



**MAURITIUS MISSION TO THE UNITED NATIONS
GENEVA**

Our Ref: MG/COM/6

25 August 2004

Mr. Paulo Sergio Pinheiro
Office of the High Commissioner for Human Rights
United Nations Office
CH-1211 Geneva 10
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Sir,

We wish to refer to our even-numbered Memorandum dated 13 August 2004 with regard to the Secretary-General's study on Violence against Children, and enclose herewith, for your information and appropriate action, the original document, together with its annexes.

Please accept, Sir, the assurances of my highest consideration.

Yours faithfully,

**(N. Pertaub) Ms.
for Head of Mission**

OHCHR REGISTRY

27 AUG 2004

Recipients: JC
MAN (encl)



United Nations Secretary General's Study

on

Violence against Children

Questionnaire
to
Governments

Ministry of Women's Rights, Child Development and Family Welfare
Mauritius
July 2004

QUESTIONNAIRE

LEGAL FRAMEWORK

1. International Human Rights Instrument

The Convention on the Rights of the Child including provision on the right to life, survival and development, the right to a name and nationality, from birth, rights regarding adoption has been ratified. It also protects children from all forms of exploitation, by dealing with children of minority, with problems of drug abuse and neglect.

The Convention acknowledges the primary role of the family and parents in the protection of children, and the obligation of the state to help them in carrying out these duties.

Children shall enjoy all their rights without discrimination of any kind, irrespective of race, colour, sex language, religion, political or other opinion, national, ethnic or social origin, property, disability birth in other states.

The Convention is indeed a template for the health, survival and progress of human society itself.

The State took all appropriate legislative, administrative, and other measures it can to implement the rights contained in the Convention. It reaffirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. It also reaffirms the need for legal and other protection of the child before and after birth, the importance of respect for the cultural values of the child's community and the vital role of international co-operation in securing children's rights.

Human Rights as the foundation for development.

The concept of Human Rights codified in Conventions and ratified by state parties came with the birth of the United Nations.

The State accepts the obligations to respect, protect, facilitate and fulfill human rights including rights of women and children.

Mauritius was among the first of countries to ratify the Convention in July 1990. States are both morally and legally obliged in a sense to mobilize resources to respond to the requirements of the convention.

Eleven years after the World Summit for Children took place in 1990, a special session of the General Assembly was held where world leaders made a joint commitment and issued an urgent appeal to give every child a better future.

Specific measures recommended to facilitate the implementation of the Action Plan were the introduction of appropriate legislation, the strengthening of national bodies such as the nomination of independent Ombudspersons, the development of national monitoring and evaluation systems.

2. Legal provisions on Violence against Children

In Mauritius the main provisions of the law relating to the protection of the rights of children are contained mainly in:

- (a) The constitution.
- (b) The Civil Code
- (c) The Labour Act
- (d) The Criminal Code
- (e) The Child Protection Act

(i) Protection of Children under the Constitution

(a) ***Protection against discrimination***

The Constitution of Mauritius which is the Supreme Law of the country enshrines a philosophy of equality under Section 3 and 16 of the Constitution, amongst others, the human rights and fundamental freedoms of children are protected and there shall be no discrimination against them.

(b) **Other rights guaranteed under the constitution**

- Section 4 : Protection of right to life
- Section 5 : Protection of right to personal liberty
- Section 6 : Protection from slavery and forced labour
- Section 7 : Protection from torture
- Section 8 : Protection from deprivation of property
- Section 9 : Protection from privacy of home and other property
- Section 10 : Right to the Protection of the Law
- Section 11 : Protection of freedom of conscience
- Section 12 : Protection of freedom of expression
- Section 13 : Protection of freedom of assembly and association

- Section 15 : Protection of freedom of movement
- Section 16 : Protection from discrimination
- Section 22 : Right to citizenship by birth

(ii) **Protection of Children under the Civil Code**

The main provisions are:

- Article 25 : Right to name
- Article 203 : Right to be fed and maintained
- Article 371.1 Children remain under the authority of their parents or guardian until their "majorité"
- Article 371.2: Right to the protection of parents
- Article 261 : The Supreme Court when deciding questions of custody shall be guided by the principle of "the child's best interests and welfare".
- Article 371.3: A child must not leave or be taken away from the family home without the prior permission of the parent.

(iii) **Protection of Children under the Labour Act**

The Labour Act 1975 prohibits the employment of children and for the purpose of this Act a "child" means a person under the age of 15.

5.7 (1) - No person shall enter into an agreement with a child.

5.7 (2) - Protects young persons who are engaged in dangerous work. No person shall employ a young person for work which is harmful, dangerous and unsuitable.

(iv) **The Child Protection Act**

Under the Child Protection Act 1994 children are protected against all forms of

- (a) physical abuse
- (b) psychological abuse
- (c) sexual abuse.

3. **Specific Legislative Provisions on**

- Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment and sexual abuse.
- Emphasis is being placed on preventive measures such as the development of an appropriate IEC strategy, the training of trainers

and the training of community/youth leaders and awareness campaigns on the rights of the child.

- **Section 230 of the criminal Code deals with cases of assault/physical abuse on children generally.**
- Section 13 Child Protection Act 1994 – it is an offence to illtreat or expose a child to harm.
- “Harm” is defined as including physical, psychological, emotional or moral injury, illtreatment and impairment of health or development.

Provisions of the law which provide protection to children in respect of those sex – related offences are mainly contained in:

- (a) The Criminal Code
- (b) The Child Protection Act

Protection under the criminal Code consists of –

- Rape
- Attempt upon Chastity
- Illegal Sexual Intercourse
- Incest
- Sodomy
- Debauching youth
- Procuring, enticing and exploiting prostitute.

Protection under the Child Protection Act 1994

Section 14 – It is illegal for any person to cause incite or allow any child –

- (a) to be sexually abused by him or by another person.
- (b) To have access to a brothel and
- (c) To engage in prostitution.

Penalties for perpetrators of violence against children:

- Physical abuse
 - Criminal Code - imprisonment of a term not exceeding one year and a fine not exceeding Rs2000.
- Illtreatment or exposure to harm
 - Section 13 Child Protection Act - Fine not exceeding Rs10,000 and to imprisonment for a term not exceeding 2 years.
- Rape, attempt upon chastity and illegal sexual intercourse
 - Section 249 – Criminal Procedures Act.

- Sexual intercourse with minor under 16 years or mentally handicapped person
 - penal servitude for a term not exceeding 10 years.
- Attempt upon chastity
 - 8 years imprisonment
- Sodomy
 - 5 years imprisonment
- Procuring, enticing and exploiting prostitute
 - Not more than 10 years of imprisonment and fine not exceeding Rs100,000

Rintegration and rehabilitation of child victims of violence

Children who are victims of abuses are removed temporarily from their family or place of danger through an application of an Emergency Protection Order issued by the Magistrate and placed in a place of safety in the shelter for women and children in distress. Children are either placed in an institution or a Foster Care family until the family is ready to accommodate back the child.

Children victim of sexual abuse are given appropriate assistance in the Drop-in-Centre. Psychological follow-up is maintained with the child and the family to facilitate re-integration and rehabilitation of the child in the family, in school, at work and in the community at large.

4. Legal provision - The Convention on the Rights of the Child (CRC)

- Family/Home
 - The Child Protection Act 1994
 - The Constitution
 - The Civil Code
- Schools and Pre-school Care and Education
 - Child Protection Act 1994
 - **Regulations made by the Minister under Session 21 of Child Protection Act**
- Institution including care, residential, health and mental health
 - Child Protection Act
 - Child Protection Foster Care Regulations 2002
- The contents of Law and Public Order Enforcement including in detention facilities or prisons:
 - The juvenile offenders Act

- The Reform Institution Act 1988
- The neighbourhood street and the Community including in rural areas
 - The Child Protection Act 1994
- The workplace (informal and formal)
 - The Child Protection Act 1994
 - The Labour Act 1975

5/6. Corporal Punishments of Children

Corporal punishment is prohibited by international law, as are all other forms of cruel, inhuman or degrading treatment or punishment. It is explicitly banned in international instruments relating specifically to children and the Committee on the Rights of the child has called for the abolition

7. Bullying/Hazing and Sexual Harassment are explicitly addressed by legislation.

Penal Code - Section 254 – Sexual Harassment
Criminal Procedure Acts – Section 152

The victim of the sexual harassment is a minor or a mentally handicapped person, the person charged under subsection (1), shall on conviction be liable to imprisonment for a term of not less than one year and to a fine not exceeding Rs100,000.

8. Not applicable

9. Refugee Children
Article 22 – CRC

Special protection shall be granted to a refugee child or to a child seeking refugee status. It is of the State's obligation to cooperate with competent organisations, which provide such protection and assistance.

10. The Definitions of Violence and the Applicable Legal Framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator.
- The age of the victim or the perpetrator.
- The relationship between the victim and the perpetrator.

Child sexual abuse is emerging as one of the major form of violence against children.

There are many different definitions of child sexual abuse.

Commonly child sexual abuse takes place when an adult or someone bigger or older than a child involves a child in sexual activity. This includes:

- Exhibitionist
- Sexual touching
- Oral sex
- Vaginal penetration by fingers, penis or any other object
- Sexual intercourse
- Child sex rings, where adults regularly involve a group of children in sexual activity.
- Child prostitution
- Child pornography

The offender often abuses the child's trust, love, need for affection or innocence of sexual matters.

The relationship between the adult and the child may continue as a long time as "our little secret" - rewards of sweets and pocket money may be given by one adult, or threats of violence or rejection may be used to keep the secrets guarded.

A great deal of the prevalence of the sexual abuse occurs at the hands of close family members.

More often the male adult is a relative (an uncle, a cousin) or the child's father, or a familiar figure (e.g. a neighbour, a gardener). They ensure the relationship continues and remain secret.

Consequently children rarely divulge this secret and sexual abuse becomes hard to detect.

Most victims never tell anybody about it and it can leave rather substantial psychological scars in its victims in the form of disturbed self-esteem and an inability to develop trust in other intimate relationships.

Provisions of the law which provide protection to children in respect of those sex-related offences are mainly contained in

- (a) The Criminal Code
- (b) The Child Protection Act
- (c) Protection under the criminal code

Rape

- **Under Section 249 (1) Criminal Code – The crime of rape is an offence punishable by imprisonments.**

Attempt upon Chastity

- Under Section 249 (2) – Any person who commits an indecent act by force or without consent upon a person of either sex shall be liable to penal servitude for a term not exceeding 5 years.
- Under Section 249 (3), it is an offence to commit an indecent act even without violence and with consent upon a child of either sex under the age of 12. Such person, if found guilty shall be liable to penal servitude for a term not exceeding 5 years.

Illegal Sexual Intercourse – Under Section 249 (4) – It is an offence to have sexual intercourse with a girl under the age of 16 even with her consent.

Incest

- Under Section 249 (5) – Incest is an offence punishable by imprisonment.

Sodomy

- Section 250 provides that any person who commits the crime of sodomy shall be punished by a term of imprisonment not exceeding 5 years.

Debauching Youth

- Under Section 251 (1) – It is illegal to offend against morality by exciting or encouraging or helping the debauchery or corruption of youth of either sex under the age of 18.

Procuring, Enticing and Exploiting Prostitution

- Under Section 257 (2) – Any person who procures a child under the age of 18 for the purpose of prostitution or exploits or is an accomplice in the prostitution of that child and even if he has no motive or gain commits an offence under Section 253 (2).

Protection under the Child Protection Act 1994
Sexual Offences (Section 14)

It is illegal for any person to cause, incite or allow any child:

- (a) To be sexually abused by him or another person.
- (b) To have access to a brothel.
- (c) To engage in prostitution.

A child considered to be sexually abuse whether he is forced or he voluntarily takes part in any act of a sexual nature for the purpose of:

- (a) Another person's pleasure
- (b) Any activity of pornographic, obscene or indecent nature.
- (c) Any kind of exploitation.

11. **Recent Comprehensive Review of the Framework to address Violence against children.**

Government has shown strong commitment to the Convention for Children's Rights and has introduced a number of legislative provisions and institutions to ensure respect and protection of the rights of children.

A Task Force Report is now available to provide insights. Copy will be annexed.

The most recent illustration of this commitment has been the appointment of an Ombudsperson for Children.

The National Children's Policy (NCP) has been adopted by the Government and launched by the Prime Minister in May 2003. The NCP gives a common vision for the protection of the child and provides strategic orientations and guiding principles drawn from the Conventions on the Rights of the Child's principles, and stakeholders' consultations. Emphasis is on the whole child approach.

The seven core policies, which emerged from the consultations with stakeholders, were Education, Health & Nutrition, Leisure and Cultural Development, Adolescence, Protection and Participation.

12. **Information on any Studies or Surveys which have been undertaken to assess the Impacts of Legal Measures to address Violence against Children.**

Policy implementation will be effective only on the basis of detailed data on the lives of children. With the help of UNICEF, the National Children's Council in collaboration with the Central Statistic Office has set up a child

Info Data Base to collect and compile all information and data relating to children.

The Government has approved a National Action Plan covering the period February 2003 to December 2004 to protect children against sexual abuse including commercial sexual exploitation of children.

However, it is to be pointed out that no formal studies/surveys have been undertaken to specifically assess the impact of legal measures addressing violence against children.

13. **Courts tasked with addressing violence against children**

Under Section 4 of the Child Protection Act 1994, if satisfied by information on oath, that the Permanent Secretary has reasonable cause to believe that a child is suffering or likely to suffer significant harm, the District Magistrate shall issue an Emergency Protection Order which shall confer on the Permanent Secretary certain authority including the power to:

- Enter any premises and search for the child.
- Remove or return the child to, or to prevent the child's removal from, any place of safety.
- Request police or medical assistance

In Mauritius, the Task Force Report carried out and published in June 2003 evaluates the Court's performance in the way it handles cases involving children. The Task Force notes that there is an urgent need to the Court's infrastructure. The Task Force notes that the problems identified are linked to specific organisational and resource barriers.

The Government has taken cognizance for the setting up of a Family Court in the near future. As at present there is no district family court but the courts as a whole address this issue.

14. **Minimum age for sexual activity**

No legislation yet the minimum age for sexual activity is 16 years. Homosexual activities are not allowed under the law.

15. **Minimum age of marriage**

- Women - 18 years – Civil Marriage
- 16 years after consent between both parents of partners.

Men - 18 years

16. **Sexual Exploitation of children**

Legislation and other measures to prevent the commercial sexual exploitation of children.

The findings of the reports on the Commercial Sexual Exploitation of Children in Mauritius released on 8th March 2003 are disturbing – It has reached alarming proportions and calls for urgent action at all levels.

In November 2001, Mauritius has signed the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The government has demonstrated its concern at the growing level of commercial sexual exploitation of children on 8th March 2003. The Prime Minister, the Deputy Prime Minister and the Minister of Women's Rights, Child Development and Family Welfare identified child abuse, young adolescent prostitution and other related forms of sexual exploitation of children as priorities and pledged their determination to combat same. Even prior to March 2003, the Ministry of Women's Rights, Child Development and Family Welfare had taken certain steps to combat child prostitution such as the Child Watch Network initiative.

Obligations under International and Regional Instruments

The Convention on the Rights of the Child (CRC) under Article 34 (sexual exploitation), Mauritius as a State Party, is under an obligation to protect the child from all forms of sexual exploitation and sexual abuse by taking all appropriate national, bilateral and multilateral measures to prevent:

- The inducements or coercion of a child to engage in any unlawful sexual activity;
- The exploitative use of children in prostitution or other unlawful sexual practices;
- The exploitative use of children in pornographic performances and materials

Obligations under the African Charter on the Rights and Welfare of the Child

Under Article 27 of the African Charter on the Rights and Welfare of the Child, on "Sexual Exploitation", the Government of Mauritius, as a State Party to the Charter, undertook to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:

- (a) the inducements, coercion or encouragement of a child to engage in any sexual activity;
- (b) the use of children in prostitution and other sexual practices;
- (c) the use of children in pornographic activities, performances and materials.

Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.

Sensitized to the significance and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography and the continuing practice of sex tourism to which children are especially vulnerable. The Prime Minister signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Article 3 stipulates that each party shall ensure that, as a minimum, the following offences are committed domestically or transnationally or an individual or organised basis.

The main objectives of the National Plan of Action which cover a two year period, starting February 2003 are to ensure the protection of children from any form of abuse and the creation of a conducive environment within the family and the civil society.

The National Plan of Action is based on the four components of the Agenda of Actions Against Commercial Sexual Exploitation of children adopted at Stockholm as follows:

- Coordination and Cooperation
- Prevention
- Protection and
- Recovery and Reintegration.

The Ministry has launched a Child Watch Network, which is a programme of surveillance for children who are exposed to any form of abuse. It is a network, which operates at regional levels with the collaboration of a pool of volunteers, social workers, professionals, medical practitioners, psychologists, teachers, NGOs, Family Support Officers, Community Leaders, and members amongst others.

The main objectives of the Child Watch Network are:

- ❑ To ensure the early detection and identification of children at risk and child abuse cases.
- ❑ To act as a surveillance mechanism to identify children at risk and those who are vulnerable to abuse.
- ❑ To report any suspected case of child abuse to the Ministry.
- ❑ To create awareness and encourage the spirit of prevention.
- ❑ To arouse national consciousness on the problem of child abuse.
- ❑ To encourage solidarity and a coordinated approach to the problem of child abuse.
- ❑ To better protect children against risks of degradation of international environments.

Domestic Legislation

The provisions of the law that addresses child prostitution are to be found in the different legislation as follows:

- (i) The Child Protection Act 1994
- (ii) The Criminal Code (supplementary) Act as amended by Act 29 of 1990.
- (iii) The Criminal Code (supplementary) (Amendment) Act 1998

Child Prostitution is an offence under Section 14 of the Child Protection Act. Under Section 14 (1)

- (c) it is an offence for any person to cause, incite or allow any child to engage in prostitution.

On conviction, the person shall be liable to a fine not exceeding Rs50, 000 and to imprisonment for a term not exceeding 5 years.

Where the victim is mentally handicapped, the fine shall not exceed Rs70,000 and the term of imprisonment shall not exceed 8 years.

The Criminal Code (Supplementary) Act as amended by the Criminal Code (Supplementary) (Amendment) Act 1998 further contains provisions to protect children from having access to brothels. Under Section 90 as amended, it is an offence for any person to commit a minor to use premises as a brothel and on conviction, the person shall be liable to imprisonment for a term of not less than 2 years.

Pornography and Harmful Information

Child prostitution, sale and trafficking and child pornography are closely linked.

Trafficking for sexual purposes implies prostitution as a consequence and prostitution is frequently combined with the production of pictures, videos, and other forms of sexually explicit visual materials involving children.

17. Legislative Responses

It was in 1994 with the enactment of the Child Protection Act that child pornography was recognised as a violation of children's rights and an abuse with serious physical and emotional effects – under Section 14 (1) (a) which deals with sexual offences, any person who causes, incites or allows any child to be sexually abused by him or by another person shall commit an offence. Under Section 14 (2), a child shall be deemed to be sexually abused where he has taken part whether as a willing or unwilling participant or observer in any act which is sexual in nature for the purposes:

- (a) Another's person's gratification
- (b) Any activity of pornographic, obscene or indecent nature.
- (c) Any other kind of exploitation by any person.

18. The Internet Content

The Internet offers incredible opportunities to children to connect with others and to create and discover new things. However, as with most new developments the Internet has a negative side. The Ministry of Women's Rights, Child Development and Family has taken the first step by recognizing the importance of this issue for Mauritius. In this light a research work with the help of a consultant from Childnet International was undertaken and its report pertaining to child protection on the Internet in Mauritius released in August 2003. (Copy of report will be enclosed).

An Internet Safety Policy requires a cross-sectoral approach and no single initiative can provide a solution. An Internet Safety Strategy does require several things and an inter-ministerial committee has been set up under the chairmanship of the Minister of Information Technology and Telecommunications to monitor its implementation.

Among the various recommendations it is to be highlighted that:

- (i) Legislation will be amended to include "Grooming" as an offence in the Computer Misuse and Cybercrime Act 2003.
- (ii) Collaboration with the State law Office will be sought to amend the Data Protection Bill which should provide for the protection of information pertaining to children.
- (iii) The installation of filtering software is recommended specially, as regards to PCs in primary and secondary schools

Legal Context

In other countries, policy makers have found no easy and effective response to the problem of protecting children online. Laws directly restricting potentially harmful content while online have encountered technical and constitutional difficulties. What is required is the solution for families seeking to deal with inappropriate content on the inappropriate material on the Internet. Whilst it is true that some legislation is required to reduce access by minors to material that is harmful to them, it is also necessary to seek other solutions in the form of potential technologies and methods.

The effectiveness of both domestic laws and protective technologies must be addressed in the global context of the Internet.

Under Section 14 (2) (b), a child shall be deemed to be sexually abused where he has taken part whether as a willing or an unwilling participant or observer in any act which is sexual in nature for the purpose of:

- Any activity of pornographic, obscene or indecent nature.

The effectiveness of Section 14 (2) (b) is quite weak and so far it has been very difficult for the law enforcement authorities, especially the police to apprehend exploiters of child pornography

19. Reporting Obligations relating to Violence against Children

Duty to report and protection from liability under Section 11 of the Child Protection Act as amended by Section 2 (a) of the Protection of the Child (Miscellaneous) Provisions Act 1998, where a person exercising any medical or paramedical profession or a member of the staff of a school has reason to suspect that a child he is examining or who is frequenting the school, and the case may be, has been ill-treated, neglected, abandoned, or otherwise exposed to harm, he shall immediately notify the Permanent Secretary.

Under Section 20 of the Child Protection Act, the Permanent Secretary or any person lawfully assisting him shall not be liable to civil or criminal proceedings in respect of anything done in good faith in the exercise of his powers.

20. Complaints Procedures

The Child Protection Act casts the responsibility of implementing the Act on the Ministry of Women's Rights, Child Development and Family Welfare under Section 3, where the Permanent Secretary has reasonable cause to suspect that a child is being exposed to harm and is in need of assistance, he may summon any person with or without the child to give evidence for the purpose of enquiring into the matter.

Under Section 4, if justified by information on oath, that the Permanent Secretary has reasonable cause to believe that a child is suffering or likely to suffer significant harm, the District Magistrate shall issue an Emergency Protection Order which shall confer on the Permanent Secretary certain authority including the power to:

- Summon the person for the purpose of verification about the child
- Enter any premises and search for the child
- Remove or return the child to, or to prevent the child's removal from, any place of safety.
- Submit the child for medical examination or other urgent treatment.
- Request police or medical assistance

The Minister may make regulations to provide for the registration and control of foster homes, convents, charitable institutions, institutions for children and such other institutions for the welfare and protection of children as the minister may deem fit.

It is to be noted however, that all forms of violence can be reported to the police, Ombudsperson for Children, Human Rights Commission and to the Child Development Unit of the Ministry responsible for child development.

21. Notwithstanding any other enactment or rule of law, where the Permanent Secretary has reasonable ground to believe that the interest of a child so requires, a statement may, in the presence of the Permanent Secretary, be recorded from him in the absence or without the consent of his parent as per the Child Protection Act 1994.

It is to be noted that children or persons acting on their behalf can access these procedures. Legal aid Act provides legal aid in respect of proceedings before Supreme Court or a Court of Appeal or in respect of proceedings before any other Court.

22. **Awareness Raising**

Eleven years after the World Summit for Children took place in 1990, a special session of the General Assembly was held where world leaders made a joint commitment and issued an urgent appeal to give every child a better future.

In Mauritius and Rodrigues, 300,000 ballot forms were distributed and more than 230,000 persons participated in the vote.

On 16 August 2001, the results of the "Say Yes For Children's Campaign" were presented to the Right Hon. Prime Minister, which highlighted the following priorities:

- (a) Educate every child
- (b) Care for every child
- (c) Stop harming or exploiting children

An awareness campaign was organised whereby all stakeholders participated to build a world fit for children by putting children first, eradicating poverty, leaving no child behind, caring for and educating every child protecting children from harm and exploitation.

The Ministry of Women's Rights, Child Development and Family Welfare in collaboration with Ombudsperson for Children's Office and the National Children's Council has launched a 16 Days-16 Rights programme from 1st June to 16th June 2004 to sensitise children on their rights and enhancement of widespread awareness.

Over and above the following initiatives taken to submit complaints about violence against children are to be highlighted:

- (i) The creation of hot line service at the level of the Child Development Unit and the Ombudsperson's Office
- (ii) The setting up of Child Watch Network in high risk areas
- (iii) The setting up of Area Child Protection Committees at regional levels.

23. The evidence can be heard in camera and through video link.

24. **Usual outcome of complaints of violence against children**

Every complaint received at the Child Development Unit is handled in strict confidentiality.

The following are offered to the child and the family of the victim of abuse:

- Psychological counselling
- Legal aid
- Family therapy
- Following actions are taken
- Referral to other institutions
- Removal of children from place of danger and placement in shelter/institutions
- Reintegration/Rehabilitation of the child in the family set-up
- Perpetrators are prosecuted at the District and Supreme Court level
- A special fund is available to meet immediate needs of children and families in distress.

25. **Outcomes of Legal Proceedings in which Children and Juveniles are found guilty of perpetrating violence.**

The institutions dealing with children in conflict with the law are:

- The Correctional Youth Centre for boys
- The Rehabilitation Youth Centre for boys
- The Rehabilitation and Correctional Youth Centre for girls, and
- Probation Hostel for boys and girls

It is maintained that children are supposed to be assigned some sort of work during their period of detention.

Children committed at the Correctional Youth Centre or the Rehabilitation Youth Centres are also subject to the discipline applying to detainees generally and also vocational training of minors.

Thus the outcomes are, most of the time, community service, conditional discharge where good behaviour for an amount of time is imposed or being sent to the Correctional Youth Centre for rehabilitation.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26.. *The Child Development Unit (CDU)*

The CDU is a department operating under the Ministry of Women's Rights, Child Development, and Family Welfare. The department was created following the enactment of the Child Protection Act 1994 and has the main responsibility for child welfare and development. The Act gives powers to officers of the CDU to conduct enquiries and intervene in cases of alleged child abuse. A 24-hour service is provided through hotlines to children at risk. The services of the CDU are decentralized in six regions of the island. Recently, the Ministry has set up Family Support Bureaux (FSB) providing the services of the CDU, family counseling and domestic violence services under one roof. Child Welfare Officers, attached to the CDU, refer cases of child abuse to other services available at the FSB, including psychological and legal services.

Specific Structures

The Drop-In Centre is a joint project of this Ministry and the Mauritius Family Planning Association. The goal is to provide support to children who have been commercially and/or sexually exploited, and provide them with rehabilitation opportunities.

The Foster Care Project has been implemented to provide children who cannot stay in their biological family in the meantime, with the possibility of growing up in a substitute family environment.

The Child Watch Network has been set up to sensitize individuals in the community on child protection issues and to encourage them to be concerned and committed to find solutions to issues related to child abuse and neglect.

This Ministry is also running a shelter to provide temporary accommodation to children who can no longer stay in their family environment.

Officers of the CDU work in close collaboration with other departments and ministries, by referring clients to the services available at their level. The ministries/departments with which the CDU works regularly are:

The Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions: This is mainly for application for financial aid. Street Educators are also available under the aegis of this Ministry to provide support to street children.

The Ministry of Health and Quality of Life: Children who have been abused or neglected and are in need of medical treatment are referred to hospitals

The Ministry of Labour and Industrial Relations is usually requested to intervene in cases of child labour

The Judicial System: with respect to the provisions of the Child Protection Act 1994, Court Orders are applied for so that children who have been abused or/and neglected can be removed and admitted to a place of safety. Moreover, officers of the Probation Service are also requested by Magistrates to conduct enquiries in cases of child abuse and neglect. They also provide counseling, particularly through their Suicide Prevention Unit.

The Police Department: This is one major partner of the Ministry in its attempt to prevent child abuse and neglect. Police officers are attached to the CDU of different regions so that statements can be recorded on the spot. This new facility is known as the Child Protection Project. The Police has also established a Police Family Protection Unit (PFPU) to deal specifically with family related issues, including child abuse and neglect.

A Brigade des Mineurs has also been set up to act as intervention squad in matters pertaining to child abuse and neglect. These matters are also dealt with at the level of police stations.

To foster the coordination and collaboration between this Ministry and different stakeholders, a National Children's Policy has been established, together with a relevant Action Plan, whereby the roles and responsibilities of each and everyone has been outlined. A protocol of collaboration has been devised and several coordinating committees established, namely:

- A National Child Protection Committee and regional Area Child Protection Committees
- A High Level Steering Committee on the Commercial Sexual Exploitation of Children, and National Plan of Action
- A Joint Monitoring Committee with the Police

The National Children's Council (NCC)

This corporate body is operating under the National Children's Council Act 2003. The NCC's objectives are to:

- Be the key consultative and coordinating national body on all activities related to children
- Protect the rights of children, promote their interest and well-being and ensure their participation in matters of interest to them
- Promote activities for the welfare of children in line with the Convention on the Rights of the Child

Information dissemination campaigns are carried out using the media, school talks, etc... The NCC has recently embarked in various projects to sensitize the public on violence against children. Three such projects are:

Area Child Protection Committees

These committees group different stakeholders (Ministries, Non-Governmental Organizations, Police Force...) who are committed to detecting and resolving cases of child abuse. The main aim is to prevent, protect, and reintegrate children who have been abused.

Child Watch Networks

These networks have been created in six different regions of the country to examine issues and find out measures to protect children who are at risk of being abused. Their Information and Education Campaign (IEC) is based in youth and sexuality, teenage pregnancy, and child abuse and neglect. The target groups are children and young people.

Child to Child (CTC) Approach

The objective of this project is to bring children to help their peers. The NCC has been given responsibility to continue the sensitization campaign directed at young students in colleges and schools. Over the past 3 years, the NCC has been operating some 12 CTC clubs around the country.

27. The CDU is the primary agency responsible to receive, investigate, refer and coordinate actions/policies/activities in relation to issues of child protection.

28. Funds are earmarked every year in the Government's budget for all ministries/departments, including those combating violence such as the Police, or this Ministry. Funds are also identified to employ human resources attached to the specific ministries/department.
29. Specific financial and/or human resources are allocated to activities directed at combating violence against children. Some of these activities are mentioned in answer 26. In addition support is also provided to organizations conducting activities directed to combat violence against children. The NCC receives funds and has resource persons for the organization of activities geared towards combating violence against children; these activities include sensitization campaigns for the prevention of violence against children, recreational activities involving children at risk, etc...
30. Up to December 2003, the UNICEF was providing funds for the setting up of projects and activities linked with the fight against violence directed towards children. To date funds are being obtained from a few UN agencies like UNESCO and other organizations such as Soroptimist International or the British Council.
- 31 This is not applicable to Mauritius
- 32 The National Human Rights Commission has been established to investigate complaints in line with violation of human rights, including those where children are involved.

The Ombudsperson for Children's Office

This office was instituted following the enactment of the Ombudsperson for Children's Act 2000. Its objectives are:

- To promote a higher priority for children in matters of law, policy and practice
- To ensure that children enjoy a higher visibility in society and a positive image at all times
- To provide a channel for children's views to be expressed, and enhance their capacity to participate in the developmental processes
- To provide for the investigation of complaints regarding the violation of children's rights

In terms of duties and responsibilities, the Ombudsperson shall:

1. Propose efficient mechanisms that will afford children the ability to express themselves freely, in accordance with their age and maturity, especially on all matters concerning their individual or collective rights

2. Initiate an investigation whenever s/he deems that there is a violation of the rights of a child or a group of children or the likelihood of same and hear and determine complaints addressed by children themselves, or any other person, who express concern with regard to such violations
3. Facilitate the creation of positive partnerships with parents, teachers, non governmental and governmental organizations, local authorities, and any other stakeholders committed to the promotion of children's rights
4. Propose legislative, administrative, judicial or other provisions intended inter alia to ensure that:
 - a) *Legislation relating to the protection of children's rights and interest is observed*
 - b) *National laws are harmonized with the Convention and other international or regional instruments relating to children's rights*
 - c) *Children's views, needs and interests are taken into consideration in matters of law, policy and practice*
 - d) *The rights of children are widely publicized and advocated, especially within institutions responsible for education, health, protection and safety of children, including specialized institutions*
 - e) *The rights of children are enlarged whenever necessary*
 - f) *Children's safety and security are strengthened*
 - g) *Children's paramount interests are protected at all times, including when such interests are in conflict with members of their own family or other persons*
 - h) *Conflict between children and society is not ignored but is solved by mechanisms that respects the fundamental rights of children*
 - i) *The rights and interests of children in general are not jeopardized by any person or organization or corporate body including a public body*
 - j) *There is proper coordination of all existing service for children so that children can benefit from maximum fulfillment of their rights and interests*

The Ombudsperson may investigate any complaint that concerns the violation of the rights of a child or the risk of such violation, in order to:

- Act as a mediator to solve any individual problem, whenever necessary
- Facilitate an in-depth investigation by the competent authorities to which s/he may refer the complaint
- Make recommendations of a general nature of the Ministry, if the law and/or practice does not allow a satisfactory solution to be found.

33. Not applicable to Mauritius

34. Recent parliamentary initiatives to address violence against children
Most recent:-
- The setting up of the Ombudsperson's Office.
 - The approval of the NAP for National Children's Policy which incorporates initiatives, to address violence against children.
 - The setting up of a 'Brigade pour la Protection des Mineurs'

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

- 35 Institutions providing residential care facilities to children who have been removed from their family environment. These institutions are also involved in advocacy to promote the welfare of children in general. The organizations providing residential care institutions are:
- SOS Children's Village Mauritius
 - CEDEM (Centre d'Education et de Développement des Enfants Mauriciens)
 - Terre de Paix
 - Foyer Père Laval
 - Crèche Coeur Immaculé de Marie
 - Shelter for Women and Children in Distress

Half Way Home

This is an organization set up by the Lions Club in collaboration with The Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions. The objective of the institution is to provide accommodation and rehabilitation facilities to young girls aged sixteen and above, and have no other place to go on leaving the Shelter or Rehabilitation Youth Center.

Institutions providing counseling/support services to children who have been abused or neglected

NGOs

Victims Support and Service D'Ecoute (run by the Catholic Church) are two community-gearred organizations providing counselling support services to individuals facing difficult situations, including children who have been abused or neglected.

Save the Children Mauritius is an organization dealing with advocacy in all issues concerning children. The organization is involved in the running of activities in line with the protection of children from violence.

- 36 NGOs affiliated with the Registrar of Associations are given grants for activities planned by the organization. Bodies like the NGO Trust Fund, of the Trust Fund for the Social Integration of Vulnerable Groups, also provide additional funds for specific projects. In special circumstances, the organizations conduct activities in collaboration with this Ministry.

Coordination amongst various activities of NGOs and those of the Government is done at the level of the National Children Council. It can also be noted that representative of NGOs are involved in Area Child Protection Committees, the National Child Protection Committee, or the High Level Steering Committee, for instance.

- 37 Regularly, situations of child abuse and neglect are reported in the media. It might be to sensitize the public and make them aware of specific problems related to child abuse, but most of them, it is mainly to stir public opinion. There are even cases where the rights of children are violated in the media, for instance, when confidential information is disclosed or pictures published.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE.

38. The Global Movement for Children and the “Say Yes for Children” campaign aimed at building broad partnership to change the world so as to ensure every child, without exception, has the right to dignity, security and self-fulfillment. All citizens of the world have been asked to support actions and principles of the Global Movement for Children.

In this context, a series of activities were organized:

- Setting up of a team of 18 children who are known as the Mascot Children and spokespersons of the Global Movement for Children
- Voting by the President of the Republic, Parliamentarians, children of all schools

The MWRCDFW organized a Students’ Forum on the theme “A World Fit for US”. The participants were some 200 students from Form III and IV. A campaign on Child Protection was also launched during this Forum.

39. This is not applicable for Mauritius.

40. **The National Plan of Action (NPA)**

The National Plan of Action (NPA), launched in June 2004, has been elaborated based on the guiding principles of the United Nations Convention on the Rights of Children (UNCRC) and the National Children’s Policy (NCP) released in June 2003. The NPA is forward-looking, strategic, children-centred and respectful not only of the cultural

diversity prevailing in Mauritius, but also of its Constitution. Considerable resources will be allocated for the implementation of the NPA.

Objective 3 of 'Part Two: Cross Cutting Areas' was set to empower children to participate in decision-making. This will be done through conducting Children Empowerment Programs. To this effect, the NPA outlines the following actions to be undertaken:

- Develop programs to empower children
- Train trainers and animators
- Train peer leaders
- Conduct workshops for children
- Give children the opportunity to express their views in the media

The Ministry of Women's Rights, Child Development and Family Welfare (MWRCDFW), has the main responsibility in implementation. It will work in close collaboration with the National Children's Council, The Ministry of Education and Scientific Research, Non-Governmental Organisations, and the Media.

The Creativity Centre, Mahebourg

The Creativity Centre of Mahebourg is a space for children, which acts as a resource center for non-formal education. Activities at the Centre have been officially launched in August 2001. These activities have been designed to foster the overall development of the child.

Some objectives of the Centre are:

- To be a creative resource center for schools, educational institutions and children
- To offer guidance and learning facilities to schools in order to develop leadership and creativity amongst students through special training courses, workshops, displays, and seminars.
- To inculcate in children a scientific mind-set and culture, as well as a spirit to challenge, experiment, innovate and create.

Child to Child Approach project

This project was initiated by UNICEF, with the objectives of:

- Initiating an interactive new learning approach to health and the Convention on the Rights of the Child
- Developing children's capacity to make choices and decisions concerning certain issues relating to their health and the community in which they are living.

Kids and Teens Clubs

Many Kids and Teens (KITEs) Clubs have been launched around the island. These clubs offer workshops, creative thinking tasks, theatre and sporting activities for the children members of these clubs.

16 days 16 rights campaign

A sensitization campaign was organized in 2004 on children's rights between the 1st June (International Day of the Child) and the 16 June (Day of the African Child). The aim was to raise awareness amongst children and adults on 16 rights based on the Convention on the Rights of the Child. Giant artworks were prepared by children of all ages to be displayed on buildings around the island during this period.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. The Child Protection Act 1994

The Child Protection Act 1994 (amended 1998) confers upon the Permanent Secretary of the MWRCDFW, or any public officer designated by him/her, the mandate and authority to investigate and intervene in cases of suspected child abuse. An Emergency Protection Order (EPO) can be applied for in Court for a child who is at risk of harm. The EPO confers the power upon the Permanent Secretary authority inter-alia;

- Enter any premises specified in the order, where necessary by force, and search for the child, provided that the order or a copy thereof shall be produced to the occupier of the premises on request
- Remove or return the child to, or prevent the child's removal from, any place of safety;
- Request police or medical assistance for the exercise of any power under the order.

If the child is considered to be in danger, the Child Development Unit (CDU) of the MWRCDFW takes steps to ensure that child's safety, namely through an application for an EPO whose outcome may involve the removal of the child from his/her home and his/her placement in the temporary shelters of the Ministry.

The National Children's Policy

Mauritius has acceded and is a signatory to the CRC and the development of a National Children's Policy (NCP) is a clear signal of the Government's Commitment to human rights generally, and to children's rights specifically. The NCP, launched in March 2003, gives a common

vision for the protection of the child and provides strategic orientations and guiding principles drawn from the CRC principles and stakeholders consultation. The seven core policy areas which emerged from consultations were:

- Education
- Health and Nutrition
- Leisure and Cultural Development
- Family
- Integrated Early Childhood Development
- Adolescence
- Protection

Various strategic action areas were adopted in this NCP:

- Institutional Mechanisms and Legislation
- Participation Rights of Children
- Community Development
- Partnership building
- Information, communication and research

In this respect, a Plan of Action for the NCP has been released in June 2004.

The National Plan of Action (NPA) on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (CSEC) in Mauritius (2003-2004)

Furthermore, a National Plan of Action (NPA) on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (CSEC) in Mauritius (2003-2004) was released in January 2003. This ensued a national concern on the growing level of CSEC in Mauritius since some years, revealed through studies commissioned by the UNICEF and the MWRCDFW, and conducted by the University of Mauritius. This NPA is based on the recommendations made in the Report from the University, where it was clearly stated that combating child abuse and young adolescent prostitution as well as related forms of sexual exploitation were national priorities.

An integrated and holistic approach has been adopted for the implementation of activities on the protection of children. It has a broad scope geared towards the overall protection of children from any form of abuse including commercial sexual exploitation in line with existing legislation and the provisions of the Convention on the Rights of Children.

The objective of the NPA is to ensure the protection of our children from any form of abuse and the creation of a conducive environment within the family and civil society. The NPA also aims at developing strategies and

activities to be implemented by all stakeholders including government institutions, the private sector, NGOs, the community and the family, for the best interests of the child.

The NPA is based on the four components of the Agenda of Action Against CSEC adopted at Stockholm as follows:

1. Coordination and Cooperation
2. Prevention
3. Protection; and
4. Recovery and Reintegration

The implementation of the NPA covers a two-year period (starting February 2003), and involves the full support and collaboration of all stakeholders.

42.

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	ACPCs/NCPC	ACPCs/NCPC Drop in Centre	ACPCs/NCPC	ACPCs/NCPC		
Schools	ACPCs/NCPC	ACPCs/NCPC Drop in Centre	ACPCs/NCPC	ACPCs/NCPC		
Institutions	ACPCs/NCPC	ACPCs/NCPC Drop in Centre	ACPCs/NCPC	ACPCs/NCPC		
Neighbourhood/ Community	CWN ACPCs/NCPC	CWN ACPCs/NCPC Drop in Centre	CWN ACPCs/NCPC	CWN ACPCs/NCPC		
Workplace		Drop in Centre				
Law enforcement	PFPU Brigade des Mineurs	PFPU Brigade des Mineurs drop in centre	PFPU Brigade des Mineurs	PFPU Brigade des Mineurs		
Other						

CWN = Child Watch Networks

PFPU = Police Family Protection Unit

43. The MWRCDFW ensures follow up of activities organized by agencies, through the submission and circulation of programme of work, notes of meeting of Joint Monitoring Committees.

44. Internationally coordinated activities - see with PRU

VI DATA COLLECTION, ANALYSIS AND RESEARCH

45-48 & 50 – Not applicable to Mauritius

52. Distribution of Offences by Category of Offence and Outcome, for the Intermediate Court, the Industrial Court and District Courts of the Republic of Mauritius- Year 2003

Category and Type of Offence	Illegal sexual intercourse (with a minor under 16)	Abandoning child by guardian	Application under child protection	Abduction of minors	Assault upon minor under 16 or physical handicapped
Dismissed	15	-	1	1	-
Struck out	2	-	9	-	-
Nolle Prosequi	7	-	-	-	-
Imprisonment/ Penal Servitude	10	-	-	-	1
RYC, CYC & other	-	1	9	-	-
Fine	3	-	-	11	-
Probation, Conditional discharge, Community service, Absolute discharge	15	-	-	1	5
Total	52	1	19	13	6

53. Distribution of Offences by Category of Offence and Outcome, for the Intermediate Court, the Industrial Court and District Courts of the Republic of Mauritius- Year 2001 & 2002

Category and type of Offences	Abduction against Minors		Sexual Intercourse with a female (under 16 Years)	
	2001	2002	2001	2002
Acquitted	-	4	5	2
Nolle Prosequi	-	-	2	1
Prison	2	1	4	4
Probation	-	1	5	18
Fine	-	12	-	1
Total	2	18	16	26

Number of cases registered at the Child Development Unit (CDU) by nature of problem

Year	2000		2001		2002		2003	
	Male	Female	Male	Female	Male	Female	Male	Female
<i>Nature of problem</i>								
Child with psychological problem	316	338	331	372	408	453	273	315
Child with behavioral problem	234	193	269	249	273	258	298	317
Custody of child	74	182	215	241	216	234	168	190
Social aid/ Finance	68	77	109	137	187	171	218	218
Battered by parents	136	132	155	151	182	206	118	110
Neglected Child	142	105	173	136	116	160	122	120
Undeclared child	35	34	83	80	68	52	4	3
Victim of sexual abuse	10	92	11	75	2	82	17	112
Child not attending school	42	35	52	58	72	55	88	71
Teenage pregnancy	-	41	-	52	-	61	-	53
Abandoned child	58	39	47	37	57	49	30	20
Immediate care and control	6	10	3	31	16	23	12	5
Incest	3	30	3	23	4	20	2	35
Child prostitution	0	11	1	15	0	1	0	4
Child labour	11	4	2	3	7	0	0	1
Child mendicity	12	9	9	5	3	0	3	1

Source: Statistic in Mauritius-A Gender Perspective-MWRCDFW (August 2003)

VII AWARENESS, ADVOCACY AND TRAINING

54. Over the five years

In spite of limited resources, a good deal has been achieved, as there is greater public awareness of children's rights. Government has shown strong commitment to the Convention for Children's Rights and has introduced a number of legislative provisions and institutions to ensure respects and protection of the rights of children.

Global Movements – “ Say Yes Campaign”

The “Say Yes for Children Campaign” in preparation of the UN special session on children which was finally held in May 2002 in New York, USA was launched by the Rt. Hon. Prime Minister Sir Aneerood Jugnauth at the Sir Harillal Vaghjee Hall on 16 May 2001 in presence of Hon. Minister Arienne Navarre-Marie, the representative of UNICEF.

In Mauritius and Rodrigues 300,000 ballots forms were distributed and more than 230,000 persons participated in the vote which was closed on 11 August 2001 through a Telethon held at the Plaza in Rose Hill, for which the collaboration of the Electoral Supervisory Commission was sought.

On 16 August 2001, the results of the “Say Yes for Children Campaign” were presented to the Rt. Hon. Prime Minister, which highlighted the following priorities:

- Educate every child
- Care for every child
- Stop harming and exploiting children

A series of activities were organized namely:

- Production of a Newsletter
- Setting up a team of 18 children who are known as the Mascot Children.
- Voting by the President of the Republic, the Parliamentarians, children in all schools.

As a follow up, the Ministry organised a student forum in the theme “A world fit for us” and the outcome document released in June 2002.

Some 200 students of form III and IV participated in the forum. A campaign on Child Protection was also launched during the student's forum.

The National Children's Policy which has been adopted by Government and launched by the Prime Minister in May 2003 necessitated various consultations with all stakeholders.

The Task Force on children also necessitated consultations with various stakeholders and thus occasioned "moments for advocacy and awareness".

Childwatch Network

Since year 2000, Childwatch Network as a structure has been set up in six regions and regularly conduct talks, seminars, workshops on child abuse and violence against children.

In September 2002, a workshop was organised for an evaluation of the Childwatch Networks at Pointe aux Sables Recreational Centre. The objective of the evaluation was:

- To assess the most prevalent types of abuse in the different regions.
- To make an assessment of the attainment of the objectives of the networks
- To come up with recommendations where the collaboration of Ministries and NGO's could be sought to address the problem of child abuse.

Commercial Sexual Exploitation of Children

The problem of the Commercial Sexual Exploitation Children has been an issue of very great concern for sometime in Mauritius. On the basis of a study carried out recently, it was estimated that there must be around 2600 girls below the age of 18 who are currently involved and about 30% of the 112 victims interviewed were in the age group of the 12-15 year old.

The Government has approved a National Action Plan concerning the period February 2003 to December 2004 to protect children against sexual abuse including commercial sexual exploitation of children.

Emphasis is being placed on preventive measures as the development of an appropriate IEC strategy, the training of trainers as the training of community/youth leaders and awareness campaigns on the rights of the child. Support will be organised for the recovery and rehabilitation of those who manage to get out of the trade.

55. The campaign messages and information disseminated -

- Print Media
- Radio
- Television
- Schools
- Workshops

56. Training programmes in the area of violence against children

	Prevention	Protection
Social Workers and Psychologists	√	√
Police	√	√
Child Welfare Officers	√	√