



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined sixth and seventh periodic reports submitted by Mauritius under article 44 of the Convention, due in 2021<sup>\*, \*\*</sup>

[Date received: 17 November 2021]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



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1. This document constitutes the combined sixth and seventh periodic report submitted by the State of Mauritius to the Committee on the Convention on the Rights of the Child, in accordance with Article 44 (1) (a) of the Convention.

2. The State of Mauritius is fully committed to, and is continuously progressing towards a society, where the rights and the best interests of children are amongst the primary concerns. Government has implemented a series of measures to address the recommendations contained in the Committee's previous concluding observations. The concluding observations comprised 89 recommendations addressed to the State of Mauritius. Out of the 89 recommendations, 15 have been implemented, 51 are being implemented, 12 have been partially implemented and 11 not implemented.

3. The status of the measures taken to implement the recommendations contained in the Committee's previous concluding observations is summarised at Annex I and includes measures that have already been implemented, as well as those which have been partially implemented and are yet to be implemented.

## I. New developments

### Reply to paragraph 2 (a) of the list of issues prior to reporting (CRC/C/MUS/QPR/6-7)

#### *New legislations*

4. A number of legislations have been passed or amended during the reporting period and are listed below:

5. The Protection from Domestic Violence Act 1997 was amended in May 2016 to provide for better protection to victims of domestic violence, including children.

6. A new Data Protection Act was enacted in 2017 and came into force in January 2018. It is a more appropriate legislation which will strengthen the control and personal autonomy of data subjects over their personal data thereby providing for the protection of the privacy rights of individuals including children in view of the developments in the techniques used to capture, transmit, manipulate, record or store data relating to individuals. This new Act aligns the law in Mauritius with the European Union General Data Protection Regulation.

7. The Mauritius Family Planning and Welfare Association Act was enacted in 2018, repealing the existing legislation and came into operation on the 15th July 2019. It provides for a more appropriate and modern legislative framework that makes provision for sexual and reproductive health and rights in accordance with international standards.

8. Amendments to the Information and Communication Technologies Act were brought in 2018 to strengthen the existing provisions in relation, inter alia, to online material that could cause "inconvenience, distress or anxiety, by extending it to material "which is likely to cause annoyance, humiliation, inconvenience, distress or anxiety to any person".

9. In October 2019, the new regulations namely the "Place of Safety for the Welfare and Protection of Children" Regulations 2019 were made under the Child Protection Act 1994, to regulate norms and standards of the residential care institutions for children, victims of abuse, neglect and ill-treatment.

10. In accordance with Article 3 of the Convention on the Rights of the Child, the Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offenders Register Act 2020 were passed in the National Assembly on 15 December 2020 with a view to harmonising certain laws to children and to make provisions for better protection of children.

11. The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 will be proclaimed shortly. The main objective of the Children's Act 2020 is to repeal the Child Protection Act 1994. The Children's Act 2020 addresses the shortcomings of the Child Protection Act (1994) and gives better effect to the United Nation on the Convention to the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

12. The Children’s Court Act 2020 provides for the establishment of the Children’s Court which will have jurisdiction to hear and determine cases involving children as prescribed in the Act.

13. The main objective of the Child Sex Offender Register Act 2020 is to reduce and prevent the risk of sexual offences against children in the Republic.

14. Electronic copies of Legislation are at :  
<https://mauritiusassembly.govmu.org/Pages/Acts/Acts2020.aspx>

*New mechanisms*

15. A National Mechanism for Reporting and Follow-Up set up in 2017 is operational under the Human Rights Division of the Ministry of Foreign Affairs, Regional Integration and International Trade. It has become, inter-alia, the platform for consultations with Ministries, Departments, Non-Governmental Organisations and civil society for proper follow up of periodic reports and mid-term review/progress reports.

16. Since April 2017, a harmonized and transparent Complaints Management System through the Citizen Support Portal, ([www.csu.mu](http://www.csu.mu)) has been set up to enable citizens to register complaints online through a unique reference number on a 24/7 basis, wherever they are. The citizen is able to register, transmit, monitor and track his complaint on the portal through the unique reference number at any time. As from 2017 to date, 152 tickets have been received on the Citizen Support Portal on children’s issues. 105 cases have been dealt with and closed, 5 have been transferred to other Ministries for necessary actions and 42 are still in progress.

*Involvement of children in armed conflict*

17. Mauritius has a peaceful nation with no armed conflicts or civilian hostilities. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was ratified on 12 February 2009 to express the commitment of the State of Mauritius to the cause of protecting children notwithstanding that the concerns addressed by this instrument are not relevant to the situation prevailing in the country.

*Commercial sexual exploitation of children*

18. Mauritius is a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography since 14 June 2011.

19. An Inter-Ministerial Committee chaired by the Attorney-General, has been set up in 2016 to ensure proper co-ordination on matters pertaining to trafficking in persons in Mauritius.

20. Subsequently a Steering Committee and a Technical Committee on Trafficking in Persons have been set up at the Prime Minister’s Office to enable better coordination and concerted response amongst relevant stakeholders to detect, track, and prevent offences related to trafficking in persons. Earlier this year, the cabinet reactivated the inter-ministerial committee and it last met in July 2021.

21. In April 2021, the Ministry of Gender Equality and Family Welfare has set up a Technical Committee to study the phenomenon of child/revenge pornography following reports of the circulation of indecent photos and videos against payment on social media.

22. The main objectives of the Committee are, inter alia, to:

- (a) Devise appropriate Standard Operating Procedures institutional interventions and assistance to victims,
- (b) Identify gaps in existing legislations and promote research analysis,
- (c) Develop collaborative institutional protocols,
- (d) Set up a System for the collection of data, amongst others.

23. The Ministry of Gender Equality and Family Welfare in collaboration with the University of Technology, Mauritius is conducting a study on the Phenomenon of Child/Revenge Pornography.

*Accession and ratification of Conventions and Protocols*

24. Mauritius acceded to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), albeit with reservations in June 2017.

25. Mauritius recently ratified the International Labour Organisation's Violence and Harassment Convention, 2019 (No. 190) in July 2021.

**Reply to paragraph 2 (b)**

26. Several governmental bodies and civil society organisations have set up innovative ideas to mitigate the effects of the pandemic. These actions contributed to fulfilling the rights of our children, mainly their rights to education, health, social security, protection from all forms of violence, information and freedom of expression.

27. A number of services remained operational during the pandemic in different sectors including health, education, child protection services, police and judiciary, institutional care, registration of birth, amongst others.

28. The details are at Annex II.

**Reply to paragraph 2 (c)**

29. Several activities were conducted by the Ombudsperson for Children, the 'Brigade pour la Protection des Mineurs', the Commissioner of Prisons and a number of Non-Governmental Organisation's intervened to protect the rights of children during confinement. The details are listed at Annex III.

*Challenges and opportunities*

30. It is necessary to learn from unanticipated challenges that children and their families faced and there is a need to identify and mitigate risk factors that make them more vulnerable to health risks and rights violations during a pandemic. Examples are homelessness, unsafe housing, food insecurity, mental health issues, and poverty, among others.

31. Another challenge is to adapt to the content and delivery of distance education and make it accessible to all children including those who are economically vulnerable and those with disabilities and special educational needs.

32. During confinement, children spent a lot of time on the internet for distance education and online learning, leisure purposes and communication with friends and relatives. This increased the risk of them being exposed to inappropriate web content, sexually explicit material and online predators.

33. However, the pandemic provided an avenue for governmental bodies and civil society organisations to unite their strategies during a lockdown situation to create and maintain a safe environment for all children.

**Reply to paragraph 3**

34. The Sustainable Development Goals framework contains specific indicators pertaining to child. The last Sustainable Development Goals mapping exercise was conducted in 2016 whereby 222 indicators which were identified to be relevant for Mauritius.

35. Statistics Mauritius adheres to the United Nations principles and recommendations, produces socio-economic statistics, by age group using data from housing and population censuses, and household surveys.

36. A Sustainable Development Goals database for the Republic of Mauritius is available on Statistics Mauritius website (<https://statsmauritius.govmu.org/SitePages/Index.aspx>) and is updated regularly.

37. Mauritius is now working in the direction of a permanent structure to monitor continual progress for Sustainable Development Goals.

## **II. Rights under the Convention and the Optional Protocols**

### **A. General measures of implementation**

#### **Reply to paragraph 4 (a)**

##### *Legal status of the Convention and legislation*

38. The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 were passed in the National Assembly in December 2020. They already incorporate most of the principles found in the Convention. The three pieces of legislation are expected to be proclaimed by the end of this year.

39. The general principles of the Convention on the Rights of the Child have been incorporated in various pieces of existing legislation and the forthcoming legislations dealing with children.

40. Chapter II of the Constitution of Mauritius provides for a number of rights that apply regardless of age and a small number of provisions, there are specific mentions throughout the Constitution make specific references to the safeguard of the rights of children (civil rights and freedom of children).

41. Other provisions of the Convention on the Rights of the Child such as special protection measures, survival and development of children including education, leisure and cultural activities, amongst others, have been incorporated in other legislations namely, the Child Protection Act 1994, the Criminal Code, the Juvenile Offenders Act 1935, the Civil Status Act 1981, the Trafficking in Persons Act 2009, the National Children's Council Act 2003, the Education Act 1957 (Amendments) and Regulations, amongst others.

42. The details of the principles and provisions of the Convention that have been incorporated into the domestic legal system have been provided at Annex IV.

#### **Reply to paragraph 4 (b)**

43. Several measures have been taken to review/ amend the existing laws in favour of children to better comply with the Convention on the Rights of the Child.

44. Prior to 2016, children under the age of 15, suffering from a disability of not less than 60% for a period of at least one year, were not eligible to Basic Invalidity Pension. This was considered discriminatory and in view of addressing this problem, the age criterion was removed in 2016 through the Finance (Miscellaneous Provisions) Act 2016.

45. As regards mechanisms put in place to regulate non-State service providers, a Special Education Needs Authority has also been set up in 2018. It has developed norms and standards for compliance by Special Education Needs Institutions to enable the delivery of quality education for the holistic development of the child as well as consolidating the foundations for young learners' wellbeing as well as their future learning.

46. A comprehensive review of all laws relating to children was carried out by an international consultant assigned by the European Union to draft of the Children's Bill and ensure that it is harmonised with the Convention on the Rights of the Child. Consultative meetings were held with different stakeholders in Mauritius and Rodrigues including Ministries, Departments and Non-Governmental Organisations.

47. In September 2019, the Child Protection (Place of Safety for the Welfare and Protection of Children) Regulations 2019 were made. Its purpose was to regulate the operation of institutions for the welfare and protection of children which may not operate unless the institution is designated as a place of safety by the Minister under the regulations. The regulations cater inter alia for the "welfare and protection", in relation to a child, include – (a) the provision of personal care to the child; (b) the protection of the child from violence,

abuse or a hostile environment; (c) the rehabilitation of the child through physical, psychological and social recovery.

**Reply to paragraph 4 (c)**

48. The Children's Bill 2019 was introduced in the National Assembly on 17 September 2019 for first reading. The Bill did not proceed to the second reading stage for debates in light of the representations from the Ombudsperson for Children, the African Committee of Experts on the Rights and Welfare of the Child and the civil society. A totally revised and updated Children's Bill was introduced in the National Assembly in November 2020 alongside a Children's Court Bill and a Child Sex Offender Register Bill. The three Bills were passed in December 2020 in the National Assembly. A copy of the Children's Act 2020 is at: <https://mauritiusassembly.govmu.org/Pages/Acts/Acts2020.aspx>

**Reply to paragraph 4 (d)**

49. Whenever a new law is drafted, all stakeholders involved with children issues including the Ombudsperson for Children invite attention to its possible impacts on children.

**Reply to paragraph 4(e)**

50. The Ministry of Gender Equality and Family Welfare is pursuing its endeavours towards the ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure following the proclamation of the Children's Act 2020.

51. In the interim, it is envisaged to conduct a study on the implications of ratifying the Optional Protocol.

**Reply to paragraph 5 (a)**

52. In May 2011, technical assistance of European Union was sought for the preparation of a National Child Protection Strategy and Action Plan. The services of an International Consultant were made available from 5 May 2014 to 26 June 2014. During the same period, she also visited Rodrigues for consultations.

53. However, the National Child Protection Strategy and Action Plan could not be finalised in view of the high cost implications involved in its implementation and the absence of consensus on the priority actions to be implemented by stakeholders.

54. The Ministry of Gender Equality and Family Welfare is seeking services of consultant to prepare a Ten-Year Strategic Plan for Children.

**Reply to paragraph 5 (b)**

55. The National Human Rights Action Plan 2012–2020 was prepared by the Prime Minister's Office in 2012. A progress report was produced by the Prime Minister's Office in 2014 and subsequently a mid-term report was published in 2016. Since September 2017, the Division has taken over the National Human Rights Action Plan 2012–2020 and updates the status on a regular basis. The last update of the National Human Rights Action Plan 2012–2020 was in July 2019 and it was estimated that at least 90% of the measures had been attained at different degrees of completion. The updated list of actions is available on the Division's website at [humanrights.govmu.org](http://humanrights.govmu.org).

56. Moreover, the Human Rights Division is in the process of preparing the final report to close the current Human Rights Action Plan 2012–2020.

**Reply to paragraph 5(c)**

57. The Children's Act 2020 makes provision for the establishment of a 'Child Services Coordination Panel', wherein it is stipulated that there shall be within the Ministry, a Child Services Coordination Panel which shall be responsible of the coordination of all activities relating to the implementation of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

**Reply to paragraph 5(d)**

*Mandate*

National Children's Council

58. The National Children's Council which is a corporate body under the aegis of the Ministry of Gender Equality and Family Welfare was founded in 1990. It operates under the National Children's Council Act 2003. The objects of the National Children's Council are, among others, to:

- (a) Be the key consultative and coordinating national body on all activities and issues related to children;
- (b) Protect the rights of children; promote their interest and well-being; and
- (c) Ensure their participation in matters of interest to them.

Ministry of Gender Equality and Family Welfare

59. The Ministry of Gender Equality and Family Welfare is responsible for the formulation design and implementation of policies and programmes geared towards promoting gender equality, protecting the rights of children and enhancing their overall development, promoting the wellbeing of families and fostering community-based activities, programmes and services for the general welfare of the citizens.

National Human Rights Monitoring Committee

60. The National Human Rights Monitoring Committee ensures:

- (a) Regular monitoring of the implementation of the recommendations of the Action Plan on Human Rights based on the sectoral action plans;
- (b) Adequate resources are available for the implementation of the policies, training and sensitisations being carried out at sectoral level; and
- (c) Collaborative arrangements with local and external partners for the effective implementation of the projects identified.

61. At present, the National Mechanism for Reporting and Follow-up, has taken over the functions of the Human Rights Monitoring Committee.

62. Details regarding the resources of the National Children's Council, the Ministry of Gender Equality and Family Welfare and the National Human Rights Monitoring Committee regarding the coordination of activities to protect and promote children's rights are at Annex V.

**Reply to paragraph 6**

*Allocation of resources*

63. The Government is allocating considerable financial resources to enhance the development, wellbeing and future of the children of our Republic.

64. Child development and family welfare being priority areas, in Budget 2021/22, an amount of 42,750,000 rupees (approximately USD 1,006,500) has been provided under the Judiciary Dept (35,550,000 rupees (approximately USD 836,935) for the setting up of a Children's Court), Ministry of Gender Equality and Family Welfare (Rs 8,710,000 rupees (approximately USD 205,055) for the implementation of the Children's Act 2020) and Police Department (1,000,000 rupees, approximately USD 23,545) for the setting up of a Child Sex Offenders Register.

65. The Office of the Ombudsperson for Children took stock of the 2018/2019 budget from a child rights perspective, and assessed whether the government is providing sufficient funds to translate its policies into the delivery of quality services to children. A number of proposed measures were found to directly involve diverse groups of children. It was also



observed that certain initiatives that could have initially appeared to be unrelated to children were in fact contributing indirectly to their wellbeing. It is also the case that budgeting for children is not limited to the contents of a budget speech. The budget is shared among multiple public and parastatal organisations which obtain recurrent funds annually to fulfil their specific functions with regards to children.

66. Currently the Ministry of Gender Equality and Family Welfare is also seeking consultancy services to undertake an impact analysis study of its programmes to address gender-based violence and promote family welfare. The study will inter alia shed light on whether the most efficient use of available funds is being made to support the realization of children's rights.

### **Reply to paragraph 7**

#### *Data collection*

67. Statistics Mauritius collects comprehensive data based on all areas of the convention regarding children including gender, age, type of disability, locality, school attendance, educational attainment, trafficking and sexual exploitation of children amongst others.

68. Concurrently, the Ministry of Gender Equality and Family Welfare in consultation with Statistics Mauritius annually publishes, a report entitled Statistics in Mauritius – A Gender Approach. It is based on sex-disaggregated data collected on issues pertaining to women and children. The Report is disseminated to all stakeholders including policy makers, researchers, academicians and students. The report is available on the website of the Ministry of Gender Equality and Family Welfare <https://gender.govmu.org/SitePages/Index.aspx>.

69. The Government is proceeding with the setting up of an Observatory on Gender Based Violence in Mauritius to strengthen the data collection on gender-based violence.

### **Reply to paragraph 8**

#### *Independent monitoring*

##### National Human Rights Commission

70. The National Human Rights Commission was set up in 1998 through the Protection of Human Rights Act 1998. It was created according to the Paris Principles which govern the requirements of independence of National Human Rights Institutions and was accredited as a Status A National Human Rights Institution in 2002 and reaccredited as Status A in 2021. It now consists of two Divisions – (1) the Human Rights Division and (2) the National Preventive Mechanism Division.

71. Each division comprises a Chairperson as Head, one Deputy Chairperson and two members.

72. The functions of the National Human Rights Commission include, the protection against and promotion of human's rights and the publicising of human rights and efforts to combat all forms of discrimination by increasing public awareness. The promotion of human rights is done predominantly through education and information by raising awareness amongst various sections of the population, including children in Mauritius and Rodrigues.

73. The Commission has a quasi-judicial competence to receive complaints regarding violations of human rights, to summon witnesses, to call for the production of documents and to hold hearings. Thereafter it can make recommendations to the proper authorities to take action. The National Preventive Mechanism Division was set up according to the Optional Protocol to the Convention against Torture to ensure that conditions of detention in prisons, police cells and other places of detention comply with human rights norms. It is mandated to visit all detention centres, including Rehabilitation Youth Centres and Correctional Youth Centres, in order to ensure that conditions of inmates comply with human rights norms and standards and that the rights of young offenders below the age of 18, are adequately protected.

## Ombudsperson for Children

74. The Ombudsperson for Children represents and defends the rights of children in Mauritius, Rodrigues and Agalega, children of Mauritian origin who live abroad and children of any other nationalities who reside in the Republic of Mauritius. The mandate of the Ombudsperson for Children is to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals. The Ombudsperson for Children also promotes child rights and best interests of children as well as compliance with the Convention on the Rights of the Child. The office of the Ombudsperson for Children consists of the Ombudsperson for Children herself, 5 Investigators and 14 Support Staff. Details of the Budget of the Ombudsperson for Children's Office are at Annex VI.

## **B. Definition of the child**

### **Reply to paragraph 9**

#### *Minimum age of marriage*

75. The Children's Act 2020 provides that no person shall force a child to be married civilly or religiously.

76. The definition of the child has been reviewed in the Children's Act 2020 and it refers to any person under the age of 18 years.

77. Following the proclamation of the Children's Act 2020, articles 145 to 148 of the Civil Code will be repealed. Further article 149A will be added to make the following articles d'ordre public: 144 (age of marriage at 18 years), 149 (consent to marriage), 150 (prohibition of bigamy), 151 and 152 (both relating to the restrictions on marriage within certain degree of familial relationship).

## **C. General principles**

### **Reply to paragraph 10 (a)**

#### *Non-discrimination*

78. Mauritius is a welfare state with a wide range of social protection schemes, ranging from free education, from pre-primary to tertiary level, free health services, free public transport to the elderly, the disabled and students. The State of Mauritius also provides subsidies on basic foodstuffs like rice and flour as well as on cooking gas. The myriad of programmes and social policies are made available for the most vulnerable segments of the population. Social protection, free health care services, education and bus transport play a key role in bringing down poverty.

79. The Government of the Republic of Mauritius provides universal health care including mental health care and psycho-social support, access to medical facilities and drugs are free of charge.

80. To prevent and address discrimination against children in marginalized and disadvantaged situations including children with disabilities, the Office of the Ombudsperson for Children handles complaints through various means (hotline, call in office, letters and emails). The Office of the Ombudsperson for Children and the Ministry of Gender Equality and Family Welfare in collaboration with other stakeholders carries out awareness and sensitisation campaigns to promote the rights of children.

81. A series of measures have been taken by the Ministry of Social Integration and Social Security and different stakeholders to prevent and address discrimination and to ensure access to social services for children in marginalized and disadvantaged situations, is at Annex VII.

**Reply to paragraph 10 (b)**

82. Several Trust Funds, Cultural Centres, Speaking Unions and Heritage Funds have been set up in Mauritius for the preservation of our rich and diverse cultural heritage and for the promotion of languages. Consequently, Mauritians of all cultural backgrounds have the opportunity to participate in religious and cultural activities of their choice and to foster harmony and mutual respect.

83. The Nelson Mandela Centre for African Culture is dedicated to the advancement of the African and Creole culture in Mauritius. Since its opening the Centre has played an important role in projecting a positive image of the African and Creole culture in Mauritius, promoting the richness and variety of African and Creole Arts and Culture by organizing various forms of cultural and social activities through exhibitions, publications, meetings, talks, and performing arts.

84. An 'Akademi Kreol Repiblik Moris' has been set up in May 2019 to develop and promote 'Kreol Morisien' as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity and follow up on the development and use of the Kreol language in the Republic of Mauritius.

85. Kreol Morisien is taught in schools as an optional language and in 2021, students were in their 9th year of study. With a view to ensuring continuity in the study of Kreol Morisien beyond grade 9, amendments have been made for the subject to be offered in the curriculum at grades 10 and 11. Kreol Morisien textbooks for grades 1 to 9 have been developed by the Kreol Unit at the Mauritius Institute of Education and are distributed freely to learners who have opted for the language. The Ministry has also initiated actions with respect to reading materials in Kreol Morisien which can be sent to school libraries. It is equally expected of the Akademi Kreol Repiblik Moris to encourage and facilitate the growth and development of a corpus of literature in Kreol Morisien that would be highly useful as learning materials.

86. As an institution dealing with anti-discrimination issues, the Equal Opportunities Commission addresses the various forms of discrimination based on 13 grounds of status, which includes age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation and in relation to Sections 10 and 11, includes criminal record, as provided in the Equal Opportunities Act of 2008.

**Reply to paragraph 10 (c)**

87. The Government of Mauritius donated land in Baie du Tombeau (45 acres and 80 perches) and Pointe aux Sables (22 acres) to the Chagossians. 1,202 adults received 40 toises each and 142 minors, 20 toises each.

88. The Chagossian Welfare Fund, which was initially known as the Ilois Trust Fund, was set up in 1982. Representatives of the Chagossian community form part of the Board of the Chagossian Welfare Fund and are elected by members of the Chagossian community. In 2012, the Chagossian Welfare Fund Act 1999 was amended to provide for children of members of the Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Fund.

89. The Government of Mauritius has over the years increased the budget of the Chagossian Welfare Fund so that its Board can take appropriate measures to advance and improve the welfare of members including children of the Chagossian community. The measures which have been or are being taken include:

- (a) Scholarships to eligible students of the Chagossian community;
- (b) Talks for young Chagossians on nutrition and drug abuse;
- (c) Sports activities for young Chagossians;
- (d) Recreational activities for primary and secondary school students of the Chagossian community;
- (e) Donation of building materials for repairs to be made to the roof of houses of Chagossians which leaked during heavy rainfalls;

- (f) Visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
- (g) Funeral grants to families of deceased Chagossians;
- (h) Financial assistance to Chagossians going for treatment abroad over and above that provided by the Ministry of Health and Wellness; and
- (i) Provision of transport facilities to Chagossians who have appointments at hospitals.

90. The Government of Mauritius is deeply committed to resettle the Mauritians, including those of Chagossian origin, in some of the islands of the Chagos Archipelago. With the International Court of Justice Advisory Opinion, as reaffirmed by United Nation General Assembly Resolution 73/295, Mauritius looks forward to fulfilling this commitment and thereby restore the dignity of those forcibly displaced Mauritians in the very near future.

**Reply to paragraph 10 (d)**

91. To promote Human Rights, the National Human Rights Commission conducts awareness raising campaigns in Citizens Advice Bureaux, Social Welfare Centres, Women Empowerment Centres, Youth Centres as well as schools to inform the public at large including children about their rights and their obligation to respect the rights of other citizens. Talks to students are delivered in English and French about the history of Human Rights, the Universal Declaration of Human Rights, Chapter II of the Constitution on Fundamental Rights, and about children's rights and responsibilities.

92. As part of its external actions to promote democracy and respect for human rights in developing countries, the European Union has granted funds over a period of three years to the National Human Rights Commission to finance a project in Mauritius and Rodrigues to educate and raise awareness amongst different sections of the Mauritian population, including children on their human rights.

93. Informative sessions are delivered in private and state secondary schools in collaboration with the Ministry of Education, Tertiary Education, Science and Technology. Students of all grades are educated on their rights as set out in the United Nations Convention on the Rights of the Child and relevant national legislation such as the Child Protection Act 1994, including pertinent issues such as, corporal punishment and cyber bullying, the issue of street children, and substance abuse.

94. In June 2018, the National Human Rights Commission organised a half-day workshop on 'Human Rights and Children's Rights' with students of Grade 12 and Grade 13 in collaboration with the Ministry of Education, Tertiary Education, Science and Technology.

95. Sensitisation Campaigns carried out by the Equal Opportunities Commission is at Annex VIII.

**Reply to paragraph 11**

*Best interests of the child*

96. Best interest of the child is effectively the overarching principle on which all legislations, policies and programmes of Government are grounded. There is always a consultative approach that is adopted with all stakeholders to ensure that they are on board.

97. The role of the Ombudsperson for Children is primarily to positively influence legislations, policies and programmes to ensure that the best interests of children are upheld in accordance with the Convention on the Rights of the Child. This aspect of the work of the Ombudsperson for Children is stipulated in Section 6(c) of the Ombudsperson for Children Act 2003.

98. According to the Ombudsperson for Children Act, the Ombudsperson for Children makes proposals to the Minister of Gender Equality and Family Welfare on legislation, policies and practices regarding services to, or the rights of, children (Section 6(a)); and advises the Minister of Gender Equality and Family Welfare on the establishment of

mechanisms to afford children the ability to express themselves freely, according to their age and maturity, especially on all matters concerning their individual or collective rights (Section 6(k)).

99. The best interest principle of the child is the overriding primary consideration leading the Ministry of Gender Equality and Family Welfare to work collaboratively with a number of agencies as per the recommendations of the Office of the Ombudsperson for Children on technical aspects of drafting of legislation and policies which require a host of expertise, experience and skills, especially in the fields of child welfare and rights.

100. Similarly, the High-Powered Working Together Committee ensures that policies, procedures and guidance are developed and disseminated to all relevant professionals. The main objective of this Committee is to look into avenues of collaboration amongst all stakeholders dealing with issues relating to the protection, development and child welfare.

## **Reply to paragraph 12**

### *Respect for the views of the child*

101. Children and their duly authorised representatives can lodge complaints in any Mauritian court or tribunal with jurisdiction to hear claims of violations of their rights. This includes applying to the Supreme Court for redress for rights violations or judicial review of administrative acts or decisions.

102. Under the Civil Code, the “legal administrator” (i.e. parents) represents the child in all civil actions, except in cases in which the law or custom allows minors to act themselves. Where in any proceedings the interests of the child’s legal representatives conflict with those of the child, the judge will appoint a special or ad hoc administrator to represent the child.

103. In any proceedings, a child “capable of discernment” may request to be heard by the judge, and that request cannot be refused except by a specially reasoned decision. The child can be heard alone, with a legal counsel or person of his/her choice, or if this does not appear in the interests of the child, the judge may appoint another person.

104. A child (or any other person on the child’s behalf) may lodge a complaint with the Ombudsperson for Children alleging that his/her fundamental rights were violated. The Ombudsperson for Children is charged with investigating complaints about potential violations of a child’s rights, and can also open investigations on his/her own motion.

105. Any person, including a child, may lodge a written complaint with the Human Rights Division of the National Human Rights Commission alleging their rights have been, are being or are likely to be violated. Under the Protection of Human Rights Act 1998, the Commission can investigate claims of violations of rights by the acts of public bodies or officers, including members of the police force. It can also enquire of its own motion into such acts. Investigations must occur within two years of the violation in question. The Division first attempts to resolve complaints through conciliation. Where this is unsuccessful and a violation has been found to have occurred, the Division refers the matter to the Director of Public Prosecutions where it appears that an offence may have been committed, or any other relevant public body for disciplinary actions.

106. Complaints about discrimination on various grounds under the Equal Opportunities Act 2008, such as in education, may be lodged with the Equal Opportunities Commission. If a complaint cannot be resolved through conciliation or conciliation is not successful, the Commission shall after conducting the investigation make a report which it forwards to the parties. If the complaint is still unresolved, it shall with the consent of the complainant refer the matter to the Equal Opportunities Tribunal. However, the Tribunal only has the power to issue orders directing parties to comply with the law or to fine respondents in an amount not exceeding Rs 500,000 (approximately USD 6747).

107. A Student Council and Prefects Body at the level of schools are set up to give a voice to students on matters pertaining to school life. School Management are encouraged to hear the voice of students and give them the opportunities to participate in the school- decision making process.

108. The Ministry of Gender Equality and Family Welfare is envisaging to set up the Guardian Ad Litem Programme as per section 66 of the Children's Act 2020 which will ensure advocacy for the best interest of children throughout the judicial proceedings.

109. Measures taken to promote and enhance the participation of children in the family, school and community are listed at Annex IX.

## **D. Civil rights and freedoms**

### **Reply to paragraph 13**

#### *Birth registration, nationality and statelessness*

110. In Mauritius the late declaration of birth is overseen by the Ministry of Gender Equality and Family Welfare. As per section 12(1) of the Civil Status Act of 1981, provision is made for a declaration of birth to be made within 45 days of the birth. As per section 14(2) of the Act, in the absence of the parents, the Supervising Officer of the Ministry may cause the birth of the child to be registered. The Child Development Unit is mandated to facilitate the procedure for the tardy declaration of birth of children.

111. The procedures for tardy declaration of birth are provided at Annex X.

112. The Republic of Mauritius is neither a party to the 1951 United Nation Convention relating to the Status of Refugees, nor to the United Nation Protocol relating to the Status of Refugees 1967 including the Convention relating to the status of Stateless Persons and the Convention on the Reduction of Statelessness. It is not a party to the Organisation of African Unity Convention on Refugees 1969. Mauritius being a small and densely populated island with stretched resources, has not yet adopted any law or policy to grant refugee status to foreigners. Mauritius, however, does attempt to treat applications for refugee status or political asylum, on a humanitarian and case-to-case basis by facilitating their settlement in a friendly country willing to receive them. Mauritius has always been collaborating with the United Nations High Commissioner for Refugees for the resettlement of non-citizens to whom United Nations High Commissioner for Refugees has granted the status of refugee/asylum seekers. However, the United Nations High Commissioner for Refugees has the responsibility to meet the cost of stay of non-citizens until such time that they leave Mauritius.

113. The national mechanism, in place for statelessness is such that whenever a child is born on Mauritian territory whereby both parents are non-citizens the birth is registered once same is reported to the Civil Status Office. The child is issued a birth certificate in which the place of birth, name and surname child, address of parents are mentioned among other details. However, no Unique Identification Number is allocated to the child as the parents are foreigners and the child is not considered a citizen of Mauritius.

### **Reply to paragraph 14**

#### *Right to privacy*

114. According to the Child Protection Act (1994) and the Juvenile Offenders Act (1935), both the victim and the juvenile offender are entitled to have their privacy respected at all stages of the proceedings. Section 13A 5 (a) of the Child Protection Act 1994 and Section 7 of the Juvenile Offenders Act provides restriction on press reports whereby no information about the name, address, school photograph or other particulars of a child victim or juvenile offender may be revealed.

115. The Data Protection Act (2017) provides for the protection of the privacy rights of individuals including children and persons with disabilities in view of the developments in the techniques used to capture, transmit, and manipulate, record or store data relating to individuals. All persons, including persons with disabilities have a right of access to their personal data. Section 37 of the Act provides for a right of access such that "every controller shall, on the written request of a data subject provide, at reasonable intervals, without

excessive delay (...) free of charge, confirmation as to whether or not personal data relating to the data subject are being processed and forward to him a copy of the data.”

116. Section 27 of the Children’s Act 2020 safeguards the privacy of the child through the provision of strict guidelines concerning publication in the media of photographs, pictures, video or audio recordings of children as witnesses, victims or offenders.

## **E. Violence against children**

### **Reply to paragraph 15**

#### *Corporal punishment*

117. Corporal punishment in all settings is being addressed in the Children’s Act 2020 (not yet in operation). The penalties have also been reviewed to the increase in order to deter such offences.

118. At the level of the schools (both primary and secondary) a copy of a circular letter by the Ministry of Education, Tertiary Education, Science and Technology is passed around on a regular basis to all educators as a reminder clearly condemning corporal punishment on children and warning on the legal consequences if the law is trespassed under the Child Protection Act 1994.

119. At the secondary school level, a Student Behaviour Policy (2016) acts as a guide for schools to deal with the problem of indiscipline. Rectors are empowered to ensure that school rules and discipline are observed. They must also ensure that article 19 of the Convention on the Rights of the Child stipulating that a child must be protected from violence, abuse and exploitation is respected.

### **Reply to paragraph 16 (a)**

#### *Abuse and neglect*

120. A number of stakeholders including the Ministry of Gender Equality and Family Welfare and the police have taken a number of steps to prevent, investigate, prosecute and punish any abuse and neglect of children including children with disabilities who reside in institutions run by Non-Governmental Organisations.

121. These include provision of free hotlines for the reporting of cases; psychological/psychiatric support; awareness campaigns; and legislations which provide protection to children.

122. A team of enforcement officers of the Licensing and Enforcement Section of the Ministry of Gender Equality and Family Welfare carry out regular visits in Residential Care Institutions for monitoring purposes.

123. The Police Family Protection Unit, the Crime Prevention Unit, the ‘Brigade Des Mineurs’ and Traffic Branch worked in close collaboration with other stakeholders to attend to the requests and needs of all children including children with disabilities.

124. A number of institutions have also been set up including National Human Rights Institutions and Tribunals to provide an avenue for persons with disabilities including women and girls with disabilities whose rights have been violated to seek redress for any violation of their rights.

125. The details regarding the preventive efforts, investigation and prosecution and punishment of cases of abuse and neglect against children including children with disabilities are provided at Annex XI.

### **Reply to paragraph 16 (b)**

126. In 2014, an Advisory Committee on the Reinforcement of Framework for the Protection from Domestic Violence was set up to inter alia, review the Protection from Domestic Violence Act of 1997 to make it more responsive to the protection and

rehabilitation of victims, as well as the prosecution of perpetrators, and develop new policy orientations and the delineation of the effective roles of major stakeholders involved in combating domestic violence.

127. In 2015, in order to address further the scourge of domestic violence, the Government set up a National Coalition against Domestic Violence Committee under the aegis of the Prime Minister's Office. The Committee consisted of representatives from the key Ministries, Departments, Non-Governmental Organisations and the private sectors.

128. The report of the National Coalition against Domestic Violence Committee was published in April 2016, recommending that there is a need to ensure coordination and reinforce protective services for victims of gender-based violence by adopting a holistic approach; and reinforce the intervention and prevention mechanisms to address gender-based violence in respect to both victims and perpetrators. Consequently, the Protection from Domestic Violence Act was amended anew in 2016.

129. A National Strategy Document and its accompanying Action Plan present the new strategic direction of the state to eliminate Gender Based Violence (GBV) in Mauritius (launched in November 2020) and reflects stakeholder engagement to address this national issue.

130. The key elements of the National Strategy revolve around having a shared understanding of the nature and extent of Gender Based Violence in Mauritius, the commitment of multiple stakeholders, strengthening of the existing legislative and policy framework, capacity building of stakeholders; and the setting up of a strong monitoring and evaluation mechanism.

131. The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 were passed in the National Assembly in December 2020 and are yet to be proclaimed.

#### **Reply to paragraph 16 (c)**

132. The Child Protection Act 1994 provides the Ministry powers for enquiry, assessment and intervention if there is an allegation of child violence. Officers of the Ministry have the right to summon any person, enter any premise, request medical examinations, request police and medical assistance without the consent of the parent.

133. The law sets out a decision making process for the removal of children under court orders from any family environment that is considered to constitute a risk for the child's development and wellbeing.

134. The details of the measures to protect children from violence under the Child Protection Act 1994 are provided at Annex XII.

135. The National Strategy and its Action Plan could not be finalised in view of the high cost implications involved in its implementation and the absence of consensus on the priority actions to be implemented by stakeholders.

136. The Computer Emergency Response Team of Mauritius, is responsible to drive the Child Online Safety Action Plan endorsed by the government in October 2009. One of the major activities under the plan is the organisation of the Safer Internet Day by Computer Emergency Response Team of Mauritius on a yearly basis. Awareness sessions on the areas of child online safety are carried out for students and ICT teachers in schools and in Community Centres throughout the year. Brochures, short videos, booklets and flyers on the issues of online safety are also distributed to the general public. Radio programmes are also being broadcast for creating mass awareness on internet safety for the whole population of Mauritius.

137. Since 2009 till date, awareness campaigns are conducted by Computer Emergency Response Team of Mauritius in primary and secondary schools, women empowerment centres, community centres to sensitise children, parents and grandparents on the issues pertaining to online dangers like online predators, sextortion, sexting, identity theft etc.



138. Moreover, each year the Safer Internet Day is organized in Mauritius by Computer Emergency Response Team of Mauritius, with the aim of promoting safe and more responsible use of online technology and mobile phones, especially amongst youngsters. Some 33,000 citizens, including children have been sensitised since 2009.

139. The Computer Emergency Response Team of Mauritius has proactively issued some guidelines on how children could be protected and remain safe while they surf online. Moreover, it has developed the Mauritian Cybercrime Online Reporting System, where cyber incidents such as cyberbullying, sextortion, fake accounts and derogatory comments or pages about children as well as adults could be reported and addressed.

140. In the year 2020, the Child Development Unit carried-out 25 awareness campaigns reaching: 262 males and 685 females, on child pornography, online child sexual abuse, child abuse, child sexual abuse amongst others.

141. There is currently no single framework or set of principles, agreed and implemented across different sectors, governments and institutions for promoting children's rights in digital age such frame could be adopted to guide policies and strategies to enable policy makers, service providers and the technology sector so that digital environment is guided by an understanding of a commitment to Children's Rights.

**Reply to paragraph 16 (d)**

142. Details of the human, technical and financial resources allocated to the Child Development Unit of the Ministry of Gender Equality and Family Welfare including training received by its staff is at Annex XIII.

143. The Independent Police Complaints Commission provides advice on ways in which any police misconduct may be addressed and eliminated and also promote better relations between the public and the Police as well as perform other such functions as may be conferred to it by other enactments. However, the Independent Police Complaints Commission does not have any specific training in regards to addressing complaints of abuse and neglect from or on behalf of children.

**Reply to paragraph 16 (e)**

144. The Integrated Support Centre was launched on 08 March 2019. Hotline 139 (for domestic violence) and Hotline 113 (Child Abuse) are now being attended simultaneously through 4 parallel phone lines. With high-end technology, the Integrated Support Centre is connected to the 6 Family Support Bureaux through 12 phone lines and to the Domestic Violence Information System which is a repository for all data pertaining to cases to domestic violence. In addition, the main operator is located at Phoenix and it is also connected to the 6 Child Development Unit Outstations. Calls received can easily be connected to the nearest Service Provider for immediate intervention and assistance.

145. From July 2018 to July 2021, 30,767 cases out of which 11, 625 child abuse cases were reported at the Integrated Support Centre.

**Reply to paragraph 17 (a)**

*Sexual exploitation and abuse*

146. Provision has been made in the Children's Act 2020 to amend the Criminal Code in section 249(3), by deleting the words "age of 12" and replacing them by the words "age of 16", so that any person who commits an indecent act upon a child under the age of 16, in lieu of 12, even with the consent of the child, shall commit an offence.

**Reply to paragraph 17 (b)**

147. The measures taken to strengthen the investigation and prosecution of cases of sexual exploitation and abuse of children:

- (a) Cases are investigated on a fast-track basis by the police;

(b) Cases are mandatorily forwarded to the Office of the Director of Public Prosecutions after completion of enquiry;

(c) Information in these cases is vetted by the Office of the Director of Public Prosecutions;

(d) Cases are conducted by State Law Officers before Courts;

(e) Training is regularly provided at the level of the Police Training School by the Ombudsperson for Children and the Ministry of Gender Equality and Family Welfare on sexual-assaults-related-cases;

(f) Arrangements are made to ensure that cases involving children are dealt with compassionate investigations, understanding, patience and non-judgmental attitude by police officers; and

(g) Specific places to ensure confidentiality, respect and dignity of the victims.

148. The Mauritius Police Force has a Protocol of Assistance to Victims of Sexual Assault. The protocol provides for the procedures to be followed for the medical examination of the victims by the Police Medical Officers/Medical Health Officers, recording of statements in presence of a Family Welfare and Protection Officer and other support services for the purpose of ensuring a prompt and diligent enquiry.

149. Complex cases where victims have been subjected to online sexual exploitation are investigated by the Cybercrime Unit assisted by the Police IT Unit for the forensic examination of digital evidence. In the course of Police investigation, identification of the perpetrators is carried out by way of screen identification. After completion of the police investigation, all cases involving children whether as victims or perpetrators, are sent to the Office of the Director of Public Prosecution for advice.

150. The Office of the Director of Public Prosecutions has put in place a fast track channel to deal with cases involving children. For child trafficking cases, for instance, the Office of the Director of Public Prosecutions ensures that they are advised and lodged within the shortest delay. As regards the trial of cases involving children, they are, as far as possible, disposed of at the earliest and postponements are discouraged.

151. Furthermore, according to a Protocol between the Office of the Director of Public Prosecutions and the Intermediate Court, children are called upon to depose during a special session, after all formal witnesses have been heard in order to ensure that child victims are not intimidated by the court process and that they do not unnecessarily attend court since the possibility of a postponement exists. The end result is to ensure that the child attends court only once.

152. As far as is practicable, motion is made in Court to have the child victim heard through live video or live television link system pursuant to Section 161B of the Courts Act 1945, in which case the child, who is a complainant in a sexual offence case, has no direct contact with the accused party.

153. Mauritius does not have a mechanism for compensation.

**Reply to paragraph 17 (c)**

154. The following are legislations regarding child abuse, violence, neglect, sexual exploitation and child under detention:

- Criminal Code Act 1838;
- Combating of Trafficking in Persons Act 2009;
- Child Protection Act 1994;
- The Protection from Domestic Violence Act 1997;
- The Equal Opportunities Act 2008;
- Workers' Rights Act 2019; and
- Juvenile Offenders Act 1935.

155. The Children's Act 2020 provides for offences against children where they are exposed to violence, exploitation and harm, including internet and web related offences such as child pornography and child grooming.

156. The Mauritius Family Planning and Welfare Association has carried out 1838 sensitisation campaigns on sexual abuse, exploitation and teenage pregnancy for the period of January 2019 to October 2019. Some 1, 850 adolescents (800 boys and 1050 girls) have benefited from these campaigns.

157. The Child Development Unit has carried out 99 campaigns on child abuse, from 2015 to 09 September 2021 thereby reaching 5503 persons. From 2018 to 09 September 2021, the Drop-in-Centre has undertaken 100 campaigns on Commercial Sexual Exploitation of Children, thereby reaching 5202 persons.

158. From 2018 to June 2021, the Child Development Unit participated in 43 radio programmes on child abuse inclusive of Commercial Sexual Exploitation of Children. The Child Development Unit also participated in 04 Television programmes on child abuse from 2020 to July 2021. The Drop-in-Center participated in 36 radio programmes for the period of 2018 to June 2021 on Commercial Sexual Exploitation of Children.

159. The Brigade Pour la Protection des Mineurs, Police Family Protection Unit and Crime Prevention Unit work closely with the regular Police to promote child protection and disseminate information on children's rights.

160. The Police Family Protection Unit has a specific programme known as Protective Behaviour Programme where school children are sensitized on their personal safety and their right to talk on any unsafe situations to a trusted person until appropriate action is taken to help them restore their safety. A booklet entitled 'Le Toucher' is used to address issues of Child Sexual Abuse by helping children make the difference between good touch and bad touch, good secret and bad secret.

161. Details on the awareness-raising/sensitization campaigns are at Annex XIV.

162. Since 2013, awareness campaigns are being conducted by Mauritius Computer Emergency Response Team in primary and secondary schools, women empowerment centres and community centres to sensitise children, parents and grandparents on the issues pertaining to online dangers like online predators, sextortion, sexting, identity theft etc.

163. Moreover, each year the Safer Internet Day is organised in Mauritius by Mauritius Computer Emergency Response Team, with the aim of promoting safe and more responsible use of online technology and mobile phones, especially amongst youngsters. Some 15,000 citizens, including children have been sensitized so far.

#### **Reply to paragraph 17 (d)**

164. Services of a team of professionals are available at six Child Protection Services across the island to support children victims of sexual exploitation and abuse.

165. A free hotline/Helpline service, number: 113 is operational on a 24/7 basis and which is free of charge to attend to children in distress/in need of support.

166. Children can also use the 'Family Welfare App' to report cases of child abuse. The public use of the 'panic button' on the App to directly call on Hotline 113.

167. Police officers whilst dealing with cases of sexual assault, have to act with diligence in ensuring that victims are medically examined by Police Medical Officer and other necessary actions are taken both for the successful investigation of such cases whilst ensuring the welfare of victims. The procedures to be adopted in such cases have now been streamlined in a "Protocol of Assistance to Victims of Sexual Assault" as approved by Government.

#### **Reply to paragraph 17 (e)**

168. The Residential Drop-in Centre caters for the recovery and reintegration of victims of sexual exploitation and abuse through a range of services including psychotherapy and assistance for their re-insertion in mainstream society.

169. The issue of commercial sexual exploitation of children is also addressed by the Drop-in-Centre which is managed by the Mauritius Family Planning and Welfare Association. The Drop-in Centre provides a broad range of services including counselling, medical assistance, rehabilitation services and awareness campaigns.

170. Refer to reply to paragraph 29.

**Reply to paragraph 17 (f)**

171. Statistics Mauritius collects and disseminates statistics on sexual exploitation of children on its website.

172. The Crime Records Office and the Police Family Protection Unit collect data in respect of cases involving children in a systematic way including age, sex, geographic location and nature of offence. These data are forwarded to the Ministry of Gender Equality and Family Welfare on a monthly basis through the office of the Commissioner of Police. Statistics for the period January 2015 to August 2020 are put up at Annex XV.

173. The United Nations Office on Drugs and Crime and Southern African Development Community Secretariat custom-designed and developed a data collection and management system for the Southern African Development Community region through their harmonised regional project. It consists of national data hubs housed at the Secretariat of the Inter-Ministerial Task Force/Committee into which stakeholders input data periodically. The national data hubs are linked to a regional data hub hosted at the Southern African Development Community Secretariat, and co-administered by United Nations Office on Drugs and Crime and Southern African Development Community. This facilitates regional cooperation in addressing human trafficking.

## **F. Family environment and alternative care**

**Reply to paragraph 18 (a)**

*Family environment*

174. The National Parental Empowerment Programme was launched in October 2010 and restyled in June 2016 as *Atelier Partage Parents*.

175. The objectives of the Programme are to enhance the relationship between parents and children in general with a view to reducing intergenerational gaps that lead to conflicts between parents and children. The programme also aims at improving the parenting skills of parents particularly those in deprived areas, and in disadvantaged circumstances. Families are sensitised on different forms of violence.

176. Details of the current activities under the National Parent Empowerment Programme and other programmes to support families are at Annex XVI.

**Reply to paragraph 18 (b)**

177. With respect to measures taken to help mothers and fathers to share responsibilities for their children, access to parental leave and leave for family reasons are provided to parents.

178. The conditions of service for all employees in the public sector, irrespective of their positions within the hierarchy are governed by the Pay Research Bureau Report, including sick leave, maternity leave and adoption leave.

179. As per Section 52 of the Workers' Rights Act 2019, a woman is entitled to 14 weeks' maternity leave on full pay, irrespective of the length of service of the working mother. A female worker who has been in continuous employment with the same employer for a period of 12 consecutive months is also eligible for 14 weeks' leave on full pay when she adopts a child aged less than 12 months. As per Section 53 of the Workers' Rights Act 2019, a man is entitled to a paternity leave of 5 continuous working days where his spouse has been in continuous employment for a period of 12 consecutive months and has given birth to a child.

180. One of the major commercial banks has implemented a new policy whereby the legal paternity leave was increased from 5 to 10 days - including for unmarried fathers - for any birth as from 01 July 2021.

181. In cases of separation or divorce, the court grants the provisional custody or the custody of the child to one of the parents depending on where the best interests of the child lies and the right of access and visit to the other parent.

182. The National Children's Council through the 'Atelier Partage Parents' sensitises parents on their equal roles and responsibilities towards the upbringing of their children.

183. The measures taken to help parents is to better equip them with the appropriate parenting styles through courses on specific topics such as parenting and challenges of parenting and also by disseminating information on the Convention on the Rights of the Child and the Child Protection Act among others.

#### **Reply to paragraph 18 (c)**

184. Sensitisation campaigns are carried out to inform couples opting for religious marriages to register their marriages at the Muslim Family Council or to contract civil marriages in the best interest of the child. A booklet informing couples on the different types of civil marriages and Nikahs (Muslim Religious Marriages) was printed in 2019 and distributed to members of the public; especially those attending the Muslim Family Council.

185. Furthermore, Article 242 of the Civil Code clearly stipulates that, '*s'il y a des enfants mineurs, le juge en chambre se prononce sur leur garde, ainsi que sur le droit de visite et d'hébergement, en tenant compte exclusivement de leurs avantages et de leurs intérêts*'. It is putative that the judges always apply the test of the best interests of the child in divorce cases, or separation of parents, custody of children, or orders for alimony or for immediate care and control.

#### **Reply to paragraph 19 (a)**

##### *Children deprived of a family environment*

186. Child Rescue and Protection Services of the Child Development Unit ensure accessibility and proximity service delivery in respect of child protection. It provides immediate assistance, protection and follow up, as appropriate to children victims of violence, and abuse, especially sexual abuse. Services are provided in a one stop shop child friendly system through a team of professionals attending to the immediate needs of children victims of abuse.

187. The Child Rehabilitation Services is mandated to ensure rehabilitation is undertaken between the children and their biological parents through regular parental visits, with the aim of returning them to their family.

188. Since 2019 to August 2021, 433 children were reintegrated into their biological families.

#### **Reply to paragraph 19 (b)**

189. The Child Protection (Foster Care) Regulations 2002 will be reviewed and take into consideration the financial implication involved in incurring the allowance for foster parents as per the requirements of children they are catering for. This will allow for children of all ages ranging from babies to teenagers and with a degree of condition such as physical, mental and emotional conditions, to be reinserted within a family setting.

190. The foster care allowance payable to foster parents has been revised on the increase in the budget 2021/22 from 5,250 rupees (approximately USD 125) to 8000 rupees (approximately USD 190) with a view to scaling up the Foster Care Programme, allowing children of all ages including children with disabilities to be reinserted within a family setting.

191. Moreover, from year 2013 to August 2021, a total of 104 children were placed in foster care families.

**Reply to paragraph 19 (c)**

192. The Ministry of Gender Equality and Family Welfare has established a periodic review of placement mechanism with a view to ensuring the required capacity of accommodation of each institution catering for children victim of violence. More emphasis is placed on the Family Rehabilitation/Back to Home Programme to reduce overreliance on institutions. The purpose of the programme is to allow the children victims of violence who have been placed in Residential Care Institutions to return to their homes.

193. Furthermore, in cases where it is noted that residents of those institutions are not able to get reinserted into their biological environment owing to reasons like, incest where the child is in immediate danger or also where parents are found to be in prisons or involved in prostitution or drug addiction, the option of foster care system is explored.

194. The Child Protection (Place of Safety for the Welfare and Protection of Children) Regulations 2019 provides the basis for monitoring of Residential Care Institutions. Monitoring is carried out regularly by Enforcement Officers every fortnight.

195. The Ministry of Gender Equality and Family Welfare is also responsible to follow up on children victims of violence placed in Residential Care Institutions and ensures their welfare. Enquiries are carried out in cases of abuse or ill-treatment reported in Residential Care Institutions and required actions are taken.

196. As regards periodic review of placement in foster care families, Officers carry out regular home visits, school visits and follow up with the foster care parents and foster children. A care plan is devised and follow up visits are ensured to monitor the placement. Psychological support and counselling are provided to foster children and foster parents.

197. The Child Protection Services intervene in cases where abuse and violence have been detected in foster homes.

198. The Foster Care Regulations make provision for the termination of a placement where it is not in the child's best interests to remain in such placement.

**Reply to paragraph 19 (d)**

199. The Ministry of Gender Equality and Family Welfare is working on a draft Adoption Bill and consultations with stakeholders are being held. There are still a number of policy options that need to be finalised before the introduction of the Bill in the National Assembly.

**Reply to paragraph 19 (e)**

200. The Adoption Bill is yet to be finalised. Its implications and bearings are under study.

**Reply to paragraph 20 (a)***Children of incarcerated parents*

201. The Children's Act 2020 (not in force) provides for the best interest principle. The best interest principle of the child shall be a primary consideration by any person, Court, institution or other body on any matter concerning the child as provided for under section 4 of the Children's Act 2020.

**Reply to paragraph 20 (b)**

202. The Mother and Child Unit was set up at the Women's Prison in 2009 to respond to urgent needs of incarcerated mothers and their babies. The Unit can accommodate 8 mothers and babies. All the needs of the babies are provided for by the Prison Authority through the Welfare Officer. Birthday celebrations are organised by the Women's Prison. Outside day care and educational facilities are also provided for the children. Regular medical assistance is provided at the nearest medical facilities, as well as visits by pediatricians.

203. For children born in prisons, needful is done by the Welfare Officer for the declaration of birth of the child at the Civil Status Office. A Day Care Centre was set up outside the Women's Prison for children, as from the age of three months to three years.

204. Children between three to five years old are allowed to attend the Municipal Pre-Primary School with all facilities such as uniforms, shoes, school bags, school materials, juice and a pack lunch. They attend school accompanied by a female officer in civilian clothes so that they are not stigmatized at school. The children are also allowed to go on school outings.

**Reply to paragraph 20 (c)**

205. In circumstances where the detainee has no relative to whom she can hand over the child, the intervention of Child Development Unit is solicited. In case of a foreigner, the Ministry of Foreign Affairs, their Embassies and the Child Development Unit are contacted. In such situations, the child is provided with support and assistance in order to ensure his protection, safety and proper development.

206. For children who reside in alternative care, Prisons Welfare Officers with the support of the Child Development Unit facilitate visits of children of incarcerated parents. Some Non-Governmental Organisations have also been co-opted to help in maintaining the link between the children and their incarcerated parents.

207. Children up to the age of five years are allowed in some cases to stay with their mothers in prison.

208. Detainees receive visits from their children and their relatives once in a fortnight. Additional visits may be granted if request is justified.

209. Facilities provided to relatives of detainees on visit include *inter alia*:

(a) A Family Outreach Centre where Prisons Welfare Officers provide support services to relatives of detainees;

(b) Children Corner / Playground for children (in some prisons); and

(c) Breast feeding booth.

210. Other services provided by Prison Welfare Officers include:

(a) Application for Social Aid on behalf of detainees to support their relatives financially;

(b) Assistance to:

(i) Declare the birth of their child;

(ii) Transfer of children to other schools;

(iii) Follow relevant procedures with Passport & Immigration Office to provide consent whenever their wards have to travel overseas;

(iv) Facilitate access to relevant services towards the welfare of children of detainees such as provisions of school materials; and

(v) Visits of children of detainees who are in foster care families.

211. The Ministry of Social integration, Social Security and National Solidarity provides a monthly allowance to a child whose parent is incarcerated and financial assistance to a person who is temporarily or permanently incapable of supporting himself/herself and his dependents due to imprisonment of head of household.

212. Social aid is payable to needy families where the head of the household is in jail, police custody or in hospital. The beneficiaries of social aid are also entitled to:

(a) Free spectacles;

(b) Hearing aids, wheelchairs;

(c) Refund of travelling by bus to attend medical treatment;

(d) Funeral grant;

- (e) Payment of examination fees for School Certificate, General Certificate of Education, Higher School Certificate and Mauritius Institute of Training and Development courses for their wards;
- (f) Allowance for the purchase of rice and flour as follows: 294 rupees (approximately USD 7) for the head of household and each member of the family;
- (g) Allowance to victims of fire, cyclone refugees and flood victims;
- (h) Payment of a rent allowance to a maximum of 5000 rupees (approximately USD 118) up to 6 months to fire victims who occupies a rented dwelling; and
- (i) Dentures - a one-off payment of 3,518 rupees (approximately USD 85) to beneficiaries of Basic Retirement Pension whose income does not exceed 30,000 rupees (approximately USD 710).

## **G. Children with disabilities**

### **Reply to paragraph 21 (a)**

213. Legislation pertaining to protection and promotion of the rights of children with disabilities is at Annex XVII.
214. A new Disability Bill has been drafted, with view to better integrating children and adults with disabilities in the mainstream and in creating a more inclusive society. The Disability Bill is yet to be finalised. Its implications and bearings are under study.
215. Steps taken to adopt a human rights-based approach to disability are at Annex XVIII.

### **Reply to paragraph 21 (b)**

216. Section 7 (1) of the Constitution of Mauritius stipulates that “No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.”
217. Mauritius does not perform any forced treatment or sterilisation on any person with or without disabilities.
218. The Ministry of Health and Wellness has an established protocol for the treatment of any individual in public hospitals. Any individual who refuses treatment advised by a medical practitioner, has a right to do so by signing a form stating that he/she is refusing to undergo any treatment at his/her own risks and perils.
219. As per section 235A of the Criminal Code, a termination of pregnancy can only be carried out in specific circumstances and with the informed consent of the pregnant person. Where the person is severely mentally disabled to such an extent that she is incapable of understanding the nature of, or the consequences of undergoing the treatment to terminate her pregnancy, her pregnancy may be terminated upon the request and informed consent of her partner, spouse, parents or legal guardian. Furthermore, it is an offence to coerce, intimidate, compel or induce a pregnant person to undergo treatment to terminate a pregnancy against her will. Any person who contravenes this section of the Code is liable on conviction to imprisonment for a term not exceeding 5 years and a fine not exceeding 100,000 rupees (approximately USD 2355).

### **Reply to paragraph 21 (c)**

220. The National Human Rights Commission conducts informative sessions on a weekly basis through the Citizens Advice Bureaux throughout the country. During these sessions, the rights of the vulnerable groups are addressed with the aim of fostering respect for society’s vulnerable groups, promoting broad-mindedness to their rights and encouraging positive viewpoints towards the vulnerable groups including children with disabilities.
221. In 2019, the European Union Project team sought the collaboration of the Disability Unit of the Ministry of Social Integration, Social Security and National Solidarity to regroup officers from the Unit as well as representatives from Non-Governmental Organisations for an interactive session on the human rights of persons and children living with disabilities.



During the session an overview was provided on the human rights legal framework in Mauritius and the work of the National Human Rights Commission and other human rights institutions. The key provisions of the United Nation Convention on the Rights of Persons with Disabilities were discussed, notably on equality and non-discrimination, accessibility and mobility, independence and inclusiveness, access to justice, education, employment as well as participation in cultural life, recreation and sports.

222. The Ombudsperson for Children carries out sensitisation campaigns such as talks, seminars, workshops, conference and activities to promote the United Nation Convention on the Rights of the Child and issues related to children concerning child sexual abuse, drug trafficking, child marriage and discrimination against children with disabilities.

223. Since the establishment of the Ombudsperson for Children's Office in 2004, awareness raising campaigns have been organised in schools, Citizen Advice Bureaux, Non-Governmental Organisations, Residential Care Institutions and through media on child's rights and related issues.

224. A network of more than 20 Young Ambassadors was set up in 2016 by the Ombudsperson for Children to advocate the participation of children in the promotion of the United Nation Convention on the Rights of the Child.

225. For the reporting year 2017–2018, the Office of the Ombudsperson for Children sensitized, around 13,000 persons, including more than 6000 children and 7500 adults. 20 workshops were organised, 25 talks were organised at the Citizens Advice Bureaux and more than 125 media interviews.

#### **Reply to paragraph 21 (d)**

226. The Ministry of Gender Equality and Family Welfare works in collaboration with the Ministry of Health and Wellness to prevent institutionalisation of children with disabilities.

227. Reinsertion in the family or in a shelter is encouraged at the earliest possible once the situation of crisis is over.

228. The Back-to-Home programme was set up by the Ministry of Gender Equality and Family Welfare in October 2018. The main objective of the Programme is to reintegrate children who are placed in Shelters/Residential Care Institutions into a family setting by empowering their parents or next-to-kin to better care for them.

229. From July 2018 to January 2020, 143 children, including a child who suffers from cognitive and speech disorders have returned to the homes of their biological families/next of kin.

230. The Foster Care Section of the Ministry of Gender Equality and Family Welfare provides opportunities for children under court order to live in a substitute family on a temporary basis. Since 2003 to 31 August 2021, 225 children have been placed in Foster Homes. As at 31 August 2021, there were 87 Foster Children that were under the care and responsibilities of 75 Foster Homes.

231. Referrals are made to relevant stakeholders, including the Ministry of Social Integration, Social Security and National Solidarity for social grants and other aid.

232. In an attempt to support families where a parent or a child suffers from a disability of not less than 60% for a period of at least one year, basic invalidity pension and a carer's allowance are provided. They may also benefit from the following:

- (a) Child allowance;
- (b) Free domiciliary medical visits;
- (c) Refunds of the bus fares to accompanying parents of students with disabilities attending Non-Governmental Organisations and mainstream schools;
- (d) Refunds of the taxi fares to students with severe disabilities attending mainstream schools and universities; and
- (e) Duty-free facilities to purchase adapted cars.

**Reply to paragraph 21 (e)**

233. In line with the Education and Human Resources Strategy plan for the period 2008 – 2020, the Ministry has implemented policy guidelines on inclusive education focusing on integration or inclusion of learners with special educational needs and disabilities into the regular school system at all levels.

234. In 2017, further to Government approval of a Policy Framework and Strategy Document, stakeholders validated the said Document. All strategic goals of the Document were approved, including Strategy Goal 2 which called for the setting up of an Authority for the SEN.

235. A Special Education Needs Authority Act was enacted on 21 November 2018. This Act represents a milestone, since it concerns, amongst others, the setting up of a body to provide for the relevant regulatory framework for learners with special education needs.

236. The Act also acknowledges the role of private Special Educational Needs Institutions and ensures equity. There have been periodic reviews of the funding for all public funded secondary schools. The equity issue also encompasses the increased opportunities for the integration of those learners needing special consideration in keeping with their disabilities and learning difficulties.

237. Details about the measures taken under the Education and Human Resources Strategy and Plan of Implementation for the period 2008–2020 are at Annex XIX.

**Reply to paragraph 21 (f)**

238. The Ministry of Social Integration, Social Security and National Solidarity provides rehabilitation services to all children suffering from muscular dystrophy and those attending Special Educational Needs Schools. Physiotherapy and occupational therapy services are also provided to persons with disabilities in all the charitable institutions. Habilitation and rehabilitation services are also offered free of charge by various organisations such as The Lois Lagesse Trust Fund, the *Association de Parents d'Enfants Inadaptés de l'Île Maurice*, the Society for the Welfare of the Deaf, *Lizé dan la Main* and the *Association de Parents de Déficients Auditifs*. Details on the organisations and their objectives are at **Annex XX**.

239. The Ministry of Health and Wellness also carries out regular and ongoing outreach Community Based Rehabilitation programmes for persons with disabilities. A total of 224,098 regular visits have been effected for the period 2015 to mid-July 2020 by Community Based Rehabilitation Officers around the island.

**H. Basic health and welfare****Reply to paragraph 22 (a)***Health and health services*

240. On 24 February 2021, a Maternal Child Health Handbook was launched by the Ministry of Health and Wellness. This important tool allows for systematic recording of personal health data for the mother during pregnancy and for the child since birth up to five years old.

241. The production of the Maternal Child Health Handbook to Improve Mother and Child Health is one of the recommendations of the National Roadmap Framework for Maternal and Child Health launched in 2020 by the country with two important goals. First, to reduce morbidity and mortality among children under five years to one digit in the next 5 years and secondly, to reduce perinatal and maternal morbidity and mortality rate. 12000 copies of the Maternal and Child Health Handbook produced in close collaboration with World Health Organisation will be distributed to mothers attending the antenatal clinics across the island.

242. A National Plan of Action for Nutrition has been prepared for the period 2016 to 2020 and is currently being implemented. An Action Plan on the harmful use of Alcohol 2020–2024 is equally being implemented. Government is committed to promote breastfeeding as

an important public health intervention and is sparing no efforts to encourage mothers to prioritise breastfeeding for up to two years, after giving birth, alongside safe and adequate complementary food.

243. A study which was carried out in 2018 by the Ministry of Health and Wellness, revealed that 60% of mothers were assisted to start breastfeeding. 77% of mothers received information on breastfeeding, mostly in postnatal wards out of which 96% were informed on the benefits of exclusive breastfeeding and 89% were advised on the benefits of colostrum. Furthermore, the study revealed that 94% of all mothers were aware that breast milk protects babies against diseases. A “National Breastfeeding Promotion and Protection Committee” as recommended in the National Framework to improve Maternal Newborn Child Health (2019) was thus set up.

#### **Reply to paragraph 22 (b)**

244. Mauritius has 13 centres including the five regional hospitals for the treatment of Hepatitis B and Hepatitis C patients. To better fight the virus, intensive training sessions are provided to doctors, nurses and pharmacists.

245. 98% of patients are successfully treated in Mauritius and the treatment lasts up to 12 weeks.

246. Free medications are donated by a biopharmaceutical company based in United Kingdom, Gilead Sciences, which is freely distributed to patients suffering from hepatitis C in Mauritius.

247. New digital equipment has been put in place for the treatment of Hepatitis.

248. Awareness raising activities are organised by the Ministry of Health and Wellness. The World Hepatitis Day is also commemorated at national level.

#### **Reply to paragraph 22 (c)**

249. Psychiatric treatment in Mauritius is mostly based in five regional hospitals for mild-to-moderate conditions and one major mental health centre that can accommodate up to 700 admissions for severe cases. Several Community Health Centres are equipped to provide psychiatric follow up.

250. In 2016, health screening programmes reported that 55 (0.3%) of 15 879 children aged 3–5 years in pre-primary facilities and 38 (0.1%) of 42 455 children aged 5–12 years in primary schools had either a mental health or behavioural disorder. Although the children who were included in the programmes were provided with appropriate follow-up treatment at hospitals, children who attend public schools do not have access to child psychologists to help with any other form of psychological disorder. A referral mechanism is in place where educational psychologists refer children with mental health issues to the nearby hospital.

251. In 2017, there has been a shift in mental health care from long-term institutional care to community-based care through the implementation of community psychiatric care. The provision of community-based mental health care enables people including children to access treatment in primary care settings while reducing stigma and discrimination linked with mental disorders. In a bid to increase mental health care delivery, psychiatrists are posted in each of the five regional hospitals. People with severe mental disorders are still be treated at the main mental health centre.

252. In September 2018, an early dementia diagnostic clinic was opened at Victoria Hospital. The objective is to enable early detection and offer better treatment thereby supporting and improving the lives of people with dementia. Counselling services are also given to families for better ‘prise en charge’ of children suffering from dementia.

253. The Mental Health Care (Amendment) Act of 2019 made provisions for the setting up of a Mental Health Commission that would investigate complaints and look into cases of breach of discipline and professional misconduct and violation of human rights of the said patients.

254. The Health Sector Strategic Plan 2020–2024 also provides for the strengthening of primary, secondary and tertiary prevention of mental illness, scaling up sensitisation campaigns on mental health to reduce stigmatisation and discrimination, promoting human rights and preventing suicide, setting up a fully functional Mental Healthcare Service in all Regional hospitals, establishment of a crisis intervention service and an active surveillance system for monitoring mental health and suicide.

255. The Mental Health Care Act was amended in 2021 to ensure more effective services to psychiatric patients through section 43 (a) providing for specific offences, to act as a strong deterrent with regard to ill-treatment of psychiatric patients. Provision is also made for a Managerial Committee to enhance service delivery, for better security of patients, but also, a more humanitarian care and services to patients and their families.

256. The Mauritius Mental Health Association is recognised under the Mauritius Mental Health Association Act of 1974. It gives support to families having members with special needs and promotes education for children with special needs through a day care and a specialised school registered under the Ministry of Education, Tertiary Education, Science and Technology/ Special Education Needs Authority.

257. The Child Protection Act 1994 was amended in 2008 with respect to sexual offences on children with mental impairment. Section 18 (5)(a) provides for penal servitude for a term not exceeding 30 years on conviction for the offences relating to child sexual abuse and child pornography under sections 14 and 15 of the Child Protection Act, respectively. As has been highlighted previously, this Act will shortly be replaced by the Children’s Act 2020.

258. Several measures have been taken by the Ministry of Gender Equality and Family Welfare to provide psychological support to victims of violence and abuse including persons with disabilities so as to enable them overcome emotional and psychological trauma related to abuse or violence. Support is also provided at their residence in case they are unable to attend the outstation.

259. The Ministry of Gender Equality and Family Welfare has enlisted the services of a Psychiatric Nurse since January 2019, especially to assist the residents with specific mental health issues placed in Residential Care Institutions. The nurse attends to cases in Residential Care Institutions and monitors residents, especially those suffering from psychiatric problems.

### **Reply to paragraph 23 (a)**

#### *Adolescent Health*

260. Section 235 of the Criminal Code has been amended to allow for therapeutic abortion as well as abortion in cases where pregnancy is the result of rape or incest.

261. According to the Ministry of Health and Wellness, 24 cases of Medical Termination of Pregnancy were recorded for the period 2017 to October 2019.

262. The Ministry of Health and Wellness carries out awareness campaigns on unwanted pregnancies and teenage pregnancies at the antenatal and postnatal clinics of Government Health Service Points. There are also ad hoc sensitisation campaigns that are carried out in secondary schools. Awareness sessions are also conducted in Rehabilitation Youth Centres, Correctional Youth Centres and Youth Centres.

263. Medical check-ups, counselling and provision of contraception such as condoms, contraceptive pills, intra-uterine device, are made available.

264. The Ministry of Gender Equality and Family Welfare has established a Protocol to cater for cases of teenage pregnancy reported to the Ministry. Teenage parents are informed of the provisions of the law in case they would resort to illegal abortion or child abandonment at a later stage. Full support is given by the Ministry especially if the girl is below 16 years of age, where emphasis is laid on counselling and psychological support.

**Reply to paragraph 23 (b)**

265. Various measures are continuously being taken by the Drop-In Centre and the Mauritius Family Planning and Welfare Association to combat issues of early sexual activities among teenagers resulting in teenage pregnancy.

266. There has been a significant increase in the number of reported cases of teenage pregnancy at the Ministry of Gender Equality and Family Welfare, notably during the past years from 135 in 2014, to 251 in 2020 and 77 cases till September 2021 463 cases of teenage pregnancy have been recorded.

267. Male, female condoms and gels are available and accessible to all at the Family Planning Clinics. This service is being provided during the sensitisation and awareness sessions on HIV and AIDS held by the health care personnel of the AIDS Unit. The sexually active youth and young people who are considered to be a vulnerable group can freely access condoms, to prevent incident of teenage pregnancy.

268. Moreover, the country is aiming towards elimination of HIV transmission from mother to child. Consistent and correct condom use as primary and secondary prevention is being promoted among the Mauritian population in addition to targeted preventive measures, namely: HIV testing and counselling, universal access to antiretroviral treatment (prevention of mother-to-child transmission, post exposure prophylaxis, pre-exposure prophylaxis), harm reduction measures, distribution of information, education and communication materials for adoption of safe behaviours.

269. Empowerment of members of Non-Governmental Organisations, peer educators and social workers in HIV testing and counselling are on-going. Workshops were carried out on HIV, Hepatitis C treatment, stigma and discrimination. Awareness sessions and condom programs targeting the youth, young adults in the community, workplaces, and the people living with HIV are on-going. HIV prevention programmes for the people with special needs have also to be included in the 2021 Operational Plan.

**Reply to paragraph 23 (c)***Raising awareness about HIV/AIDS*

270. Awareness raising about HIV and Sexually Transmitted Infections is an on-going activity for the Ministry of Health and Wellness. It promotes adoption of safe behaviours through use of IEC materials and Behavioural Change Communication (BCC). On 02 June 2021, the new Health Caravan specialized in HIV/AIDS screening was launched by the Ministry of Health and Wellness. In addition to HIV screening, this mobile caravan will also include screening for Syphilis and Hepatitis C. In 2020, about 4,100 people were reached during 164 awareness sessions in the community. Furthermore, awareness sessions targeting different sub-populations (Key Population and other vulnerable groups) are on-going activities of the AIDS Unit, carried out in the outreach to ensure universal health coverage. Data from surveys show that the HIV prevalence has decreased among People Who Inject Drugs and Female Sex Workers.

271. All pregnant women attending antenatal care of public health institutions are screened for HIV, Hepatitis B and C as well as for syphilis. Those found to be positive are managed accordingly by a multi-disciplinary team for the well-being of both mother and child". Prevention activities included in the National Action Plan for HIV and AIDS have been reinforced thereby leading to Prevention of Mother-To-Child Transmission (PMTCT) coverage being maintained to approximately 95%. The National Action Plan is aligned with the World Health Organisation's guidelines for management of People Living with HIV. Hence, all people diagnosed with HIV are initiated on treatment at the earliest and early infant diagnosis has allowed to reduced infant mortality rate among those who are HIV positive.

272. The Mauritius Family Planning and Welfare Association implements sexuality education in schools and parenting education sessions to sensitise them on their roles and responsibilities and the challenges affecting the youth. The Association provides sexuality education to about 15,000 in and out of school students yearly to bring behaviour change and make them responsible citizens as well as protect themselves from unwanted teenage

pregnancies and unprotected sex, HIV/AIDS, sexually transmitted infections, drug addiction and negative peer influence. The programmes target vulnerable groups mainly youth and adolescents. The Association has put in place condom distribution machines around the island.

273. Another non-governmental organisation, Action Familiale aims at delivering life skills-based family life/sexual education to end of primary and secondary school pupils in Mauritius and Rodrigues. Since 2003 till now, they delivered a series of 4 to 6 talks, to about 65000 children. In order to increase the number of young people reached, especially in this era of AIDS pandemic, Action Familiale has since 2008 been organising training workshops for school teachers willing to pass on family life education to the pupils of their school.

274. Prévention Information et Lutte contre le Sida, an organisation working in the HIV response in Mauritius provides a support structure for people living with HIV in Mauritius, through an intense and dynamic advocacy, which, over time, has gained national and international recognition. The organisation carries out sensitisation campaign in the community for minors under 18 yrs old. For the period 2020 and 2021, they have organised 15 campaigns respectively with children through their network including non-governmental organisation, colleges, religious organisations, and with trainees on placement in hotels. Around 316 minors were reached.

#### **Reply to paragraph 23 (d)**

275. A multi-pronged approach focusing on prevention, training, strengthening of legislations and surveillance has been adopted to address the problem of use of drugs, alcohol and tobacco by children. These include:

(a) Extensive drug prevention campaign at national level targeting young students of secondary schools, out of school youth and the community at large;

(b) Ongoing programmes on radio and televisions to reach the public at large;

(c) Development of an evidence based drug use prevention programme in collaboration with United Nations Office on Drugs and Crime and implementation of the “Get Connected” programme for Grade 8 students in all secondary schools in Mauritius and Rodrigues. 520 educators have been trained for implementation of the programme;

(d) In line with the United Nations Convention on the Rights of the Child, the National Children’s Council regularly sensitises children, adolescents, adults on articles of the Convention on the Rights of the Child with particular emphasis on Article 33 – Protection from drug abuse amongst others.; and

(e) For 2019, the Council has planned a vast campaign to combat drug and substance abuse in colleges to empower the youth. This campaign is ongoing and is being implemented with the help of the Anti-Drug Smuggling Unit of the Police Force.

276. Regarding the legal framework, Regulations have been made in September 2015 to include synthetic drugs, their derivatives and other new psychoactive substances in the appropriate Schedules to the Dangerous Drugs Act 2000.

277. A National Drug Observatory was set up in November 2015. The role of the Observatory is to closely monitor the drug situation in the country and provide reliable data to enable the various authorities concerned to respond more proactively, efficiently and in a timely manner to these problems. Three reports were published in 2015, 2018 and 2020 respectively by the National Drug Observatory. The reports can be consulted on <https://health.govmu.org/Documents/Legislations/Documents/NDO%20Report%202020.pdf>.

278. Relevant activities under the National Drug Control Master Plan are listed at Annex XXI.

279. The Detoxification and Rehabilitation Centre is operational since October 2018. It provides treatment programme for young drug addicts aged below 18. The Centre provides counselling services as well as psychological and social support.

280. An Action Plan on Tobacco Control for the period 2021–2025 is also under preparation.

281. An Action Plan to reduce the harmful use of alcohol 2020–2024 aims, inter alia, at reducing the harmful use of alcohol by at least 10 percent by year 2025 and to address alcohol related harmful effects through awareness campaigns. One of the recommendations of the National Action Plan is to strengthen and enforce the Public Health (Prohibition on Advertisement, Sponsorship and Restriction on Sale and Consumption in Public Places of Alcoholic Drinks) Regulations 2008.

282. The High-level Drugs and HIV Council was set up in December 2018 under the chairpersonship of the Prime Minister to provide a strong, efficient and effective national response to drugs and HIV as well as to oversee the implementation of the recommendations of the Commission of Enquiry on the Drug Trafficking Report 2018, the National Drug Control Master Plan 2019–2023 as well as the National Action Plan for HIV/AIDS 2017–2021.

283. The National Drug Secretariat has in collaboration with the Mauritius Broadcasting Cooperation launched a national media campaign against drug abuse. Some of the recommendations made by the Commission of Enquiry on Drugs have already been implemented and some are in the pipeline.

284. A Protocol has been set up in school to act as a guideline for management on how to handle a case whereby a student is caught in possession of a suspected illicit substance. This Protocol also advocates close monitoring and follow up at the level of the school including pastoral care and support from Educational Psychologists. Psychological back up services and counselling are provided by the Educational Psychologists. Educational Social Workers establish the School/Home links and facilitate the rehabilitation of the needy student.

285. Details on sensitisation campaigns are at Annex XXII.

#### **Reply to paragraph 24 (a)**

##### *Impact of climate change on the rights of the child*

286. The National Disaster Risk Reduction and Management Act was proclaimed on 1 July 2016 and a National Disaster Risk Reduction Management Centre was set up to coordinate efforts of various agencies responsible for disaster mitigation.

287. This Centre carries out regular sensitisation campaigns on disaster risk reduction and organises frequent simulation exercises and activities. These campaigns and simulation exercises take into account the special needs of children including those with disabilities. Safe evacuation procedures are tested for implementation in case of occurrence of disasters.

288. The Centre is in the process of implementing a National Multi Hazard Emergency Alert System for the Republic of Mauritius. The National Multi Hazard Emergency Alert System provides a reliable high performance system with the necessary infrastructure to disseminate warnings and alerts to a maximum number of people and stakeholders within a reasonable time frame by broadcasting such warnings and alerts through a number of channels, including telecom networks, television, radio, social media and display signs. The system has been designed to deliver alert message via various formats including audio/visual/text so that all people and children in general are not left behind when it comes to disaster/emergency alerts.

289. Community Disaster Response Teams have been provided training in handling children including children with disabilities for safe evacuation during emergencies.

290. During the development of contingency plans for vulnerable areas emphasis is laid upon the identification of children including those with disabilities through household surveys. Contingency plans have also been developed for Residential Care Homes in vulnerable areas. The development, implementation and monitoring of emergency plans and procedures are in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030.

**Reply to paragraph 24 (b)**

291. In line with United Nations Educational, Scientific and Cultural Organisation's Position Paper on Education Post-2015, Mauritius introduced a National Curriculum Framework in 2015 setting out what all learners aged 5 to 14/15 should learn in and out of school over Nine Year Continuous Basic Education covering pre-primary, primary, and lower secondary levels, and special education needs. The curriculum places emphasis on Education for Sustainable Development, by incorporating key themes including, environmental protection, climate change and natural disasters. The National Curriculum Framework can be accessed at <http://mie.ac.mu/curriculum.html>.

*Standard of living***Reply to paragraph 25**

292. The Social Integration and Economic Empowerment Act 2016 enables the setting up of empowerment programmes to combat poverty, providing pecuniary and non-pecuniary support to families eligible under the Social Register Mauritius to move out of poverty and to facilitate their integration in mainstream society.

293. The Marshall Plan has been designed with short, medium and long term measures to address the root causes of poverty, social exclusion and inequality in the Republic of Mauritius. The Social Integration Division of the Ministry of Social Integration, Social Security and National Solidarity has the leading role in the implementation of the measures proposed in the Marshall Plan in collaboration with Ministries concerned and stakeholders from the public and private sectors.

294. Updated information on the measures taken to support children living in poverty, including measures under the Social Integration and Empowerment Act of 2016 and the Marshall plan against poverty of 2016, and information on funding for all child related social protection programmes is at Annex XXIII.

295. Refer to the common core document for details of the National Housing Programme 2015–2019 of Mauritius.

296. In the wake of the forthcoming proclamation of the Children's Act 2020, the undertaking of an impact assessment of the legislative framework, policies, programmes such as the national housing programme is being envisaged.

297. In the Government Programme 2020–2024, it has been stipulated that Government will accelerate housing programmes for both low and middle income families, with special focus on the needy and vulnerable.

298. Provision was made in the Budget 2020–2021 for the construction of 12,000 social housing units to the tune of Rs 12, 000,000,000 rupees (approximately USD 282,509,400) across the whole island. The project will start in 2022.

299. Forty-seven houses have already been allocated to Social Register of Mauritius beneficiaries under the National Housing Development Company Social Housing Scheme, and around 50 more homes are expected to be delivered this year.

300. There are 3 housing-related plans under the Ministry of Social Integration, Social Security and National Solidarity for Social Register of Mauritius beneficiaries:

(a) The Fully Concrete Housing Scheme, which concerns the construction of 50m<sup>2</sup> houses at a cost of around 1,000,000 rupees (approximately USD 23545) each, for people who already have land;

(b) The National Housing Development Company Social Housing Scheme, which provides that 10% of National Housing Development Company houses are reserved for eligible beneficiaries who do not own land; and

(c) The Upgrading of Houses Scheme, for the renovation of the homes of eligible beneficiaries.



301. A total number of 1,050 housing units of the National Housing Development Company have been delivered for the period November 2019 to August 2021. Some 1,420 additional housing units of the National Housing Development Company are expected to be delivered by end of June 2024. 98 houses have already been allocated to beneficiaries of the Social Register of Mauritius under the National Housing Development Company Social Housing Scheme, and some 28 more houses are expected to be delivered before the end of this year.

## **I. Education, leisure and cultural activities**

### **Reply to paragraph 26 (a)**

*Education, including vocational training and guidance*

302. Schooling is compulsory for all children aged 5 years up to the age of 16 as per the provisions of the Education Act 1957.

303. The Ministry of Gender Equality and Family Welfare makes necessary arrangements through a referral mechanism to facilitate admission of undeclared children at school.

### **Reply to paragraph 26 (b)**

304. The Government of Mauritius provides free education to its citizens from primary to tertiary levels. Schooling is compulsory from 5 years up to the age of 16. Non-compliance to schooling of a child is an offence as per the provisions made in the Education Act 1957.

305. Although pre-primary education is not compulsory in Mauritius in March 2020, the net enrolment ratio for children aged 3 and 4 years stood at 88.4% and for 4 and 5 years at 100%, indicating that the majority of children of preschool ages have access to pre-primary education.

306. As from the financial year (2016/2017), five scholarships are being offered annually to students with Special Educational Needs to pursue Post-Secondary/Tertiary courses. These students also benefit from a stipend of 5000 rupees (approximately USD) monthly to Mauritian students and 8000 rupees (approximately USD 190) to Rodriguan students. As at September 2021, 18 students have benefitted from the scholarship to pursue tertiary education.

307. In an endeavor to further encouraging school attendance and detecting prolonged absenteeism of children, the Ministry of Education, Tertiary Education, Science and Technology is involved in the following: conducting information, education and communication campaigns through the School Child Protection Clubs, empowering parents under the 'École des Parents Programmes', strengthening the surveillance mechanisms, Community Child Watch Committees and networking with Ombudsperson for Children's Office.

308. Furthermore, the Ministry of Education, Tertiary Education, Science and Technology has put in place the student tracking mechanism to ensure that children between five to sixteen years old attend school and that Educational Social Workers have among their duties, the responsibility to identify children of school going age who are not attending school and conduct parent education programmes for necessary guidance.

309. All cases of reported or suspected drop-out of students below compulsory education age, irrespective of the cause whether related to language or not, are subject to enquiry by the Educational Social Worker with a view to re-integration within the education system.

310. 'Kreol Morisien' is widely used in classroom situations as a support language and is taught up to Grade 9.

311. A Ministerial Committee chaired by the Prime Minister was set up in April 2021 to look into the development of a road map for the teaching of the 'Kreol Morisien' at upper secondary level and Kreol Morisien has been introduced in Grade 10 as from the school year

2021/2022. From an educational perspective there is no discrimination in place regarding students speaking creole.

**Reply to paragraph 26 (c)**

312. In Mauritius, all schools are equipped with proper sanitary facilities such as wash basins, toilets as well as covered bins for disposal of sanitary pads.

313. In the budget of 2017/2018 gendering of tax law was applied through the removal of Value Added Tax from sanitary pads and tampons. In the budget 2021/2022, provision has also been made for sanitary napkins to be provided free of charge to children in grade 6 to grade 13 from families registered in the Mauritius Social Register.

314. Furthermore, sexuality education is covered both in primary and secondary curriculum frameworks. Mauritius has adopted the United Nation Educational, Scientific and Cultural Organisation driven concept of sex education as a life skill. In that capacity, it is meant to facilitate the emergence of a balanced individual with healthy attitudes and values for sound and responsible citizenship.

315. Stakeholders including Action Familiale and the Mauritius Family Planning Association work in partnership with the National Educational Counseling Service of the Ministry of Education, Tertiary Education, Science and Technology for the training of our educational psychologists.

**Reply to paragraph 26 (d)**

316. As per policy of the Ministry of Education, Tertiary Education, Science and Technology, teenage mothers are allowed to return to school after the delivery of their baby to give them opportunity to pursue and complete their studies. During their pregnancy stage, teenagers are legally allowed to attend school. Furthermore, counselling and other support is provided by Educational Psychologists.

**Reply to paragraph 26 (e)**

317. In the wake of the Nine-Year Continuous Basic Schooling, the reform in the Technical and Vocational Education and Training sector has been implemented in a phased manner as from January 2017 with the phasing out of the pre-vocational education programme and entry in the Technical and Vocational Education and Training programme being shifted at the end of Grade 9. A Technical Education Track within the school system is also being elaborated as a viable pathway to authentic technical education at post secondary level.

318. Children of the Republic can equally access Early Childhood Education as from the age of 3. The gross enrolment rate being about 99% in 2019 indicates near universal enrolment at this level.

319. In 2017, 1552 boys and 463 girls completed their part time training course at the Mauritius Institute of Training and Development Training Centres.

## **J. Special protection measures**

**Reply to paragraph 27 (a)**

*Asylum-seeking and refugee children*

320. The Republic of Mauritius being a Small Island Developing State and a densely populated island with stretched limited resources, has not yet adopted laws or policy to grant refugee or asylum seeker status to foreigners.

321. Mauritius has not signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It does however, attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them.

322. For the same reasons stated above, our existing legislations contain adequate provisions to protect from and reduce statelessness.

**Reply to paragraph 27 (b)**

323. Mauritius has signed the Organisation of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa and it is not intended for the time being to ratify this Convention. Nevertheless, we adhere to the principle of non-refoulement and collaborate fully with the Office of the United Nations High Commissioner for Refugees by authorising the non-citizens concerned to stay in the country on humanitarian grounds, pending their resettlement to another country willing to grant them refugee status.

324. In May 2019, the then Ministry of Justice, Human Rights and Institutional Reforms in collaboration with the United Nations High Commissioner for Refugees on Asylum Seekers/ Refugees organised a workshop to prepare guidelines on the roles and responsibilities of relevant stakeholders if ever Mauritius has to face a situation where foreigners seeking International Protection as asylum seekers or refugees. The Guidelines are under consideration at the Prime Minister's Office.

**Reply to paragraph 27 (c)**

325. Mauritius has neither signed nor ratified the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

**Reply to paragraph 28 (a)**

*Economic exploitation, including child labour, and children in street situations*

326. The Employment Rights Act of 2008 has been repealed and the Workers' Rights Act 2019 was passed in the National Assembly on 13 August 2019 and proclaimed on 23 August 2019.

327. The Worker's Rights Act 2019 sets the minimum age for work and apprenticeship at 16 years. Children under 18 are prohibited from dangerous work that can also be harmful to their health. Section 8 of the Act forbids employment of children stipulating that "*No person shall employ a child for employment or work in any occupation.*"

328. Any person who commits an offence under the Worker's Rights Act 2019, shall on conviction, be liable to a fine not exceeding 25,000 rupees (approximately USD 590) and to imprisonment for a term not exceeding 2 years.

**Reply to paragraph 28 (b)**

329. The Prime Minister's Office is finalising a National Action Plan on Trafficking in Person which encompasses the issue of child labour.

**Reply to paragraph 28 (c)**

330. The Ministry of Gender Equality and Family Welfare commissioned the University of Mauritius for the development of a Comprehensive Strategy on Street Children in July 2016. The objectives of the Strategy were, inter alia, to assess the nature and magnitude of the problem of street children in Mauritius, examine their situation and make recommendations in the form of an Action Plan. The collaboration of the National Empowerment Foundation was also sought to provide assistance to the children deemed to be living in street situations.

**Reply to paragraph 28 (d)**

331. In Mauritius, quality education is free up to tertiary level for every child irrespective of gender, race, culture and social background. It is also mandatory for all children to attend schools whether vocational or technical till 16 years old.

332. In addition, financial aid and school materials are provided to needy students. These measures are to prohibit children on the street during school hours. The nine years schooling

reform is also as an attempt to improve transition to lower secondary education thereby preventing school dropouts.

333. Since 2012, Safire, a non-governmental organisation has reinforced its organisational structure to implement a pedagogical farm called '*Nou Laferm*'. The farm welcomes an average of 450 children monthly from all around the island. Children are taught life skills, literacy, numeracy, values, sexual education, child rights, amongst others. Officers of the Anti-Drug and Smuggling Unit and the Brigade pour la Protection des Mineurs are also invited as resource persons to speak on relevant issues to the children.

**Reply to paragraph 28 (e)**

334. Any reported case of unattended children found on the street is reported to the Police and the Child Development Unit. Necessary interventions and actions are taken in the best interest of children to reunite them with their families where possible. Otherwise, these children are placed in Residential Care Institutions.

**Reply to paragraph 28 (f)**

335. In Mauritius, cases of child abuse are reported to the Police and on a hotline 113 to the Child Development Unit. Multi-disciplinary teams which consist of social workers, child care workers, and psychologists are available on a 24 hours basis to give assistance in cases of child abuse. With the introduction of the new Children's Act 2020, further provisions have been made to cater for the best interest of the child. Further, all penalties have been increased in the Act for better protection of children.

**Reply to paragraph 29 (a)**

*Sale, trafficking and abduction of children.*

336. There is a National Steering Committee against Trafficking in Persons under the chairpersonship of the Secretary for Home Affairs, which monitors all the aspects which contribute to combatting trafficking in person with different stakeholders such as the Ministry of Gender Equality and Family Welfare, the Police Department and the Ministry of Labour, Human Resource Development and Training. One of the projects currently being implemented is the "improvement Trafficking in Persons referral outcome in Comoros and Mauritius" aims at enhancing the assistance and referral mechanisms of victims of Trafficking in Persons. This Project is being funded by the JTIP grant by the United States to the tune of USD 500,000 for Comoros and Mauritius.

337. Financial assistance was sought in March 2021 from the European Union regarding the Migration European Union Expertise Project to combat Trafficking in Persons. The projects proposals submitted by Mauritius under the MIEUX projects were approved by Brussels. It mainly concerns training of Police Officers and officers from the office of the Director of Public Prosecution, including devising a handbook for cases of Trafficking in Persons.

**Reply to paragraph 29 (b)**

338. The Prime Minister's Office is finalising a National Action Plan on Trafficking in Person. An International Organisation for Migration consultant is working on the National Action Plan. The timeline for this activity is 6 months.

**Reply to paragraph 29 (c)**

*Mandate*

339. The Inter-Ministerial Committee on Trafficking in Persons was set up at the level of the Attorney General's Office in December 2015 to look into the issue of Trafficking in Persons in Mauritius. It is supported in its task by the Steering Committee on Trafficking in Persons which is chaired by the Secretary for Home Affairs.

*Activities*

340. Current activities of the Ministry of Gender Equality and Family Welfare, the Ministry of Labour and Employment, the Police Department as well as the Office of the Director of Public Prosecutions at the level of the Interministerial Committee include:

- (a) Setting up of a tollfree hotline to enable the public to report any alleged case of child abuse including child trafficking and commercial sexual exploitation of children;
- (b) Joint interviews by officers of the Police and the Child Development Unit;
- (c) Provision of assistance to victims of child trafficking for medical examinations as well as HIV testing and pregnancy tests;
- (d) Provision of psycho-social counselling to victims and their families;
- (e) Collaboration between the Brigade Pour la Protection des Mineurs and other stakeholders to assist in the identification of victims and providing them support. The Brigade Pour la Protection des Mineurs carries out raids in game houses, hotels, night clubs and also investigates in suspected/alleged cases of child trafficking and commercial sexual exploitation of children;
- (f) Setting up, on 26 May 2016, of L'Oasis Residential Drop-In-Centre at Grand River North West which presently houses 25 victims of sexual abuse and commercial sexual exploitation of children including child trafficking;
- (g) Establishment of a Protocol of collaboration by the Ministry of Gender Equality and Family Welfare with other stakeholders by way of a 'Working Together' Committee to ensure that a continuum of care is provided to children victims;
- (h) Setting up of Community Child Watch Committees for surveillance of children exposed to any form of violence inclusive of commercial sexual exploitation and trafficking at local levels.;
- (i) Preparation of a National Action Plan on Combatting Trafficking in Persons at the level of the Prime Minister's Office in consultation with all stakeholders; and
- (j) Capacity building and training of officers having to deal with cases of Trafficking in Persons at different levels is ongoing.

*Human/technical/financial resources*

341. The resources of the Attorney General's Office are being utilised for the purposes of the Inter-Ministerial Committee on Trafficking in Persons, whether in terms of human, financial or technical resources.

**Reply to paragraph 29 (d)**

342. The law ensures that an officer in public hospital /private clinic records the name and contact details of the mother. Following the discharge, the mother is issued with a notification of birth with details of mother, father and the child. This document is compulsory for the registration of the birth at the Civil Status Division. Therefore, the issue of child trafficking is curtailed at source.

**Reply to paragraph 29 (e)**

343. The Residential Drop-in-Centre ensures better protection and assistance to children victims of commercial sexual exploitation in a sustainable manner. It provides adequate, appropriate and safe shelter to child victims of exploitation, for opportunities for education as well as family mediation, for medical and psychological care in coordination with national health and social services.

**Reply to paragraph 30 (a)***Administration of child justice*

344. The Children's Act 2020 addresses the minimum age of criminal responsibility in Part V of the Act which caters for Child Offenders, Child Victims and Child Witnesses. Section 49 provides that no child under the age of 14 shall be prosecuted for any criminal offence. Moreover, section 50 provides for the measures to be adopted regarding a child under 14 suspected of having committed an offence.

**Reply to paragraph 30 (b)**

345. The Juvenile Offenders Act of 1935 is to be repealed when the Children's Act 2020 will be proclaimed. Provision has been made in the Children's Act 2020 for a parent or the Police to apply before the Protection Division of the Children's Court for a finding that there exist serious behavioral concerns in respect of a child which need to be addressed. This will be only possible where parenting support intervention so as to assist the parent in performing his parental duties with respect to the management of the child's behavior has failed. The child shall not be removed from his usual household unless the District Magistrate considers it to be in the best interests of the child to be placed in an institution under the Probation of Offenders Act of 1946.

**Reply to paragraph 30 (c)**

346. In the case of a child under 14 years old who is suspected to having committed an offence, provision has been made in the Children's Act 2020 for the police not to detain a child but to conduct an enquiry. Concurrently, the matter would be referred forthwith to the Probation and After Care Services for assessment. The Probation officer shall develop a written plan of intervention to meet the specific needs of the child which will (a) specify the objectives to be achieved for the child and the period within which they shall be achieved; (b) contain details of the services to be provided to the child and specify the person or organisation that shall provide those services; and (c) state the responsibilities of the child and the parent of the child, or such other responsible adult as may be specified in the plan.

347. As regards minors above 14 years section 57(1) of the Children's Act provides "Subject to any other enactment, the detention of a juvenile who has been arrested upon reasonable suspicion of having committed a criminal offence shall, as far as possible, be imposed only as a measure of last resort." They will be referred to the Probation and After Care Services for assessment under section 51 of the Act. In light of the findings, the Probation Officer will, inter alia, establish whether the child is in need of care and protection in order to refer the child to the Protection Division of the Children's Court; assess the age of the child if the age is uncertain; formulate recommendations regarding the release or detention and placement of the child as well as where appropriate, establish the prospects of the child to be enrolled into a diversion programme. The report of the Probation and After Care Services will assist the Magistrate to make a decision as to the detention of the minor where there is police objection to his release. Review of the Court's decision will be as provided for in the Bail Act.

348. Notably, where the Probation Officer makes an assessment to the effect that it would be in the best interests of the juvenile to be enrolled in a diversion programme rather than being prosecuted or criminal proceedings being continued against him, the Director of Public Prosecutions may offer the juvenile to enroll in such a programme.

**Reply to paragraph 30 (d)**

349. The Legal Aid and Legal Assistance Act of 1974 will be amended once the Children's Act 2020 comes into operation in respect of legal aid assistance to juvenile detainees or accused parties. A parent, legal guardian or any other person having responsibility of a juvenile may make an application for legal assistance during police enquiry and bail applications. Furthermore, in the absence of his parent or legal guardian, or where the parent or legal guardian refuses to make an application for legal assistance, and the juvenile wishes

to obtain legal assistance, he will be brought before the Magistrate who shall grant legal assistance to the Juvenile.

350. As regards child victims and witnesses the Ministry of Gender Equality and Family Welfare is in the process of setting up the Guardian Ad Litem Programme in line section 66 of the Children's Act 2020 (not yet in operation) which will ensure advocacy for the best interest of children throughout the judicial proceedings.

**Reply to paragraph 30 (e)**

351. The Children's Court Act 2020 was passed in the National Assembly on 15 December 2020.

352. This Act establishes a Children's Court with the jurisdiction to hear and determine certain cases involving children. The establishment of this dedicated and specialized Court has been rendered necessary with a view to ensuring, in a child-friendly environment, the best interests of children during court proceedings. The Children's Court shall consist of:

(a) a Protection Division which shall have jurisdiction to hear and determine, *inter alia*, any application in respect of child protection matters under the Children's Act 2020;

(b) a Criminal Division which shall have jurisdiction to hear and determine, *inter alia*, cases involving juvenile offenders, sexual offences against children and offences where children are witnesses thereto.

353. In addition, the Courts Act 1945 has been amended to empower the Family Division of the Supreme Court to hear and determine, *inter alia*, any action entered under the Code Civil Mauricien for adoption, sale of minor's rights, "*ouverture de la tutelle*", appointment of guardian and sub-guardian, "*recherche de maternité*", "*recherche de paternité*" and "*désaveu de paternité*".

**Reply to paragraph 30 (f)**

354. Overreliance on detention which may contribute to reoffending has been addressed in the Children's Act 2020.

355. Under the Children's Act, every child who is alleged to have committed an offence shall be assessed by a probation officer as to the best way in which he should be dealt with.

356. In line with the best interest principles of the child, the Director of Public Prosecutions may upon an assessment made by a Probation Officer, enroll a juvenile in a diversion programme for purposes of rehabilitation rather than resorting to formal criminal proceedings and/or adjudication.

**Reply to paragraph 30 (g)**

357. According to the Children's Act 2020, the detention of a juvenile who has been arrested upon reasonable suspicion of having committed a criminal offence, is a measure of last resort.

358. Provision has also been in the Children's Act 2020 for the Commissioner of Police to make arrangements to prevent a juvenile from associating with any adult whilst in detention; being conveyed to and from any Court and also whilst waiting before or after attendance at court. The layout of the children's court is being set up in an independent environment.

359. The Criminal Division of the Children's Court will not have the jurisdiction to try children who are charged together with an adult.

### **III. Statistical information and data**

360. Statistical information in respect of paragraphs 33 to 48 have been submitted as Annex XXIV.