permit to a person to be outdoors for such purpose and on such terms and conditions as the Commissioner of Police may specify in the permit.
5. Section 11 of the Quarantine Act 2020 empowers a police officer to board a ship or an aircraft, enter premises without warrant or arrest without warrant where the police officer has reasonable cause to believe that a person has committed an offence under this Act or Regulation.
6. The Act further provides that during a quarantine period, a person who travels into Mauritius from abroad, has been or may have been in contact with a person who has or may have a communicable disease or has otherwise been exposed to a communicable disease, may be confined in a quarantine facility for such period as a quarantine officer shall determine.
7. Where a person is to be confined in a quarantine facility, the quarantine officer must cause that person to be conveyed to a quarantine facility and issue that person with a certificate of quarantine in such form as may be prescribed.
8. A quarantined person must undergo such medical examination as the quarantine officer may require.
9. If the quarantine officer considers that a quarantined person is in need of medical treatment, the quarantine officer may request a specialist to examine the person in the quarantine facility and, where necessary, transfer him to a hospital on the advice of the specialist as provided under section 7(5) of the Quarantine Act 2020 which deals with confinement of persons in quarantine facilities.
10. Section 7(7) of the Quarantine Act provides that where a person who has been discharged from quarantine facilities, fails to comply with the conditions of his discharge or in any way causes harm to public health, then the Quarantine Authority may, at any time, order that he shall be readmitted into a quarantine facility under such terms and conditions as the Quarantine Authoritymay determine.
11. Section 10 of the Act also imposes a duty on all persons to disclose to the quarantine officer if they have a communicable disease and Section 12 makes it an offence (punishable by a fine not exceeding Rs 500 000 and an imprisonment not exceeding 5 years) for any person to refuse to answer or knowingly mislead or give false information to a quarantine officer.

It must be noted that all the above legislations were passed with the aim to combat and prevent the resurgence of Covid-19 in Mauritius and they are undoubtedly proportional in view of their expected results to counter the pandemic.

Accountability and Justice

It must be noted that our courts normally require the attendance of litigants and/or their legal advisers during court proceedings. However, during the COVID-19 period all District Courts were closed and only urgent applications (such as bail applications, protection orders for children and victims of domestic violence) were entertained via technological communication. Similarly, Intermediate and Industrial Courts could only be seized for urgent matters only through technological communication. As for the Supreme Court, only urgent matters and motions were entertained.

It must be noted that the **Courts Act** was amended in March 2020 to regulate the operation of Courts in Mauritius, such that Courts may provide such judicial services as may be deemed essential, during as well as after the COVID-19 period. Furthermore, appropriate rules may be made, to regulate the practice and procedure before any Court during the COVID-19 period and such further period.

The Court may additionally limit the number of persons who may be present in chambers or in a courtroom or call or hear a matter remotely by means of a telephonic, an electronic or any other communication facility as the Chief Justice may approve.

It is worth pointing out that the **Interpretation and General Clauses Act** was also amended on 16 May 2020 to provide for an extension of time during the Covid-19 period.

In a nutshell the Act provides that where, under an enactment, a time is imposed to: -

* + 1. institute or lodge judicial proceedings
		2. make a payment
		3. make an application for a licence, including a renewal of a licence
		4. make a decision or give a determination
		5. submit a report
		6. register a document
		7. serve a notice
		8. do or refrain from doing any other act or thing;

and the time expires, or falls wholly or partly during the Covid-19 period or a period of 30 days after the Covid-19 period lapses, then all of the above may, notwithstanding the time imposed, be done not later than such period as may be prescribed by regulations under that enactment.

The **Employment Relations Act** was also amended in May 2020 to provide that where a labour dispute is reported to the President of the Commission, during the Covid-19 period or such further period as may be prescribed, by or on behalf of any party to the dispute in any service industry specified in Part I of the Third Schedule, or such a labour dispute is pending before the Commission on the commencement of this subsection, the President shall forthwith refer the dispute to the Tribunal and the Tribunal shall, within 30 days of the referral, enquire into the dispute and make an award thereon.

Amendments brought in 2021

The Consolidated COVID-19 Regulations 2021 revoked the several regulations made under the Quarantine Act, and brought under one legal instrument all the sanitary measures prevailing in respect to COVID-19. The Consolidated Regulations provide for preventive and sanitary measures; self-confinement; restriction of access to specified institutions, places and premises; closing down of premises and restrictions of activities; public health covid-19 vaccines emergency use; control of sale and use of Covid-19 Home self-testing kit, as well as sanitary requirements for incoming passengers, both fully vaccinated and non-fully vaccinated.

The Consumer Protection (Price and Supplies Control) Act, amended section 3A to provide for levy on petroleum products for the contribution to finance the cost of COVID-19 Vaccine.

Finance and Audit Act was amended by to provide for a COVID-19 Solidarity Fund and a National COVID-19 Vaccination Programme Fund was provided, which came into effect on 30 December 2020.

Income Tax Act was amended to provide for tax relief for individuals who have contributed to the COVID-19 Solidarity Fund in the income year ending 30 June 2021.

The Mauritius Revenue Authority Act was amended to include at section 21R an extension of time where a time is imposed to make an assessment, a decision, a determination, a notice or claim where such time expires wholly or partly within the COVID 19 period as specified under the Act.

 Workers’ Rights Act was anew amended to provide the following:

1. Workers who worked overtime during COVID-19 period were entitled to be remunerated for any work which performed on a public holiday at not less than twice the basic hourly rate for every hour of work;
2. In excess of 45 hours or such lesser number of agreed hours of work in a week may be granted paid time off by the employer in lieu of remuneration.
3. Remuneration and leave related to COVID-19 vaccination or RT-PCR Test for workers employed in an institution, i.e. a creche, a day care centre, a kindergarten, a special education needs institution, a pre-primary school, a primary school, a private secondary school, a tertiary institution, a vocational training centre and any other training institution, and such other institution as may be prescribed.

The Interpretation and General Clauses Act was again amended in 2021 to provide for extension of delay where same is applicable during such times when the curfew order/ COVID-19 period was operative in 2021.

**2. Measures ensuring that COVID recovery plans are based on rights holders’ development priorities.**

During the COVID-19 crisis, Mauritius has tightened its measures through procedures, guidelines and laws and regulations to avoid unfairness. A high-level committee on COVID-19 chaired by the Prime Minister was instituted on 31 January 2020 to monitor both local and international epidemiological situations and for rapid sharing of key information among the different ministries; Measures adopted by Mauritius include, *inter alia*:

1. Vaccination

Mauritius started, and is effectively implementing, its national vaccination campaign against COVID-19 since 26 January 2021. The aim is to achieve herd immunity to minimise the transmission of the virus in the community. As at 22 February 2022, it was noted that 996,840 people have received their 1st Dose of vaccine, 958,778 people received their 2nd Dose and 464,942 people were recipient of the Booster Dose.

1. Social assistance to vulnerable people:

The Government also embarked on temporary policy measures such as free distribution of food packs and facemasks to vulnerable families which could be classified as a major part of the COVID-19 crisis response to all households living in absolute poverty registered under the SRM as well as to other vulnerable families. Following the national lockdown and closure of all supermarkets, markets, shops and bakeries during the month of March 2020, a home delivery service had been worked out jointly with the collaborative support of NGOs, for the distribution of basic food commodities to cater for the needs of those vulnerable groups who were facing scarcity in terms of acquiring basic food supplies.

Some 35,000 food packs had been distributed to vulnerable citizens, who are on the SRM and to those who receive a Carers’ Allowance, as well as residents of Homes and beneficiaries receiving the Basic Invalid Pension. The National Social Inclusion Foundation pursued with the distribution of food packs to vulnerable families through the support of NGOs.

Moreover, necessary arrangements were made by the Government for the payment of pensions, Carers’ Allowance and the Basic Invalid Pension at the doorstep of beneficiaries.

1. Agriculture and food security:

With regards to the agro-industry, no one was left behind during crisis situation of COVID-19 and Mauritius has set the example for others to follow. Despite the difficult moments more precisely during the lockdown, the farming population and other business operators in the sector were given access to their plantations and harvest their produce for sale and put on sale for the population. Importation of essentials commodities for the population and animals through limited was continued to address the needs of the population.

The Government also planned to reduce the dependency on imported food by promoting local crops, agro-processing, and smart agriculture.  In the 2020-2021 budget, the government announced the development of a National Agri-Food Development Program that aims to reduce dependence on imports.  Key measures of this programme include:

1. Establishment of a price guarantee mechanism for producers to earn a sustainable flow of income;
2. Increase in subsidy for the purchase of seeds for some essential crops;
3. Provision of loans at concessional rates to distressed companies affected directly by the Covid-19 pandemic;
4. Increasing regional storage facilities to improve on-shelf life for some seasonal crops; and
5. Waiving of insurance payable by sugar planters for crop 2020.

A centralized land bank was set up to supply land for agricultural production among others.

1. Financial support

The Government stepped in to provide support to the population to meet their essential needs and provided the following financial assistance:

1. the introduction of Self-Employed Assistance Scheme (SEAS) through the Mauritius Revenue Authority (MRA) to assist self-employed persons who have suffered a loss of revenue as a consequence of the lockdown in the fight against COVID-19;
2. the introduction of Wage Assistance Scheme for employers where employers affected by COVID-19 may after payment of the salary, apply to the MRA for financial support under the scheme. Through this scheme, the Government provided a wage subsidy to employers in the private sector, with a view to ensuring that all their employees earning wages up to Rs 50,000 were duly paid their salary, capped to an amount of Rs 25,000 monthly. The subsidy was extended to businesses related to the Tourism sector after 01 June 2020 until January 2022.
	1. The Wage Assistance Scheme and the Self-Employed Assistance Scheme to workers and self-employed individuals of the tourism sector in Rodrigues was extended for an additional period of three months after the opening of its borders. An employer would be required to undertake not to lay off any employee during that period, failing which Government may claim back the assistance paid. Moreover, the Wage Assistance Scheme to employees of bus operators providing public transport for the months of November and December 2021, provided that the employer undertakes not to lay off any worker up was extended to 31 March 2022.
3. in accordance with established criteria, Small and Medium Enterprises (SMEs) that were negatively impacted by the pandemic were eligible for the following schemes, namely
	1. the SME Interest-Free Loan Scheme which would be made available to SMEs with turnover not exceeding Rs50 Million. An interest-free loan of Rs100,000 with a moratorium of 5 years on repayment would be granted to some 18,000 employers;
	2. the Self-Employed One-Off Grant Scheme which would be available to all those registered with the Mauritius Revenue Authority under the Self-Employed Assistance Scheme registered as at 15 March 2021;
	3. the COVID-19 Special Support Scheme which would be implemented by the Development Bank of Mauritius whereby SMEs would be able to apply for unsecured loans of up to Rs1 Million at an interest rate of 0.5 percent per annum with a moratorium of 1 year on payment of capital and interest;
	4. the DBM One-Year Moratorium Scheme which would provide a one-year moratorium on payment of capital and interest on all its existing loans under its various schemes; and
	5. the postponement of VAT Payment from end March 2021 to 15 July 2021; and

(v) Labour sector

As Mauritius went into sanitary lockdown for a first time from 20 March 2020 to 01 June 2020 and a second time from 10 March 2021 to 30 April 2021, the employment of many workers was negatively impacted, whether in terms of reduction of working hours, reduction of wages or even through job losses following restructuration, retrenchment or even closure of enterprises. The Government introduced amongst others the below strategies in order to safeguard the employment of workers:

1. Under the Workers’ Rights Act 2019(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. This is provided for under section 32 (1A) (b) (2) of the WRA. However, the employer’s decision can be implemented **ONLY** when the Supervising Officer of the Ministry of Labour has given his approval.
2. Additionally, section 15 “*Agreement to perform part time or full time*” 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 Ministry.
3. With a view to protecting a worker from any abusive use of this provision, more particularly in the wake of the pandemic period, the 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.
4. Additionally, special provision exists in the aforesaid section, 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.
5. The WRA provides at 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. Amendments were brought to the Worker’s Rights Act (WRA)to protect employees from unemployed or redundancies. Additional information on the provisions of the WRA can be found at ***Annex***;
6. However, in the wake of the COVID-19 pandemic, including during the lock down 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.
7. To address such issues, the amendments made to the WRA requires 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.
8. To minimise physical contact and protect employees, the Government has provided full support to promote the “work from home” and “flexitime”.
9. All information regarding measures brought under the Regulations were published on the website of the MLHRDT and other related Ministries.

 (vi) Cooperatives sector:

The following support was provided to the cooperative businesses, namely:

1. access to Market – Cooperative Market Fairs are held to provide a marketing platform to cooperative societies;
2. training and Capacity Building – Online training programmes are organised by the National Co-operative College; and
3. financial schemes to Cooperative Societies to boost local production of food. The Scheme has financed equipment, machineries and other related accessories to a maximum of Rs150, 000 per co-operative society related to local production of agricultural produce and food items. Co-operatives have been encouraged through this scheme to embark in or increase the local production of agricultural produce and food items to give a boost to our economy and also assisting the country in attaining food security. For the Financial Year 2020/2021, 30 co-operatives have received financial assistance of some Rs 4.4 million under this Scheme.

(vii) Economic Sector

As far as the economic sector is concerned, the Government of Mauritius introduced the following schemes to support businesses and individuals:

1. the Government Wage Assistance Scheme (GWAS) which is applicable to employers in the private sector, approved or registered charitable institutions as well as charitable trusts and charitable foundations. The wage support is applicable in respect of Mauritians in full-time or part-time employment and expatriate employees working in Mauritius;
2. the Self-Employment Assistance Scheme (SEAS), eligible self-employed individuals in the State of Mauritius; and
3. Self-employed One-Off Grant Scheme, applicable to individuals who were entitled to the SEAS.

The aim behind these Schemes were to mitigate the negative impact of the pandemic on the economy by way of a financial support to businesses and to employees who would have become otherwise unemployed on a temporary basis, as well as to those employed in informal sectors or are self-employed. Through this measure, the Government of Mauritius provided a wage subsidy to employers in the private sector, to ensure that all their employees earning wages up to Rs 50,000 were duly paid their salary, capped to an amount of Rs 25,000 monthly. Moreover, to deter any possibility of infringement such as non-payment/reduction of wages or termination of employment, the Ministry of Labour, Human Resource Development and Training has been liaising with the Mauritius Revenue Authority (MRA), as whether payment of the subsidy should be stalled or not in cases of non-compliant employers.

In addition, the Government of Mauritius provided financial assistance to Small and Medium Enterprises (SMEs) through the following schemes:

1. The SME Interest-Free Loan Scheme of Rs 100,000 for SMEs with turnover not exceeding Rs 50 Million and who have paid the *Contribution Sociale Généralisée (CSG)* in respect of all their employees. The loan is repayable over a period of 8 years including a moratorium of 5 years on repayment
2. COVID-19 Special Support Scheme whereby SMEs, with turnover not exceeding Rs 50 Million and who have paid the *Contribution Sociale Généralisée (CSG)* in respect of all their employees, would be able to apply for unsecured loans of up to Rs 1 Million at an interest with a moratorium of 1 year on payment of capital and interest.

(viii) Construction industry

1. Waiving of Building and Land Use Permit fees for construction of pharmaceutical manufacturing factories, food processing plants and warehouses;
2. Amendment of the Construction Industry Development Board Act to review the grading of contractors;
3. Allowing for payment of VAT as from the date of receipt instead of the date of invoice in relation to construction works; and
4. Promotion of local expertise, favouring input from local firms.

(ix) Manufacturing Sectors

1. Extension of the investment tax credit of 15 % over 3 years to all manufacturing companies;
2. Provision for a double deduction on the cost of acquisition of patents and franchises and also the costs incurred to comply with international quality standards and norms;
3. Additional financial support to enterprises involved in the production of hygienic goods such as sanitizers, PPEs, masks, handwash, and medical devices; and
4. Support to small and medium sized enterprises, and vulnerable households by way of very concessional loans.

In October 2020, four months after the presentation of the national budget, further measures were announced to provide support to enterprises in order to boost economic growth and limit the increase in unemployment. These include the following:

1. Increase in intakes for the National Training and Reskilling Programme by the Human Resource Development Council by some 9000 unemployed; A monthly stipend equivalent to the minimum wage (Rs 10200) is paid over a training period of six months;
2. Implementation of a Support Scheme for SMEs to support some 11000 employees with a monthly payment equivalent to the minimum wage;
3. Recruitment by Landscape Mtius Ld (a public owned company) of some 2000 technically unemployed persons for a National Clean Up Campaign;
4. Enhancement of the Rebate Scheme through increase in the percentage of refund to 60% of freight costs for exports, with a cap of Rs 30 million per company over a period of 1 year. The scheme is designed to boost GDP growth by providing support to Export-Oriented Enterprises.

A National COVID-19 vaccination fund has been set up since 30 December 2020. This Fund is mobilising and managing the financial resources from both the public and private sectors that are required to implement the National COVID-19 Vaccination Programme, including amongst others, the costs of vaccines, storage equipment, air freight and other logistic. Moreover, as per Budget 2021/2022, in order to bear the cost of vaccines in a sustainable manner, the Government of Mauritius introduced a levy of Rs 2 per litre on mogas and diesel for the purchase of vaccines.

(x) Business Sector

The Premium Investor Certificate has been introduced to allow companies investing at least
Rs 500 million to benefit from negotiable incentives, upon recommendation of a Technical Committee and approval by the Minister.

All businesses are required to register with the Economic Development Board to avail of incentives and schemes introduced by the Government. In this respect, the Economic Development Board has set up a Business Support Facility to provide facilitation and advisory services to all businesses in Mauritius and implement an information sharing platform with the MRA and CBRD to facilitate exchange of information between these institutions.

Moreover, some sixteen different incentives schemes have been streamlined under three certificates issued by the EDB, namely,

(a) the Investment Certificate;

(b) the Export Development Certificate; and

(c) the Premium Investor Certificate.

All businesses are required to register with the Economic Development Board to avail of incentives and schemes introduced by the Government.

(a)Trade and Business Facilitation.

(b) Export Development.

(c) Investment.

(d) Sectoral Development.

(e) Financial Services.

(xi) Education Sector

Regarding the education sector, the Government of Mauritius has taken bold measures in order to ensure that the Primary School Achievement Certificate (PSAC) for Grade 6 students, the National Certificate of Education, the School Certificate and the Higher School Certificate examinations are conducted under the best possible conditions in line with the strict protocols. The Ministry of Education, Tertiary Education, Science and Technology, worked in close collaboration with several other ministries, including the Ministry of Land Transport and Light Rail and the Ministry of Health and Wellness to ensure that transport facilities were being put at the disposal of students and that all required sanitary precautions were observed in the examination centres.

(xii) Consumer Protection perspective

In relation to hygiene, a maximum mark-up price has been introduced since March 2020 on face mask, hand sanitiser and Respirators (special face mask). Moreover, since April 2020, same has been extended to baby and adult diapers, sanitary pad, sanitary tampon and sanitary towels.

(xiii) Tourism Sector

1. Provision of financial support to the National Carrier;
2. Introduction of a scheme to convert part of hotels into serviced apartments that can be sold individually;
3. Exemption of Tourism Licence Fee for a period of two years;
4. Origination of major events in Mauritius where various tour operators, travel agents and international press will be invited;
5. Waiving payment of rent in respect of state lands for hotels for 1 year;
6. Increasing the rebate for renovation and restructuring of hotels to 100% until 2022;
7. Promotion and destination marketing in France, Reunion, UK, Germany, Italy, South Africa and China;
8. Organisation of cultural tourism events locally and internationally;
9. E-promotion through e-marketing, online events and virtual road shows; and
10. Joint Marketing with tour operators and airline companies; amongst others.

Moreover, a special desk has been set up at the Economic Development Board to attract at least 50,000 foreign retirees in Mauritius during the next financial year, through a targeted marketing campaign in collaboration with Mauritius Tourism Promotion Authority. In this respect, a dedicated portal for foreign retirees has been put in place to provide practical information on accommodation facilities, cultural and leisure activities, and healthcare services; amongst others.

Other Measures to support the tourism sector are:-

* Reduction of the registration tax on transfer of lease of state lands from 20% to 10% for hotels for a two-year period.
* Introduction of a Tourism Business Continuity loan for SMEs at a rate of 0.5 percent per annum at the level of the Development Bank of Mauritius.
* Extending the Wage Assistance and Self-Employed Assistance Scheme to tourism-related companies up to March 2022.
* Deferring the payment of lease on state lands to June 2022; and
* Waiving the rental fee of counters by hotels and operators at the airport for the period April to September 2021
* The Invest Hotel Scheme was amended to allow the sale of up to 80% of the units with the possibility for the owner of a room to stay for a maximum of 6 months annually.
* The minimum selling price of a standalone villa has been reduced from USD 500,000 to USD 375,000.

The above measures, together with heavy revenue shortfall in the wake of the pandemic, created a large fiscal gap. To finance part of this gap, an exceptional one-off contribution was made by the Bank of Mauritius to the Government in the 2020/21 Budget in order to enable implementation of the above-mentioned measures and also to have some fiscal space for the 2021/2022 Budget.

Moreover, the Government of Mauritius came forward with an Economic Recovery Programme which comprises a package of measures aimed at boosting GDP growth, protecting jobs and creating new ones, reducing dependence on imports and improving the well-being of the population. The Programme includes the following schemes:

1. the National Training and Re-skilling Scheme (NTRS), implemented by the Human Resource Development Council (HRDC) in collaboration with stakeholders from both the public and private sector and which targets the training and reskilling of some 9,000 unemployed persons for period of up to 6 months. The training covers sectors such as agro-industry, ICT/BPO, Construction, e–commerce, aged, disability & social care service, health care & medical devices, precision manufacturing, renewable energy & circular economy, transport & logistics and participants would receive a training stipend up to Rs 10,200 based on the respective number of training hours.
2. the Employment Support Scheme for Small and Medium Enterprises (SMEs) and MMEs with the view to making 11,000 jobs available for unemployed jobseekers for a period of 6 months. Jobseekers will acquire job experience with a possibility of being employed eventually. The SMEs/MMEs will be provided of a subsidy per person employed during the period of 6 months. Employers would, wherever applicable, be called to top up the subsidy of potential workers.

**3. Consultation with Stakeholders**

In order to engage in constructive and meaningful dialogue, various sensitisation programmes and meetings were held with the various stakeholders. The High Level Committee under the Chair of Hon. Prime Minister looking after COVID-19 issues also comprise of the representative of the private sector. Public and Private Sector Meetings were held to work on the strategy to reboost the economic and the tourism industry. In the context of the budget exercise, meetings were held with the private sector represented by the Business Mauritius, trade unions and civil societies.

Moreover, a COVID-19 Solidarity Fund was also established to contribute to funding of projects, programmes and schemes related to COVID-19 and other related public health issues and provide support to citizens and organisations affected by COVID-19.

Following the resurgence of the COVID-19 pandemic leading to a second lockdown, the COVID 19 Solidarity Fund provided financial assistance to organisations/NGOs/NPOs, with a view to assisting vulnerable households facing hardship and in need of food, sanitary and health support.

**4. Financial Support**

* **Bank of Mauritius Special Relief Programme (Banking)**

The Bank of Mauritius introduced a Special Relief Amount of Rs 5 billion through commercial banks to meet cash flow and working capital requirements of economic operators which are being directly impacted by COVID-19.

* **Reduction of Cash Reserve Ratio**

The Cash Reserve Ratio applicable to commercial banks has been reduced from 9% to 8%. It aims at supporting commercial banks to further assist businesses, which are being directly impacted by COVID-19.

**​ Other Financial Support are the following:**

* **Equity Participation Scheme**
* **Investment Support Programme Limited (ISP)**
* Leasing Equipment Modernisation Scheme - Enterprises with annual turnover ranging between Rs 50 million and Rs 1.5 billion will benefit from a reduced interest rate ranging between 2.5% and 3.35% per annum.
* Corporate Guarantees to banks:ISP Ltd will issue corporate guarantee to banks to enable them to grant loans to companies affected by COVID-19, on a case to case basis.

* **SME Equity Fund Ltd:** The SME Equity Ltd reduced its minimum return dividend rate requirement on equity/ quasi-equity financing from 6% to 3% up to 31 December 2020. Thereafter, normal conditions and dividend rate of 6% were applicable.
* **Enterprise Modernisation Scheme (EMS):** Enterprises with annual turnover of up to Rs 10 million benefited from a reduced interest rate 2.5% instead of 3.5% up to 31st December 2020 and a grant of 15% up to a maximum of Rs150, 000.
* **Revolving Credit Fund:** A Revolving Credit Fund of Rs 200 million was established at the Development Bank of Mauritius Ltd to help companies with turnover of up to Rs 10 million to ease cash flow difficulties up to Rs 1 million with repayment over 2 years. Interest will not be payable if loan is repaid within 9 months. Otherwise, interest will be at a rate of 6% per annum.

Access to real-time information through smart phones and mobile infrastructure will transform and enhance people’s way of life and support the development of a wide spectrum of products and services. Opportunities exist for the development of digital solutions, ubiquitous urban sensing technologies, big data analytics for the efficient functioning and real-time management of smart cities.

Fibre and mobile connectivity is already covered fully throughout the island thus ensuring specific services to rights holders are available remotely. Some 350 free wifi hotspots are already available in public areas. More wifi hotspots are proposed to be deployed in the future.

Provision of free broadband Internet to 5,000 families of vulnerable groups on the social register for them to benefit specific services remotely.

**5. States guaranteeing social protection floors**

Any decisions by employers to terminate employment of a worker in breach of Section 72 of the WRA 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.

According to records, for period March 2020 to December 2021:

* **130** employers have made an application to the Redundancy Board for reduction of workforce; all the applications were disposed as appropriate.
* **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.

It is to be noted that employers were prohibited until 30 June 2022 as per Regulations from reducing their work force on economic grounds. Additionally, section 64(1) – **“Protection against termination of employment”** of the WRA prohibits termination of employment of workers. In such cases section 64(1A) of the Employment Relations Act provides **any** 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.

During the lock down period, Government provided financial support to enterprises, through the Government Wage Assistance Scheme (GWAS), for the payment of wages of **all** workers. Certain sectors of economic activity which was severely impacted by the pandemic, for example the tourism sector among others 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.

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.

Nevertheless, in spite of the views made and the prohibitive measures spelt out above, 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. In these circumstances, provisions for social protection measures is made in the WRA under Section 84 of the WRA (payment of Transition Unemployment Benefit under the Workfare Programme (WP)). As such laid off workers are provided for a financial support to laid-off workers.

During the pandemic period, a higher financial support were provided to laid off workers as follows:

* The Transitional Unemployment Benefit payable to laid off workers under the WP was reviewed to 90% of the workers’ wages for the first 6 months of unemployment plus 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.
* Additionally those workers, 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, a special TUB of Rs 5,100 for a period of 6 months from 01 July 2020 to 31 December 2020.
* Furthermore, section 84(1)(b)(a), regarding payment of a Transition Unemployment Benefit 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 WRA, the workers would be eligible to the payment of the TUB as may be appropriate.
* 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 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 and **it applies indiscriminately to all workers** as well as other assistance and non-contributory pensions and Social Aid were continuously provided to eligible beneficiaries.

**6. International cooperation to facilitate the development, implementation and evaluation of COVID recovery plans.**

Vaccine Donations

The State of Mauritius has also benefitted from health infrastructural projects and donations of medical equipment, vaccines, PPEs amongst others, from various countries. It also benefitted from investment in private health care infrastructures and insurance from foreign investors as well as secured vaccine purchase agreements with international suppliers.

The support of the WHO and partnerships from friendly countries were critical in the national response to COVID-19. Donations made by Canada, China, India, Japan and United States of America as well as assistance from the European Union (EU); Agence Française de Développement/Indian Ocean Commission (AFD/IOC); United Nations Development Programme (UNDP); United Nations Office on Drugs and Crime (UNODC); International Agency for Atomic Energy (IAEA); African Centers for Disease Control and Prevention (Africa CDC); the Global Fund against AIDS, Tuberculosis and Malaria; Joint United Nations Programme on HIV/AIDS (UNAIDS); UNICEF; IPPF; and Jack Ma Foundation are a few examples of such laudable international cooperation.

Moreover, the Indian Authorities made a donation of 100,000 doses of Covishield vaccines to Mauritius to enable us to kick-start our vaccination programme. Also Mauritius received a donation of 100,000 doses of Sinopharm vaccines and 102,400 syringes from the Government of People’s Republic of China.

Agricultural Sector

The United Nations through Partnership for Action on Green Economy (PAGE) has been providing technical support and funding via the German government to develop national recovery efforts from COVID-19 impacts for Mauritius. The project was launched in June 2021. Online workshops were organised across the islands with various stakeholders including representatives of the general public, planters, agro-processors, researches, University Professors, exporters and retailers among others to develop recovery plans. Report was prepared and submitted.

The Food and Agricultural Research Extension Institute (FAREI) is involved in research and development, and extension and raining for the benefit of farmers, entrepreneurs and agro processors. The farming communities and entrepreneurs/agro-processors are placed at the centre of development, in the COVID recovery plans elaboration. In this respect, the FAREI ensures that services offered (e.g advisory, information dissemination, disease diagnosis, implementation of schemes, etc) are maintained.

The FAREI carried out an assessment of the status of operation of the farming community and made proposals to policy makers for setting of supporting schemes to ensure that farming community sustain their business activities.

The FAREI has a network through its Offices and sub offices as well as uses Online-services in addition to site visits and meetings with farmers to ensure that farming communities, get reliable, timely and easy to comprehend information.

Facilities are provided by the Government to mitigate the impact of increasing prices of inputs in line with strategies to address food security. These includes allowances and financial incentive schemes.

The UNDP’s Country Program on Inclusive Development and Public Sector Effectiveness 2017-2022 for Mauritius aims to bring strategy solutions to the challenges for improved public sector management supporting poverty reduction, social inclusion and promotion of gender quality through responsive strategies.

Some of the projects are COVID-19 Mauritius, GCF Accelerating Low Carbon, Restoring Marine Ecosystem by Rehabilitating Coral Reefs and others.

The European Union supports economic reform in Mauritius in promoting social inclusion and renewable energy. The Decentralised Cooperation Programme (DCP) II aimed at enhancing the Non-State-Actors (the private sector, economic and social parties, including trade unions organisation and civil society) to deliver projects that have an impact on poor communities’ priority concerns related to poverty and access to resources.

DCP II builds capacity for NGOs to access resources and use them effectively towards their goals of poverty reduction. It uses a series of Calls for Proposals in respect of:

1. Individual sponsorships for participation in workshops, seminars, conferences.
2. Individual scholarships for studies or training courses.
3. Micro-Finance project

Agence Française de Développement (AFD) facility 2050 supports Mauritius in the areas of infrastructure, energy transmission, tourist and regional cooperation.

***07 March 2022***