

This submission is presented by STOP – San Tous Ou Pansion, a civic movement born out of the urgent need to defend the dignity and rights of the Mauritian people. In June 2025, the Government of Mauritius announced its unilateral decision to raise the eligibility age for the Basic Retirement Pension (BRP) from 60 to 65 years. This measure, introduced without consultation and embedded within the national budget, threatens to undermine one of the most fundamental social protections guaranteed to every Mauritian.

For decades, the BRP at 60 has been a cornerstone of our social contract, ensuring that citizens can live their later years with dignity, security and access to basic needs. The proposed change strips away this certainty and disproportionately harms the most vulnerable: informal workers, women without contributory pensions, low-income families and those with shorter life expectancy.

STOP submits this report to the Committee on Economic, Social and Cultural Rights (CESCR) to highlight the violations of Mauritius' international obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), and to call for urgent intervention. We act not as politicians, but as ordinary citizens united in the belief that dignity cannot wait until 65.

VIOLATION OF THE RIGHT TO SOCIAL SECURITY AND ADEQUATE STANDARD OF LIVING THROUGH UNILATERAL PENSION REFORM IN MAURITIUS

1. INTRODUCTION

- 1.1. The present written submissions are being made on behalf of STOP-San Tous ou Pansion ('STOP'), a civic movement in Mauritius founded in response to the unilateral decision of the Government of Mauritius to raise the eligibility age to Basic Retirement Pension from 60 to 65 years.
- 1.2. STOP is not a political party, not a corporation, and not a legal firm. STOP regroups the voices of ordinary citizens, pensioners, workers, single mothers,

informal labourers, the elderly in rural regions and young people who believe that dignity cannot be delayed by five years.

1.3. STOP does not speak for one individual. It speaks as a collective. One of the members of STOP, Mr. Dewandranath Kissoondoyal, underwent an 11-day hunger strike to bring national and international attention to the injustice as a consequence of the unilateral decision of the Government of Mauritius to raise the eligibility age to Basic Retirement Pension from 60 to 65 years. The hunger strike deeply affected the health of Mr. Kissoondoyal, but STOP could not look away. STOP raises this submissions not for himself, but for those who have no microphone, for those who may not live to see 65 years and for whom retirement was a promise, not a privilege.

1.4. The written submissions will first establish the locus standi of STOP, represented by Mr. Kissoondoyal, then proceed to explain why other avenues are not appropriate thereby submitting itself to the exclusive jurisdiction of the United Nations Committee on Economic, Social and Cultural Rights ('CESCR') to conclude on the fundamental breaches under which STOP feels aggrieved by.

2. WHY STOP IS SUBMITTING TO THE CESCR?

2.1 STOP recognizes that Mauritius has internal courts and human rights bodies. However, this matter cannot be effectively address within the national system because:

2.1.1 The Government proposing this reform hold the majority in Parliament, making institutional resistance difficult-if not impossible;

2.1.2 Court cases currently before the Supreme Court have yet to yield redress, and there is limited confidence that urgent relief will be granted in a timely manner to prevent harm.

2.2 STOP, representing old age pensioners and citizens of the Republic of Mauritius, is therefore a victim of the acts complained of and is directly and personally affected by the unilateral decision of the Government. Mr. Kissoondoyal, before the unilateral decision of the Government, would have benefitted from the BRP next year and is directly and personally aggrieved by the acts complained of.

2.3 Whilst acknowledging that there are several constitutional complaints before the Supreme Court of the Republic of Mauritius concerning the impugned unilateral decision of the Government, STOP submits that the dependency on the political environment where the Government of the day is not protecting human rights necessary entails that the national human rights mechanisms are unlikely to effectively protect such rights.

2.4 In the given circumstances, STOP submits that in the unlikelihood of having effective and adequate redress at the national level concerning the unilateral decision of the Government, STOP submits itself to the exclusive jurisdiction of the CESCER for an effective redress and remedy which will have a direct impact on the constitutional redress being sought at national level.

2.5 The CESCER has made clear that civil society organisations may submit information on systemic violations, including retrogressive measures and failures to uphold ICESCR. STOP is therefore using this international mechanism as a civic group that represents the broader affected population, in line with CESCER's inclusive and participatory framework.

3. WHAT THE REFORM IS?

3.1 In June 2025, through the national Budget Speech, the Government of Mauritius announced a sudden and unilateral decision to raise the eligibility age for the BRP from 60 to 65 years. This announcement came:

3.1.1 without prior warning

3.1.2 without any dedicated parliamentary debate

3.1.3 without any public consultation with civil society, trade unions or people most affected.

3.2 The reform was tucked into fiscal measures and disguised as budgetary housekeeping, when in fact it fundamentally redefines the social contract between the State and its elderly population.

4. THE BREACHES BEING COMPLAINED OF AND WHAT THIS REFORM VIOLATES

- 4.1 The National Pensions Act 1976 established the qualifying age for Basic Retirement Pension to 60 years and has been a legitimate expectation since then. STOP submits that the reform constitutes a breach of legitimate expectation, given the BRP age of 60 has been in place since the National Pensions Act 1976, forming part of social norms for almost 60 years.
- 4.2 Abruptly raising the age to 65 violates the doctrine of legitimate expectations, recognised in Mauritian jurisprudence, and breaches fairness and proportionality.
- 4.3 The Republic of Mauritius is a Member State of the United Nations since 24 April 1968.
- 4.4 One of the major breach of the unilateral decision of the Government is the breach of C029 - Forced Labour Convention, 1930 (No. 29), which is also enshrined in Section 6(2) of the Constitution of the Republic of Mauritius.
- 4.5 The Republic of Mauritius also ratified the International Covenant on Economic, Social and Cultural Rights ('ICESCR') on 12 December 1973. The complainant avers that the unilateral decision of the Government breaches Articles 9 and 11 of ICESCR. STOP submits that the reform constitutes a retrogressive measure under Articles 9 and 11 of the ICESCR undermining the right to social security and the right to an adequate standard of living.
- 4.6 STOP submits that the BRP is a non-contributory pension which represents a lifeline for informal workers, deprived regions' elderly, as well as women with no formal retirement scheme. Delaying access to the BRP by five years carries with it the risk of total exclusion from income support for a significant population- where the country relies significantly on its labour resources for the proper functioning of the economy. STOP submits that the unilateral decision of the Government constitutes retrogression and was made without legal safeguards and thereby violating Article 9 and Comment No.19 on the right to social security.
- 4.7 STOP submits that the unilateral decision of the Government severely affects access to basic needs like food, medicine, healthcare and housing for elderly people between the ages of 60-65, including underserved regions. There was no rights-based or socioeconomic impact analysis prior to the announcement of the

unilateral decision of the Government. STOP further submits that the justification offered- “fiscal pressure”- ignores the State’s obligation to explore alternative measures, including reforms to excessive political pensions and new revenue streams. STOP finally submits that economic reason cannot outweigh or bypass the right of everyone to an adequate standard of living for himself and his family- enshrined in Article 9 of ICESCR.

4.8 STOP submits that politicians in the Republic of Mauritius qualify for lifetime pensions only after two parliamentary terms, with spousal continuation after death. No reform has been proposed for this costly privilege, funded from the same budget. STOP therefore submits that there is a structural inequality which violates the principle of non-discrimination under Article 2(2) of ICESCR.

4.9 The unilateral decision of the Government to raise the BRP eligibility was not subjected to any independent parliamentary bill or dedicated legislative process. Instead, it was slipped into the 2025-2026 Budget Speech as a general fiscal measure, bypassing the detailed scrutiny and public deliberation that such a social reform requires. Such an approach minimized the visibility and importance of the reform, reducing a matter which affects the livelihoods of hundreds of thousands of elderly Mauritians to a footnote in a financial policy document. STOP submits that the lack of a stand-alone debate or specific vote on this issue reflects a deliberate dilution of its democratic weight, contradicting the principles of transparency, participatory governance, and procedural fairness required under the ICESCR and outlined in General Comments No.1 (paragraph 3) and No.9.

4.10 STOP also submits that the reform constitutes a violation of the principle of non-discrimination, as it disproportionately affects:

- a) informal sector workers
- b) rural elderly communities
- c) women who were never part of formal pension systems
- d) citizens with lower life expectancy who may never reach 65.

4.11 STOP submits that the reform affects ordinary workers who have no other safety nets, while no sacrifices are being asked of political elites such that the

imbalance represents a structural inequality, violating Article 2(2) of the ICESCR on non-discrimination.

4.12 STOP also submits that the reform constitutes a breach of participatory rights, as the decision was made without public involvement or civic consultation.

4.13 The Government has argued that raising the BRP age is justified by rising life expectancy. This claim is misleading and STOP submits that recent data shows no significant increase in life expectancy post-COVID:

<u>Year (Yrs)</u>	<u>Life Expectancy</u>
2022	72.85
2023	73.14
2024	72.71
2025	72.79

Source: ARIMA Forecast, WHO Data

STOP submits that the above data means most Mauritians have only 12-13 years of life remaining once they reach 60. For men, this figure is even lower. Many workers from informal and rural sectors suffer from chronic illnesses, with their health deteriorating well before 65. The BRP was often their only form of income support raising the age effectively shuts the door on their dignity.

4.14 STOP submits that pre-COVID the life expectancy was much higher with the entitlement to BRP at 60 years showing a direct correlation with adequate standard of living as can be evidence from the below data:

<u>Years</u>	<u>Life Expectancy</u>
2015 to 2020	74
2021	73.4

Source: ARIMA Forecast, WHO Data

5 PRECEDENTS FROM AROUND THE WORLD

5.1 Other nations have tried and failed to implement sudden pension changes without due process, Courts and human rights bodies have struck down such attempts such as the cases of Hungarian Civil Liberties Union v Hungary where disproportionate

pension reforms were ruled against. Another example is the South Africa's Constitutional Court, which upheld pension rights as part of the right to dignity and social protection. STOP therefore submits that Mauritius must not be allowed to proceed with the unilateral decision of the Government without scrutiny or correction.

6 REMEDY SOUGHT

6.1 STOP requires the immediate intervention of the CESCRC to recommend and declare:

- a) a request for an urgent explanation from the Government of Mauritius regarding this policy shift and lack of consultation;
- b) to include this issue in its next List of Issues for the periodic review of Mauritius
- c) a strong recommendation reminding Mauritius of its obligations under Article 9 and 11 and the principle of non-retrogression;
- d) a call for the suspension of the BRP age increase until a transparent, inclusive and rights-based process is undertaken;
- e) a recommendation for a parliamentary pension reform to address equity and fairness; and finally
- f) Urge the Government of Mauritius to engage meaningfully with trade unions, civil society and affected communities in shaping national social protection strategy.

7 CONCLUSION

The right to live in dignity after a lifetime of work should never be a political game. A society is judged by how it treats its elders, not how it burdens them in the name of fiscal balance. This reform is not just a policy- it is a message to the people that their contribution, their labour and their age no longer matter. STOP refuses to let that message stand. STOP respectfully submits this appeal in the name of justice, equity and dignity.

Submitted in Geneva on 18 September 2025 by the individuals on behalf of STOP –
San Tous Ou Pansion

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- b) **Boowhasheenee Dulthummon** – Barrister at Law & Civil Society Advocate
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