Introduction

The post of Ombudsperson for Children was created by the Ombudsperson for Children Act 2003 (OCA) voted in October 2003. It came into force on 20 November 2003.

The First Ombudsperson for Children (OC), Ms Shirin Aumeeruddy-Cziffra was nominated on 10 December on the occasion of International Human Rights Day and took the oath before the President of the Republic on the next day. In conformity with section 11(i) of the OCA the first report was sent to the President of the Republic before 30 September 2004. This is the second report but it is the first one which refers to a full year of activity from September 2004 to September 2005.

In this report the Ombudsperson for Children's Office (OCO) has innovated by introducing two main themes which cover several aspects of violation of the rights of children: The first one entitled the Protection of Children - The Chain of Services is an analysis of the law, policy and strategy concerning child protection in Mauritius. It looks at the challenges for example the lack of significant data, the problems of non-reporting, the quality of places of safety, the norms of alternative residential care institutions, their functions and their capacity to protect children. It also addresses other issues like foster families, family-child mentoring, adoption, lengthy procedures for tardy declaration and the need for better coordination between services of the same ministry and between different ministries. It recapitulates all the proposals made by the Ombudsperson for Children to respond more efficiently to the ever increasing demand in the field.

The second one looks at the problem in a different way. It refers to Violence against Children. The thematic sections under this heading covers the following subjects of concern: Corporal punishment, domestic violence and its impact on children,
violence against children at home including the shaken baby syndrome, sexual violence, commercial sexual exploitation of children, child trafficking, teen dating violence, psychological violence, child neglect.

As at 27 September 2005, 751 cases have been reported to the OCO since December 2003. 520 of these were reported after the coming out of the first report. There has also been an attempt to produce some data which give an idea of the tendencies, namely what kinds of complaints are recurrent, who they are from and who are the respondents. We have also analysed the types of violations which are more reported to the Ombudsperson. Some other interesting information have been collected and are being shared. The Report also contains information on the 16 Days 16 Rights Campaign as well as on the National Campaign on the Prevention of Violence against Children which constitute the two major awareness programmes of the OCO. The list of 16 Rights is at Annex III.

Since the Ombudsperson for Children Act 2003 was amended in 2005, the Act as amended is reproduced as annex I.

The OCO participated actively in the United Nations Study on Violence against Children. The OC sits on the Executive Editorial Board of the Study and the office was present at the sub-regional consultation on Violence against Children held at Antananarivo, Madagascar from 25 to 26 April as well as the Regional Consultation held at Johannesburg from 18 to 21 July. The Declaration adopted in Madagascar is also annexed as Annex II.
The role, powers and functions of the Ombudsperson for Children

The Ombudsperson for Children is guided by the Ombudsperson for Children Act 2003, as amended in 2005.

The Act lays down the objectives as follows:

"The Ombudsperson for Children shall:

(a) ensure that the rights, needs and interests of children are given full consideration, by public bodies, private authorities, individuals and associations of individuals;

(b) promote the rights and best interests of children;

(c) promote compliance with the Convention."

Domestic laws and the Convention on the Rights of the Child

It is important to underline that if the Ombudsperson is concerned by the violations of the rights of the child as proclaimed in domestic laws, the Convention on the Rights of the Child will also always be used as a benchmark to decide if there is a violation. In case the abuse is not covered by any law, the OC can always propose an amendment.

Ideally the Convention on the Rights of the Child, having been signed and ratified by Mauritius, should be domesticated to give its provisions force of law. As it is, some articles are translated in local legislation, but not all of them. The OC has proposed that all the articles of the Convention be incorporated in a Child Act which would be comprehensive and include all provisions regarding the protection of children. The MWRCDFW had accepted this proposal and the Child Act was to be drafted.

The amendment of the OCA 2003

The first report was laid on the table of the National Assembly, soon after it was communicated to the President of the Republic before the end of September 2004. It was an occasion for the OC not only to describe the activities for the first eight months but also to draw the attention of the President and of elected members on the difficulties met during the first year of functioning. Some of these difficulties were directly linked to the fact that in some cases it was impossible to enlist the full cooperation of those who were called for investigation. Though the powers given by the Act were considerable and aimed primarily at ensuring that the rights of children were fully protected, it became clear that the OC was powerless if respondents or
witnesses did not turn up. In one case the OC had difficulty in obtaining the production of a document.

Indeed the original legislation gave the OC very wide powers of investigation. Sections 6 and 7 in particular describes those powers which can be summarised by section 6 (f) which states that the OC shall: "initiate an investigation whenever the Ombudsperson for Children considers that there is, has been or is likely to be, a violation of the rights of a child"

As a way of ensuring that violation has a wide meaning, the same section gives a list to show that such cases may relate to the situation of "children in the family, in schools and in all other institutions, including private and public bodies, as well as cases of abandoned children and street children" The OC is also empowered to investigate cases of child labour. Further it is made clear that the OC opens an investigation whether the Mauritian child whose rights have been violated is in Mauritius or not. If the rights of a foreign child are violated in Mauritius, an investigation can also take place.

Section 7(2) stipulates that the OC may "request any person, including any public officer, to provide information concerning a child, whose rights have been, are being or are likely to be violated." It also gives wide powers of entry to the OC as well as powers of seizure.

Since there was no penalty clause nor any provision regarding any refusal of anyone to comply with the OCA and its provisions, the Act had to be amended.

The amendment provides for summoning of witnesses and examining them on oath, calling for production of documents or exhibits, obtaining information, file or other record upon application to the judge in Chambers, whenever necessary. Refusal to attend, to take an oath, to furnish information or to produce any document, record, file or exhibit or to answer to the best of one's knowledge, giving of false evidence are all offences. Insulting the OC or wilfully interrupting the proceedings are also offences punishable by a fine not exceeding Rs10,000 and to imprisonment not exceeding 12 months.
In fact, it is not necessary for the OC to have recourse to formal summons nor to seize the court as the amendment has persuasive value. During the debates in the National Assembly some members rightly pointed out that the spirit of the law was that procedures should not be too cumbersome. The OC does in fact work in a very flexible and amicable manner.

**Mediation**

Many cases are in fact solved by mediation. An analysis of over 751 cases treated since the beginning, shows that there are always means of finding solutions in most cases, as long as everyone cooperates. The OC always puts emphasis on the fact that, in all conflicts involving a child, it is the best interest of the child which is superior to all other interests. Mediation takes place mostly between parents. The OC is however also called upon to mediate with institutions on specific cases, for example with head-teachers whenever there is a complaint on corporal punishment or any other form of abuse at school. Mediation is even done with foreign agencies and institutions if a Mauritian child is abroad and deserves to be helped. Sometimes cases are referred to other Institutions including Ombudspersons for Children.

**Court Cases**

The Act specifies that the OC "shall not investigate any case which is pending before any court but may refer any child involved to the Ministry for advice assistance or counselling." In actual fact many complaints are made when court proceedings are still pending and it is not always easy to make complainants understand that it is not possible for an Ombudsperson to investigate since it would be an unacceptable interference with judicial matters, which cannot be under scrutiny. The Judiciary is independent and there are strict procedures for defending oneself before courts and for appealing if one is unsatisfied with a judgement.

However, the OC can make proposals to ensure that court proceedings do not unduly affect children. For example, it has become obvious that the procedure for obtaining information through social enquiries for court cases needs to be reviewed. There must be some rationalisation of the services that do make such reports including in cases of adoption. The role of the *Ministère public* and its collaboration with these services also needs to be more precise.

As it is, many proposals have been made. In particular the OC has incessantly proposed the setting up of a child friendly and modern Family Court with a legal and human approach. This would take in consideration the many problems that crop up and sometimes lead parents in particular to commit desperate acts. The OC has also made proposals regarding the legal representation of minors in court.
Even some judges have expressed their concern on the well known conflict of interest that exists in many cases of custody and right of access to children. There have even been questions as to whether the OC should not intervene. The general feeling on this amongst Ombudspersons for Children in other countries is that it is not at all their role to take a stand on specific cases. In some countries, Ombudspersons do not even have an investigative role as it is too time consuming and does not leave enough time and energy for their main role which is to be the prime advocate for change.

In Mauritius, we are of the view that the investigative role should be limited to serious violations of the rights of children specially by those who have the duty to care for and protect children. In other words, violations by public institutions or private associations or organisations. The OCO is NOT a service provider. It should not investigate cases of child abuse because this is the role of the CDU. It should not investigate any crime which is committed against a child as this is a matter for the police.

This is why, the OCO should be the last resort when the service providers and those who should act have not done so.

This year the OCO, though it still receives many complaints of a private nature, has taken the pain of explaining that it cannot intervene directly. There is a pre-enquiry to determine the nature of the complaint and the matter is only dealt with directly if the solution is simple, for example if a phone call to a person or institution may bring positive change. Otherwise, the matter is referred and there is a follow-up.

A lot of effort is made to explain to citizens the role of the OCO and of the other institutions, but there is a natural tendency for complainants to seize the OC first. Some complainants even seize two to three institutions in parallel. As it concerns children, it is always difficult to turn a deaf ear. The most difficult then is to coordinate with the other institutions.

Most complaints come from members of a family regarding a dispute over custody
matters or right of visit or lodging or even alimony.

The OC is convinced that family matters should be dealt with at a Family Court, preferably at Chambers level. In any case, they deserve a better system than what obtains at present. The OC will continue to play its role by helping the authorities to come up with a reform. The OCA in fact provides for the OC to "make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of children".

Protection of Children - The chain of services

Child Protection: law, policy and strategy

In Mauritius the policy of child protection is now based on a ten-year-old piece of legislation: The Child Protection Act (CPA) of 1994 which came into force on 1st April 1995. It has been amended in 1998 and in 2003. It is not a comprehensive piece of legislation and definitely needs to be reviewed. Now and again there is hope that in fact a proper Child Act will be adopted and would cover all aspects of the law relating to Child Rights, protection and rehabilitation of child victims of abuse as well as measures needed to prevent such violence. Clearly the Ministry must first reach a consensus on the main policies that would cover the issue fully before any amendments can be made, let alone a new legislation being drafted. Further, it is imperative that the whole mechanism for protection be reviewed to ensure that
children are not just removed but that there is a proper monitoring after placement to ensure that each child is in fact protected fully. There must also be regular evaluation not only of individual cases but also of systems and structures. If need be, the law must be amended, more staff must be recruited and trained and the administrative set-up be reviewed to give best results. Of course, close coordination of services is imperative.

The law

Prior to 1995, children were already in placement in convents and other specialised institutions. But since that date State intervention to remove children from their families if they are in danger has become a legally binding decision. Indeed the CPA 1994 provides for Emergency Protection Orders when "a child is being exposed to harm and is in need of assistance" and if "a district magistrate is satisfied that the Permanent Secretary has reasonable cause to believe that a child is suffering or likely to suffer significant harm...." It also provides for Committal Orders: Section 8.1 provides that "where the Permanent Secretary has reasonable ground to believe that a child is ill-treated, neglected, abandoned, destitute or otherwise exposed to harm, and that it is in his interests to be committed to a place of safety, he may apply in writing to the court for a committal order."

Of course, the parameters to have recourse to this kind of intervention are clearly defined. The term harm itself is defined. It "includes physical, sexual, psychological, emotional or moral injury, neglect, ill-treatment, impairment of health or development".

The challenge

The greatest challenge for the Government and NGOs today is to evaluate the real situation to see whether the present legal set-up and the services available are adequate. Any honest appraisal would show that there are many loopholes in the chain of services and that many more children are in fact at risk and being exposed to harm than meets the eyes, both within their families, on the streets, and even sometimes in so-called "places of safety". The new strategy should rest on eight basic principles:

1. to improve the system of detection of cases of abuse;

2. to improve the capacity of officers to attend to cases efficiently;

3. to concentrate on support of families;
4. to provide good Alternative Residential Care Services;

5. to ensure that children are in fact protected and rehabilitated;

6. to set up a good monitoring system;

7. to look at the root causes and put more emphasis on prevention; and

8. to ensure that resources are optimized and protection is sustainable.

Data

It appears that very little data is available concerning children who are at risk of harm, or who are victims of child neglect, child abuse or violence. All that is available is the number of cases that in fact are reported either to the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, the Ombudsperson for Children's Office or the police and the number of children who are either in alternative residential care, in detention centres or who are roaming the streets and being cared for by street educators. Figures concerning children who are victims of Commercial Sexual Exploitation of Children (CSEC) are controversial. Since some cases are reported to more than one institution and may be referred to others, it is useless to add figures.

Some analytical surveys have been made but are not always available for example the NCC commissioned a study to the Mauritius Research Council on "Abused children who are in placement in shelters and other children who have left". Other studies have also been undertaken by the MRC on matters which are relevant specially on the prevalence of alcohol and drugs in schools and in Housing Estates. However, nothing is known of the policies that were discussed following these reports.

Reporting

Logically if a citizen is aware of any case of child abuse of any kind, there should be a duty on him/her to report such a case to the CDU or the OCO. However, such a
duty to report is only imposed on "a person exercising any medical or paramedical profession or a member of the staff of a school who has reason to suspect that a child he is examining or who is frequenting the school as the case may be, has been ill-treated, neglected, abandoned or otherwise exposed to harm, he shall immediately notify the Permanent Secretary." And in fact few such professionals do report cases.

There is no duty on any person to report to the OCO, therefore the OC explains to the population that there is a moral duty on every citizen to report cases of child abuse. In a way, it would amount to "non assistance à personne en danger" which does not exist as an offence in our Criminal Code. We are therefore completely in the dark on the real number of cases that would need some form of intervention from the State.

The Ministry and the OCO both have green lines, 113 and 177 respectively for anyone to report a case even anonymously.

The Ministry had set up a Child Watch. Now a Community Watch has been proposed as the Child Watch Project gave insignificant results.

The OCO has set up a network of youngsters (Budi's Friends) aged 12 to 18 to identify, advise and refer children at school or in their neighbourhood who are at risk. They also contribute in awareness campaigns.

**Places of safety**

"A place of safety means any place designated by the Minister and includes a foster home, a convent, a charitable institution, an institution for children and such other institutions for the welfare and protection of children". This is the definition given in the CPA 1995.

There are at present 61 children at the Shelter in Albion, run by an NGO but funded by the Ministry. This shelter is meant to cater for 30 children and sometimes there are up to 70 inmates there. In fact it is also accommodating 15 battered women with their children. Further, since the Shelter for boys
closed down, boys are also being placed at that shelter with all the risks that this entails. These children are supposed to remain there only temporarily but often they stay for several months until another institution can accommodate them since there is a lack of space.

The OC had to open a special investigation on the Albion Shelter, which amongst other things revealed that the place is overcrowded. It is catering for boys, girls, battered women and their children. Children suffering from mental problems, those who are victims of different forms of child abuse, those who are handicapped are all accommodated there and they all mix with each other. The hygienic conditions had to be improved: Younger children were using common clothes, hot water was not available and was being carried upstairs and often babies were washed in the same basins. Many children had lice and many were using medication obtained from the psychiatric hospital to keep them calm. Further all sorts of groups were having access to the Shelter including those who were of a religious nature. Clearly also the carers recruited had no specific qualification to deal with children who were placed there. It had happened that an inmate was employed and remunerated and others were often asked to clean up. The OC also learnt that there was not always enough food and drink for inmates to have balanced diets, although the Ministry had insisted that all children should have proper meals.

The OC has made interim proposals regarding all the above problems. She has proposed that a Monitoring Committee be set up immediately to ensure that the basic rights of children placed there be respected. The Committee has been set up and some improvement has taken place but the Shelter is still accommodating boys and battered women.

The Shelter for Women and Children in Distress of Forest Side was set up by Government and can cater for 30 girls but it is in fact housing ten more. Those institutions fall under the aegis of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection.

The Ministry also places children at Terre de Paix at Albion, SOS Village in Beau Bassin and Bambous and at CEDEM in Floreal and Vacoas. These institutions can cater for 30, 120, 84 and 12 children respectively. They are run by NGOs. In short, if the Ministry respects the norms, 306 beds are available for children who are at risk and need to be accommodated in an institution. The other possibilities are foster homes and charitable institutions: 30 children are accommodated in the former and 53 in charitable institutions. Some only take babies and others cater for boys or girls above 15. In all, some 389 children can be placed in the above institutions. It appears that the
Ministry is looking for more possibilities elsewhere as at present no budget is available for renting premises for another shelter.

**Alternative Residential Care**

Alternative residential care is the last resort for children who are in distress. There are many cases where children need to be removed from their parents who are neglecting or abusing them. Some have been abandoned by the latter or are being ill-treated. Alternative care is therefore needed for these children. We are in fact lucky that so many serious NGOs are committed to running these institutions despite the difficulty to make both ends meet. They need to be fully supported, the more so as it is extremely difficult to deal with children and adolescents who are victims of child abuse, child-neglect and abandonment.

However there is a need to ensure that once the children are committed they are really in "places of safety". It is very important that they should not be victims of institutional abuse and violence. Strict norms must be adhered to and there must be a monitoring of these places by a Committee composed of officers of the Ministry and experts in these matters. The present Committee could be enlarged to deal with all institutions.

The new Minister has agreed to set up a special desk at the Ministry to ensure that this monitoring takes place in the best interests of children.

But above all one must realise that there are few institutions, they are all fully booked and it will not be possible to create many more institutions. Those that are already in the pipeline should however be available urgently to solve the problem of overcrowding. The needful should be done in the next budget.

The Ministry should also bear in mind that it is not a good policy to mix children with different types of problems together: children who have been victims of sexual abuse for example cannot be together with those who have been rejected by their parents. The former unfortunately develop deviant behaviour and they are capable of victimizing other inmates. This problem needs to be addressed.
Institutions under the aegis of the Ministry of Social Security

Many orphanages and other institutions fall under the aegis of the Ministry of Social Security, National Solidarity, Senior Citizens' Welfare and Reform Institutions. These can also sometimes accommodate children who need to be placed by an EPO or Committal Order. They are then subsidized by Government who always gives a minimum per head contribution to cover specific expenses. This contribution is never enough and most institutions must fund-raise. Some of them also take children on a private basis. Handicapped children who are not cared for by their parents cannot be accommodated for the night as no institutions will take them. The Ministry of Social Security must find a solution for such children. Specialised units must be available for both physically handicapped children and those who suffer from mental illnesses. Many NGOs are fortunately catering for handicapped children during day time and the amount of time and energy given by those in this field deserves our deep appreciation.

Half way homes

Only two institutions cater for youngsters above 16 and above 18 to prepare them to reintegrate society, find a job and fend for themselves. The Mauritius branch of the African Network for the Protection and Prevention of Child Abuse and Neglect (ANPPCAN) runs the Foyer Paul de la Haye Duponcel in Curepipe and caters for eight girls above 16. These girls are referred after they leave the Rehabilitation Youth Centre (RYC) or probation home. SOS Village also runs a slightly different home for boys who leave the village. Both prepare the youngsters to reintegrate society and start a responsible adult life. There is a need for more such institutions to cater for young persons who need that "bridge" between an Alternative Residential Care Institution, or a place of detention and normal life in society. More NGOs should be encouraged and supported to run such homes.

Foster families

Although the setting-up of a foster family system is very commendable, there is an urgent need to evaluate the system and evaluate each family to see whether children placed there are in fact safe, are being rehabilitated and have future prospects. We understand that 38 families have registered up to now, but some families are not taking children in for various reasons. Only 33 children are at present in foster care. It may also be a good time to rethink altogether about the role of such families and whether it is a good policy to allow them to adopt children who are placed.

Other solutions
Article 9 of the Convention on the Rights of the Child (CRC) provides that children should only be separated from their parents if it is in their best interests and that they should maintain personal relations and direct contact with both parents on a regular basis. If we consider removing children as an extreme solution, we must therefore find other ways and means of dealing with the ever growing need to help children who are in distress even though we do not opt for placing them in an institution or a foster family.

There are two very important well known solutions which need to be examined and applied properly in Mauritius. Last year, the OC made several suggestions which are contained in the first Annual Report. They can be grouped under two headings.

(i) Rehabilitation and support of parents.

(ii) Adoption.

If one can invest in a programme which aims at strengthening and empowering families so that they can assume full responsibility for their children, this is by far the best solution for the children, who need the warmth and love preferably of their own parents and family. In order to do that a full-fledged programme will need to be designed. This should cater for parental education by professionals and material and moral support for a certain length of time as well as setting up the Mentoring system to ensure that such support is widely available.

**What kind of support for families?**

A socio-economic policy that is people-centred would normally be egalitarian and not entail poverty and misery. But this can only give results over many years as it depends on different policies ranging from non discrimination in the education system to ensuring that unemployment is contained and social security is available for the poor and unemployed. A housing and environment policy to prevent the mushrooming of slums is of course the very basis of such a development policy.
based on the Millennium goals and the respect for economic and social rights of all citizens. Further, one must always bear in mind that there is an economic cost to all social ills.

But in the short term families that face great difficulties must be helped materially and morally and be given the chance to earn a living. Their children must be enrolled in school and must get better chances to succeed later on in life rather than roam the streets, remain idle and fall prey to alcohol, drugs and prostitution.

It is possible to adopt a comprehensive policy to rehabilitate most families so that they can stand up on their own feet, become productive, and play their parental role. This would include: training of women and men, providing day care centres for their children, ensuring that they also attend parenting courses and learn about Child Rights and Human Values.

The men as partners programme is interesting. It was set up by the Ministry but has it been successful? How many families where there was domestic violence have been rehabilitated? Data is not available. Families may need some support on a long-term basis, to motivate them and guide them. This is where Family Child Mentors can play a positive role since the Child Welfare or Family Welfare Officers are too few to give long-term support. They already face great difficulties to cope with the ever increasing number of cases that crop up everyday.

**Family Child Mentors**

The Family Child Mentor must not be confused with the Mentors recruited by the Ministry of Education for the ZEP project. The Family Child Mentors work with families and looks after the interests of the child/children outside the education aspect though nothing would prevent such a mentor from also making a link with the school in specific cases.
The setting up of a programme of mentoring has many advantages for a country like ours. It does not entail enormous funds since the Mentors can be recruited from the Community and need not be paid but only receive a stipend, if need be, for their expenses. Many Mauritian citizens are already doing this by themselves as part of their social contribution. Many other persons who are free, either because they do not need to work for a living, or because they are retired, would like to do voluntary work but they need to be guided, and supervised. All that the Ministry would need to do would be to amend the CPA 1994 to define the role of a mentor and give the legal framework for the project.

Mentors would be screened and trained and each one would become the "big brother or big sister" of one child or a family to give guidance and support to the family and become the link with the Ministry, should any problem crop up. There would be no money transactions but merely moral support and an "accompagnement" of the children and their family to prevent any situation of abuse of any kind. Ideally there should be an agreement signed with all parties concerned each time that a Family Child Mentor would be allocated a child to look after. There must of course be strict rules to provide for cases in which such a Mentor would be available in lieu and in place of an EPO. The child, his parents or other member of the family looking after him must feel at ease with the Mentor and the latter must also be able to have a say on the agreement in order to ensure that the relationship will be positive and give results. Further the agreement must state the goals that need to be attained before a child can stop being mentored.

There should be a Committee to monitor the network of Mentors with meetings at regular intervals to ensure that all Mentors are following guidelines which need to be prepared with great care and be enacted in the form of Regulations under the CPA 1994. It would also be wise to start this system on a pilot basis before spreading it around.

The difference with the Community Watch and the Family Child Mentors is that the former only watches on a general basis whereas the latter engages himself/herself on a person to person basis and does not just report to the Ministry but can act to a certain extent.

Local adoption

Article 20 of CRC specifically states that adoption is a form of alternative care that should be envisaged.

Article 21 states from the very outset that, in cases of adoption "the best interests of the child
shall be the paramount consideration". It does stipulate that competent authorities must determine
"on the basis of all pertinent and reliable information, that the adoption is permissible in view of
the child's status concerning parents, relatives and legal guardians and that, if
required, the persons concerned have given their informed consent to the adoption on
the basis of such counselling as
may be necessary."

The general principle that one must bear in mind is that a child needs to have a sense of security
and permanency in his relationship with those who bring him up. If no other satisfactory solution
can be found, a child can be adopted as long as he will be able to have a bonding relationship with
his new family. Before proceeding with any adoption, it is therefore imperative to have a full social enquiry on the child to be adopted. This should relate to his immediate environment, his family background, any special needs he has, his medical history as well as those of both his parents if they are known, etc.... Such a report must be prepared by a team of professionals.

On the other hand, the adopters must already have been screened and a full-fledged report is also needed for them to obtain an agrément from an independent institution.
In Mauritius there is unfortunately no such institution and it must be set up urgently. Proposals have been made for abandoned children to be identified. Those who are completely abandoned need to be registered. When parents still exist, the child will need the protection of the State until a decision is taken. In fact, a guardian *at litem* must be nominated for them. As explained there is the possibility of rehabilitating the parents and helping them to look after their child. If they are beyond serious rehabilitation, it is important to be realistic and to start a procedure of *déchéance de l'autorité parentale*. The child can then be declared adoptable. If the parents consent to the adoption, there need not even be any procedure to remove their parental authority. It is not always in children's interests to have them placed for several years as opposed to having them adopted. Placement should as much as possible be temporary. It is very rare that a child is better off in an institution rather than in a family. As for foster families, it is the lack of permanency which is in fact negative for the child. Foster families may be theoretically better than institutions but there is always a danger that the child gets so attached to the family that in fact it would be wrong to remove him.

Normally foster families also take children in for short periods. In fact those families are often prospective adopters. There are two schools of thought on this. One of them is that it is not normal for foster families to adopt a child as the kind of relationship that the family has with the child would then differ from a foster parent who is warm, but keeps some distance to help the child's normal emotional development. The OC favours this type of unambiguous relationship.

### Intercountry adoption

Article 21(b) of the CRC also states that "intercountry adoption may be considered as an alternative means of child's care" but local solutions must be found first.

Mauritius has signed and ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption since 29 September 1998. Unfortunately this Convention has not been domesticated whereas the Hague Convention on International Child Abduction has been incorporated in the domestic legislation.

However, since 1987 the State has shown its interest in the question of international adoption, at least as regards the adoption of Mauritian children by foreigners. A National Adoption Council (NAC) was set up after the passing of an Act in 1987. However, the NAC does not in fact identify or register adoptable children. It does not give *agrément* to Mauritian adoptive parents. It "inquires into all demands for the adoption of citizens by non-citizens before any application is made to the judge in Chambers". In fact, it studies applications of foreign applicants to ensure that they are authorised in their own country to adopt a child. They are questioned and a list of
documents is submitted to them. The general objective is to see whether their application is acceptable and that they are not involved in child trafficking. The law in fact criminalises any offence which is committed by anyone who "shall offer, make or receive any payment or reward for and in consideration of the adoption of the citizen" to be adopted. The NAC also coordinates with overseas officials engaged with the adoption and welfare of children.

But the NAC has no say in cases of a Mauritian adopting a Mauritian child. Such applications are made by lawyers and go directly to the Supreme Court. Children are often "found" by the applicants themselves. Sometimes parents hand over children directly to applicants and in the case of intercountry adoption couples have contacts in Mauritius who find these children.

This does not necessarily mean that there is some form of trafficking but there is always a risk of some money transaction taking place, even if it is innocent and with no ulterior motive than to help the family "in need". Most of the time, it is from the heart.

One good way of tackling this problem is to provide that anyone, who wants to contribute voluntarily, should do so but not on an individual basis. The money should go to a fund like the Prime Minister's Children's Fund (PMCF). It will then be used for children in distress.

It is important also to ensure that the independent institution that deals with adoption and delivers agrément to Mauritian citizens who want to adopt children, also gives such an authorisation to those who want to adopt a foreign child. As it is, the latter in fact do not know where to go to obtain an agrément.

Our office has received a request from such an adopter who was referred to the CDU but strictly speaking, they are not really mandated to give such a certificate.

The Government of Mauritius having acceded to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, it must legislate to incorporate the convention in the NAC Act and it must urgently designate its Central Authority.
Tardy Declaration

The responsibility for the declaration of all children in Mauritius rests with the Civil Status Office. The declaration of a child should be done soon after birth by the parents.

However, many children have not been declared for the following reasons amongst others: Abandonment by both parents or non acknowledgement by their mother and father or their parents may be deceased. Further, the mother may be involved in prostitution or the parents may be alcoholic or drug addicts. Often pregnant teenagers do not declare their children although there is no legal impediment to a minor declaring a child. After 45 days some parents are discouraged because procedures are lengthy and because of the risk of prosecution.

In most cases, the procedures last more than one year. In such cases, the District Magistrate cannot issue an order without the conclusion of the Ministère Public.

Why is the procedure so lengthy?

There are many steps to follow for a tardy declaration. First, parent(s) must apply for the tardy declaration of birth at the District Court where the child was born through a sworn affidavit. If the district magistrate is satisfied with the evidence sworn in the affidavit, then he orders that an application be made by the parents for the tardy registration of their child.

Parents, who are not able to pay for an attorney, will be referred by the Court to the Ministry of Social Security for free legal aid. The District Court will then refer the case to the Solicitor General to request the conclusion of the Ministère Public. In turn, the latter will refer the case to the police to verify information sworn in the affidavit by the parents.

The Ministère Public will then give its conclusion to the District Court after the completion of the police enquiry. If the conclusion is positive, the District Magistrate will order the Registrar of the Civil Status to register the birth of the child. The parents, if they have been traced, can register their child.

If the child has been abandoned and his/her parents are untraceable or unknown, the Permanent Secretary, Ministry of Women's Rights, Child Development, Family welfare and Consumer Protection will take all the necessary steps for the declaration of the birth of the child. The child shall bear the names given to him/her by the
In the long line of those who intervene in the procedure, there are bottlenecks at the level of the police and of the district clerk who are obviously overwhelmed with work, and sometimes also at the State Law Office or the Ministry of Social Security, National Solidarity & Senior Citizen Welfare and Reform Institutions.

The need for poor parents who earn less than Rs 5000/ to obtain legal aid is also an impediment. The social enquiry on their means takes time. Some lawyers appointed in forma pauperis do not hasten with this kind of case which is often unfortunately considered unimportant.

A child who is not declared is deprived of his fundamental rights which amongst others are: The right to have a name, a nationality, an identity.

Arrangements have now been made for children to be admitted in schools even though they have not yet been declared.

The Ombudsperson for Children has already proposed that there should be a specific time frame to be allocated to the various institutions dealing with the issue and an overall time frame for the finalizing of the procedure to be determined.

The OC commends the very urgent decision taken by Government to have 30 babies declared within a very short time by speeding up the procedure at the level of the court and inviting parents to come forward, giving them the guarantee that there would no prosecution. But the
other stages of the bottleneck must also be looked at.

A hot line 800 0900 in connection with tardy/non declaration of children is operational at the level of the Ministry since the 14 October 2005.

It must be remembered that if an undeclared child is to be adopted, he/she will have to remain in care in a foster family or in an institution before the adoption can take place. If the adopters are foreigners, this means that the child will be placed and removed at very crucial times of his life. This can affect his development negatively. Thought must be given to this problem to diminish the trauma of separation.

**Interaction and Coordination between Ministries**

The main role of the MWRCDFWCP is to coordinate action in the field of Women's Rights or Child Rights, etc... This is really where its ability to bring change stands the test of time.

A National Children's Policy and Plan of Action were adopted in May 2003 and March 2004 respectively. The Plan of Action already provided for a pluridisciplinary approach with targetted goals and identifiable interveners but no proper time frame was set and actions to be taken were not budgeted.

Unfortunately, it appears that there have been meetings of all stakeholders that have not given the results expected. Yet it is in such meetings that the most knowledgeable and appropriate officers of each stakeholder concerned should be able to discuss the underlying causes which are affecting the chain of services and giving such negative results. Decisions must be taken rapidly to bring change, whether in law, in policy, in strategy or just simply sometimes in actual implementation.

Such coordination must in fact take place at two different levels: Firstly each stakeholder must be approached separately to find out what are the obstacles to
implement decisions taken. Secondly every now and again top officials must meet together, accompanied by the Officer in charge of the implementation of the Plan of Action in each Ministry.

The higher level meetings are VERY important as officers at lower levels cannot be expected to do anything more than just listen and report. Hopefully, at their own Ministry they will be able to advocate in favour of the best interests of the Child. They therefore need some training.

**CONCLUSION**

The Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection has announced that she will be working on a new Policy and Plan of Action. Lessons must be drawn from the past to show the way for a better future for the children of Mauritius.

Whatever be the policy it must be based on the Convention on the Rights of the Child and all the other Human Rights Convention signed, ratified or acceded to by Mauritius.

It must also take stock of the state of the law and the policies and services that already exist. Its principal aim should be to rationalise, to improve and to professionalise its services so that they are indeed result-oriented. And above all, it must ensure that its services provide good responses to the problem of child abuse and child neglect and are run in the best interests of children.
Prevention of Violence against Children in Mauritius

The OCO has started a National Campaign on the Prevention of Violence against Children which is detailed later in the report under the title "Promotion of Rights". The National Campaign was launched to join the UN Study on Violence against Children which is explained later. This paper looks at the situation that obtains in Mauritius with regard to the issue of Violence against Children. Unfortunately at this stage, we do not have scientific data to support any meaningful study. We can have a few figures and basic analysis here and there. It is only now that we can hope that, with the setting-up of the Observatoire des droits de l'enfant de la région de l'Océan Indien based at the University of Mauritius, we will make some progress on this score. In this part of the report, we can only draw on first-hand data that we collect through cases that are reported at the office. The rest is known to all Child Rights experts in our country.

**Definition of violence**

The definition used in the WHO Report on Violence and Health is a good definition which can guide us. "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."

**1. What are the types of violence that are present in Mauritius**

(1) **Genital mutilations unknown in Mauritius**

Almost all forms of violence against children are unfortunately practiced in Mauritius. However, though statistics are very scarce, one can state that certain forms of violence are presumably unknown in our country. One very common form of violence practiced in many African countries is excision which is a repugnant form of violence against girls. There are no known cases of excision and other forms of genital mutilation in Mauritius.

(2) **Worst forms of child labour - slavery - bonded labour**

As regards the "worst forms of child labour" as defined by ILO Convention 182, Mauritius has ratified same on 26th May 2000.

The definition is as follows:

Ý all forms of slavery or practices similar to slavery, such as the sale and trafficking
of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

Ŷ the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

Ŷ the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; and

Ŷ work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, such harmful work to be determined by national authorities.

One can say that there are no reported cases of slavery or bonded labour of children though there is evidence of child labour, both in Mauritius and Rodrigues and even child trafficking specially child prostitution.

(3) Child labour

Only one case of child labour was reported to our office but we know that there are cases and the last Housing and Population Census states that "those in the age group 12 to 14 years who reported having a job at the 2000 Census numbered 760 only, indicating low level of child labour". Children do not work in mines or in jobs with great hazards except those who get caught up in Commercial Sexual Exploitation. In Rodrigues, children work in fields, look after animals and sell goods as hawkers. In Mauritius, children have been known to work in bread factories, petrol stations, in shops and presumably girls do paid housework.

Mauritius signed the ILO Convention No. 138 on the Minimum Age on 30th July 1990. The Minimum age of work is 15 but since there has been a decision that all children must be in school until the age of 16, the OC has asked that there should be a harmonisation of
Compulsory education is one of the most important measure for coping with child labour. One can hope that when it is applied strictly, this problem will disappear at least during school hours. As it is, only children who are already at school must stay until the age of 16. Some children who have dropped out are being taken care of by NGOs but many just remain at home, roam the streets or work.

Children work for many reasons, because:

- of their survival and that of their family;
- of unscrupulous adults who exploit them;
- they are vulnerable and can be manipulated;
- of social and cultural attitudes;
- education systems do not provide for compulsory education and aid to poor students.

To eliminate Child labour, it is important to:

- sensitise the population;
- mobilise public support;
- improve the education system;
- better protect vulnerable children by removing them and placing them in good alternative care;
- rehabilitate and reintegrate them;
- provide social aid, income support and family support.

(4) Child trafficking

The USA has placed Mauritius in Tier 2 Watch List in their 2005 Trafficking in Persons Report. This is mainly due to the fact that "the government's anti-trafficking law enforcement efforts were modest in 2004. Mauritius does not have a
comprehensive law specifically prohibiting trafficking in persons. Existing laws prohibit brothel keeping and allowing a child into a brothel; prostituting a child in Mauritius or abroad; procuring or exploiting prostitutes; forced labour; abduction; and slavery. The government did not report any trafficking cases prosecuted or convicted during the year”.

The Report came as a shock to the Mauritian authorities. One possible explanation is that the information imparted to the American authorities did not really reflect the whole spectrum of measures taken. Indeed the term trafficking not being common in Mauritius it may not have been perceived correctly.

On the other hand, it is true that law enforcement has been much below expectations. The OC herself had referred two cases in the year 2004 with no results. Several other cases have been referred again this year. Most of them are reported anonymously.

However, the OC understands that prostitution, including child prostitution, goes on in private clubs and that the law needs to be reinforced in order to get results. The OC believes that there are good practices in this field which can be adapted in Mauritius. There is now a working Committee to ensure follow-up on Child Trafficking and Mauritius having ratified the UN Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons specially Women and Children (on 18 April 2003 and 24 September 2003 respectively), a law is now being prepared at the State Law Office. The Government has announced that it will be initiating a Conference on the subject and the Prime Minister, the Minister and the Attorney-General have all shown that they consider Child Trafficking as a priority.

(5) Commercial Sexual Exploitation of Children

A first study commissioned by the MWRCDFW and made public in 2000, aimed at understanding commercial and related sexual exploitation of children in Mauritius and Rodrigues: It revealed that there exists a young adolescent prostitution but no prostitution in the pre-puberty period. The report concludes that the exploitation of children for
prostitution was a growing industry driven by poverty, greed and a callous demand for sex. There existed a well-structured network of prostitution which attracts young adolescents. Such networks were reported to take complete charge of the young adolescent whom they successfully recruit. Those children become very dependent on their exploiters for emotional stability and support. Clients of these young prostitutes consisted of all categories of people and were mostly local although sex tourism in certain parts of the island was thriving.

After the second study commissioned by the UNICEF and the MWRCDFW was made public in 2002 the government has come with a National Plan of Action (NPA) based on recommendations made in the report.

On 8 March 2003 the Prime Minister, the Deputy Prime Minister and the Minister identified child abuse, youth prostitution and other forms of sexual exploitation as priorities and pledged their determination to combat same. Prior to March 2003, the MWRCDFW had taken certain steps to combat child prostitution through the Child Network initiative but the results were not as expected.

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

Weaknesses

Under the Child Protection Act, Section 14(1) (c) which provides that any person who causes, incites or allows any child to engage in prostitution shall commit an offence, there were few prosecutions. It is difficult to say to what extent the law is adequate to arrest the
exploiters of child prostitution. The law has two objectives: The empowerment of victims
to encourage them to take action and the penalties which may act as deterrent. It is
important to note that the way that the law is enforced can both protect and victimize.
Laws meant to promote children's welfare and protect them from abuse should be
activated to respond to the needs of the children while criminal sanctions against
those who abuse them enforced.

The general apathy of the police with regard to child prostitution is a matter of
concern. It is not considered as a matter of priority. Criminal sanctions alone is
insufficient to deal with the problem and changes in legislation are pointless without
major improvements in enforcement. Another cause of concern is the attitude of the
authorities that trivialize the trauma and blame the children who are forced into
prostitution. A change in the approach is called for when it comes to sentencing the
exploiters. These children are frequently labelled by society as common prostitutes,
immoral, degenerate. There is an enormous need to see and refer to them as children
or young persons with rights, deserving support and nurture.

The OCO is putting emphasis on creating greater awareness on the issue for the
general public but also for those who work on protection of children, including the
police.

It must be pointed out that the fact that the Department of State of U.S.A has
downgraded Mauritius in its 2005 Report on "Trafficking in Persons" has shaken the
Child Protection Sector concerned with this problem. A multi-sectoral Committee
has been set up and the law, practice and policy is now being reviewed.

The issue of child sexual abuse is of special concern and Mauritius participated in the
First and Second World Congress on CSEC in Stockholm and Japan. A second study
recommended the setting up of Half-Way Homes and Drop in Centres to take care of
the children victims of CSEC.

According to the second report, most children engaged in CSEC are within 15_18
age group and are found everywhere although there is greater visibility in the beach
resorts. Poverty and unemployment are considered as the two major factors that draw
children in prostitution, but there is also the lure for easy money, desire for sexual
freedom, consumerism and a desire for a certain lifestyle.

The network in CSEC involves a section of close family members, often mothers,
friends, boyfriends, neighbours, professional pimps. There are also other
intermediaries such as taxi drivers, employees of hotels, bars and discotheques.
There is information that the network recruits children and supply them to the
abusers. Even in certain schools, children are spotted and recruited.
Changes in the family such as broken homes are on the rise and the burden of raising a family is often put on the mother's shoulder. If the mother is not involved in the sex trade, she may force her daughter into CSEC. In many broken families children find themselves in a vulnerable situation and have to fend for themselves. Boyfriends, friends or relations drag these children in prostitution. Another cause: School drop out deprive children of the opportunity of employment and restrict their option in life.

Another risk factor associated with CSEC is sexual abuse mostly by close relations including fathers and stepfathers. Many of those victims have been subjected to sexual abuse in their childhood and sometimes the rape experience influence their involvement in CSEC.

Most of the children involved in prostitution are unaware of the risk to their health and entire future, as often they practice unprotected and unsafe sex. Drug is another problem. Boys often steal and girls prostitute themselves to get money for drugs.

The second report commissioned by the Government recommended that an adequately empowered body be set up with different representatives from the concerned agencies both governmental and non-governmental, hotel associations, tour operators associations and schools.

The OC believes that a proactive role by civil society organizations could put the right pressure on the police and the administration for a more active role on law enforcement. For example, giving children's free access to hotels, bars, discotheques and their presence there until the early hours should be criminalised.

Measures should be taken to equip those in prostitution, or those who have come out of it, with education training skills and other support.

A training for trainers on the Psycho-social Rehabilitation of CSEC Victims and Therapeutic Activities for Children at Centres was organized in 2001 by the MWRCDFW with the help of a Consultant from "End Child Prostitution and Child
International" for about 25 participants from different Ministries, NCC, and NGOs, as well as the Police Force. The objective of the training was to provide tools for the trainers to organize and design training for carers to look after children who have been commercially sexually exploited. This training also helped the trainers to consider how they can put knowledge into practice in their daily work as well as passing on information, while providing them with a guide developing training packages which meet both the needs of the participants and the circumstances.

The OC still feels that the Police must find more efficient methods to identify the networks by using modern discreet approaches.

A National plan of Action has been prepared in order to prevent and eliminate CSEC, protect victims as well as ensure their integration in society. The National Plan of action is based on four components of the Agenda of Action against CSEC adopted at Stockholm i.e. coordination and cooperation, prevention, protection, recovery and reintegration.

A High Level Steering Committee has been set up to monitor the implementation of the National Action Plan. The issue of setting up a coordination and collaborating sub-regional network for preventing and combating sexual abuse was discussed at the SADC Council Meeting in Mauritius in February last. A regional workshop will be organized in the near future to deliberate on the protection of children from sexual abuse.

In the field of prevention, 41 officers from different governmental institutions, NGOs and local authorities have been trained. Community leaders have been trained in the child Protection and the psycho-social rehabilitation of the sexually abused children. Sensitization campaigns have been carried out by officers of the Ministry of Social Security to women, youth and disabled persons.

Compulsory education up to the age of 16 has been introduced. CPE failures or those who are above CPE age are admitted to a pre-vocational school for a three year course before they are shifted to the IVTB for a National Trade Certificate Foundation Course. Social educators have been recruited to work in ZEP schools and children at risk are identified by the headteachers with the help of parent mediators and referred to the MWRCDFW. Four Educational psychologists have been recruited in ZEP schools in the four zones.
Childwatch networks have been set up by the MWRCDFW with a view to addressing child abuse in high risk areas. This programme has the support of volunteers, members of `Forces Vives' to help the officers of the Ministry and NCC.

Area Child Protection Committees to promote and safeguard the rights and welfare of children and reduce their suffering monitored by the National Child Protection Committee has been set up.

The component of Health Education has been incorporated in the Physical and Societal Health of the Teachers' Training Programme.

Sensitisation/awareness campaigns in primary and secondary schools, youth women centres have been conducted by the Mauritius Family Planning Association.

National Programmes on sexuality and Family Life Education and other related issues have been organized by the Ministry of Youth & Sports for students and teachers targeting youth and out of school children. Educational campaigns have also been conducted by the Ministry of Labour. Talks and lectures have been delivered by officers of a specialized branch of the police force to pupils of primary/secondary schools as well as to their parents.

As regards protection of the victims, legal assistance is provided to children victims of abuse including CSEC. Special interview rooms have been set up in the specialized units of the Police Force (PFPU).

Police Family Protection Unit has organized training sessions on child abuse with emphasis on CSEC and several Police Officers have been posted in the Family Support Bureau.

Proactive policing by the Police are undertaken at vulnerable points. Rigorous enforcement of immigration regulations at points of entry in Mauritius through proper profiling of passengers is done.

The Police Force has set up a Brigade pour la Protection des Mineurs (BPM) to protect and detect offences committed or about to be committed to minors, to enquire into cases of CSEC and take stern dissuasive actions against any form of exploitation of children. Unfortunately the BPM is only manned by 4 Police Officers. The OC trained 20 such officers who are however in police stations and cannot participate in any `landings' and field work. The new Minister has put in a request for 25 Police
Officers in 5 vehicles to do some serious on the ground work. The Commissioner of Police seems to have agreed to the setting up of these teams by the end of October.

A Drop In centre has been created to assist the children victims of sexual abuse and exploitation and help to reintegrate them in society. The Ministry has announced the setting-up of a residential centre as if children need to be removed from the prostitution network, it is a must to provide residential care for them.

(6) Sexual violence

Usually, when we refer to sexual violence, people immediately think of rape but there are other forms of sexual violence: touching, peeping, harassing, forced to look at or touch the private parts of another, being filmed for the gratification of others.

Whenever there is a horrid case of sexual violence specially on a very small child, the population is shocked. Unfortunately, there is so much anger that some people think that the only way to curb this kind of violence is to have harsher sentences. Some people even talk of torture and the reintroduction of the death penalty.

The "law and order" approach is certainly not very satisfying. Perpetrators must be prosecuted and punished. But there are many other accompanying measures to be taken, namely the rehabilitation of victims and authors. But the more important is to prevent further abuse by the perpetrators and other authors of violence. It is with this in mind that the UN Study has put emphasis on preventive measures. The law must surely be amended to better define the different offences and not leave loopholes as far as evidence and procedure is concerned. Often perpetrators get away scot-free for want of evidence. To prove rape for example it is important to prove that there was penetration and no consent. Anything falling short of penile penetration is not considered rape and may be treated as an attempt upon chastity.

The difficulty also lies with the treatment of victims by the Police investigators and the other professionals who deal with victims. The judicial process unfortunately does not respect the basic psychological rules with regard to child victims. The latter are made to repeat their stories over and over again. They are traumatised beyond understanding during the trial, before and after. As cases do not come for trial
immediately, the child victim lives several years of trauma. Proposals have already been made for change in this field.

(7) Physical violence at home

Physical violence can be perpetrated by anyone against a child. It can be harsh or even fatal. It can also occur in any setting, at home, at school and in the streets. There has recently been a very heartbreaking case of a father who killed his three-year old son by beating him with a gourdin because his wife had left him allegedly for another man. This is the only way he found to punish her and he must have acted dans un état second. He admitted his crime to the Police. We also had a case of a father who used to hurt his child with a burner and another one who broke chairs and other furniture on his child who was misbehaving. It turned out that the child was epileptic and had to be followed medically so that he could control himself. Mothers also beat their children but, though they may do so more often for being more with the children, they cause less physical damage. Many children interviewed by the OC share the opinion that it is normal to be beaten by one's parents if one misbehaves. But they may resent more being beaten by other persons, including school teachers.

One father, who wanted to give his estranged wife a bad image, said that she slaps the children. The children in turn said that their mother did give them little "taps" but that their father used a belt and was more violent.

Some children, specially girls, have said that they are beaten by their brothers, even younger ones.

(8) Corporal punishment

Corporal punishment is one of the most common forms of physical violence and it is more likely to take place at home by one parent or relative or even an older sibling. We distinguish it from violence which is not meant to chastise. Too often, it also happens at school. As shocking as it may sound to some people, children are not only slapped, they are also given kicks all over their body including on the head, in the stomach and these can cause grave
bodily harm. Sometimes, they are hit with an object: a ruler, a belt, a big stick, a *rotin bazar*, kitchen utensils, shoes, etc.... They are made to kneel, sometimes on *La grain filao* or other uncomfortable surfaces. Some parents put chilli powder in the eyes of their children and tie them up for hours. Others place them in small and dark places, specially when they are very small.

Children who go through this type of ordeal, not only get physical scars, but they are emotionally and psychologically affected, sometimes beyond "repair".

Our office has had many cases of corporal punishment at school. This is treated later.

Corporal punishment at home hardly ever comes to our knowledge but if they are reported, the child may be removed for his/her own protection. Sometimes, while investigating a case, which may be on a subject hardly linked to corporal punishment, the officer of the OCO may, in fact, learn from the child that he is a victim at home. The problem is that children often believe that this is normal if it is to "correct" them. They, therefore, themselves accept this crime which is unfortunately largely condoned by society as a whole.

During a session with very small children aged 8-9 at a primary school, children openly said that they "deserve" to be punished. They, however, said that they may nonetheless stop to mess about only temporarily and they could even revolt. After the session, they understood that there could be sanctions instead of physical and psychological punishment. The perpetrator can also be prosecuted but jailing parents is not a real solution. What is needed is to bring about a change of mentality, a rehabilitation of the parent and a close psychological follow-up of the family.

Sanctions, according to Etienne Chomé, who trained our officers in Conflict Management, should not be a "privation" like not eating desert or watching TV. It must be more constructive like washing up some kitchen utensils, washing the car, cleaning the yard or doing some weeding or gardening. Of course, it must be given in relation to the age of the child.

A toddler is usually taught what is good and bad. An older child may be asked to do his bed, clean his room or tidy a place he has messed up.

But before any sanction is applied, there must be a meeting of all concerned. If it is at home, there must be a space where there is dialogue and all members of the family participate in a discussion to establish rules and sanctions. If everyone participates in
the rule making exercise, then the rule will apply to adults and children. Indeed, it is useless asking children to obey and give them bad examples. After all, democracy starts at home.

One should not forget that children are human beings and as such they need to be respected and protected. Article 5 of the Universal Declaration of Human Rights (UDHR) clearly states that no one (including children) should be put through torture. Mauritius is a signatory of the Convention against Torture or other Cruel, Inhuman and Degrading Treatment or Punishment and article 7 of the UDHR talks about the right to equal protection under the law. Article 19 of the Convention on the Rights of the Child requires states to protect children from "all forms of physical or mental violence" while in the care of parents or others. In our law, the protection of children from ill-treatment and harm is mentioned under section 13 of the Child Protection Act (1994). In Section 2, 'harm' is defined as physical, sexual, psychological, emotional or moral injury, neglect, ill-treatment, impairment of health or development. Corporal punishment is not mentioned anywhere except in the Education Regulations 1957 Section 13(4) Where it is stated that "No corporal punishment shall be inflicted on any pupil in any school."

(9) Psychological violence

We could say that whenever there is any other form of violence, whether physical, sexual violence or whenever a child is a victim of child neglect, he is bound to be also a victim of psychological or emotional violence. It is then a result of another form of violence.

But there are also cases of direct psychological violence for example naming, shaming, humiliating or manipulating a child.

Unfortunately, we often have cases of children who have "behavioural problems" as their own parents or other responsible parties describe them. The office is not equipped to deal with such cases and children are either referred to the CDU for help and assistance or they are referred to the psychologist of the Probation and Aftercare Service. He/she can only see the child a couple of times or so and cannot start a proper therapy. The CDU has three psychologists to deal with all the cases of
children who need psychological assistance and they are usually overbooked. Again, they cannot undertake any long-term therapy that can give sustainable results.

The OCO has had the opportunity to make proposals to Government on the need for those working in the field of Protection of the Rights of Children to be better staffed and put more emphasis on both child therapy and family therapy. The OCO also made proposals to the Ministry of Education to make more psychologists and counsellors available at school. At present, one psychologist, and not always a clinical psychologist, is available for one zone, both for primary and secondary level students. Children themselves have expressed the need at least to have a counsellor to whom they could confide. This is extremely important as school is not just a place where children acquire knowledge in academic subjects. It also has a social role to play. A child who is having problems at home or in the community has a chance to, at least, share his fears with someone at his school. This is all the more important as the CPA 1995 imposes a duty to report any child abuse on personnel of the education sector.

Mauritius is in an urgent need of investing in the training of more psychologists/ counsellors and in the recruitment of these psychologists both for the education as well as the welfare sector. Further, it is very important to invest in prevention rather than cure. At present, the recourse to a psychologist is one which is taken in crisis situations whereas in fact it would be cheaper and more rational to engage in family support and counselling before the family becomes totally dysfunctional.

The OCO is often faced with a complaint where it becomes obvious that parents are manipulating their children specially in situations of breakdown of marriage. It is unfortunately very common for parents to forget the principle of the best interest of the child and think in very egoistic patterns of behaviour: seeking to take revenge on the ex-partner or ex-spouse in order to make him/her pay for his/her "selfish attitude" and pain caused. In these instances, the psychological imbalance of the parent lead him/her to use the child to reach the other parent.

We have had a case of a mother who was over protective of her eight year old daughter, spoon feeding her literally as well as sleeping with her. But worse still she brainwashed the child who would say that she did not want to see her father who had a right of visit every alternative Sunday.
The OCO referred the whole family to a psychologist who confirmed that the child was in great need of being in contact with her father specially as she was living in a family where there were only women. The OC had to have recourse to the Brigade des Mineurs to ensure that the mother would not prevent the child from going to spend time with her father. It is, of course, impossible for an institution to act like a guardian of a child and the mother may still try to brainwash the child. But she will be able to understand gradually what is the truth and what is not.

Of course, psychological therapy cannot be imposed. It must be voluntary.

(10) **Teen dating violence**

The Ombudsperson for Children's Office has started including teen dating violence as a topic when talks are given to teenagers in schools and community and other centres. Teenagers, when they start understanding this form of violence, in fact recognize it and they want to know more.

Teen dating violence is more than just arguing or fighting. It is a pattern of controlling behaviour that one partner uses to get power over the other including

— any kind of physical violence or threat of physical violence to get control

— emotional or mental abuse such as playing mind games, constantly putting the partner down or criticizing him/her.

— Sexual abuse including making the partner do anything he/she does not want, refusing to have safer sex, or making the partner feel bad about him/her sexually.

A violent relationship means more than being hit by the person who claims to love or care about his/her partner.

Teens who abuse their girlfriends or boyfriends do the same things that adults who abuse their partners do. Teen dating violence is just as serious a adult domestic violence. Teens are seriously at risk for dating violence. In 95% of abusive relationship, men abuse women. However young women can be violent and young men can also be victims too. Gay, lesbian as well as bisexual teens are just as at risk for abuse in their
Abusive relationships have good times and bad times. Part of what makes dating violence so confusing and painful is that there is love mixed with the abuse. This can make it hard to tell if the victim is really being abused.

In some relationships dating violence may never move beyond emotional and verbal abuse. In other relationships it may escalate from verbal abuse to physical and emotional abuse from the start. Boys often associate physical strength and aggression with masculinity and maschismo, they often believe that men have to dominate and control women to gain the respect of their peers and that they are entitled to demand sex from their girlfriends. Girls are more likely to be upset, cry and fight back. Boys are more likely to laugh at dating violence, take it less seriously than girls or ignore it.

Teens often keep dating violence a secret. Very few tell their parents, some tell their friends, others keep it for themselves.

The reasons include:

Failure to understand that they are victims.

Embarrassment, shame confusion,

Threats from the abuser.

Fear of revenge if they ever say anything.

Concern their parents will prevent them from seeing the abuser.

Concern they will lose the privileges like use of a car or freedom to go out as they please.
The last and not least, they may believe that they have nobody to ask for help if they are abused in their relationships.

Teen dating is an important topic for parents and they play a major role in healthy teen dating. It is their responsibility to educate the kids about relationships but unfortunately, too often teens start dating with no preparatory talks from their parents and can get into trouble.

Parents should make sure that their children understand the difference between dating and sex. They should try and discuss sex the right time with them, teach them that they should be honest and determined in their communications. Parents should make their children confident about their decision and be confident about their judgement. They should help them to pay attention to their inner voice, if they are uncomfortable about anything or not agree with it.

They should teach them to trust their inner instinct and avoid unwanted sexual advances. They should teach their daughter that having sex does not make her cool and their son that having sex will not make him a man.

Parents should make sure that their children know and understand an abusive relationship. They should know that being manipulated, verbally put down, pushed or slapped and kept isolated from other relationships are all signs of an abusive relationship and that in such a situation they should talk to a parent, teacher or someone they trust without fear or embarrassment.

Teen dating is special to teenagers but being a teenager and being unaware about lots of facts, they have a responsibility to know about the truth of dating. They should discuss dating and sex with their parents. Understand the difference between sex and dating. Be aware of contraception. Learn to listen to their inner voice, learn about each other. Be clear and confident about their decision and judgement.

Teenagers can choose better relationships when they learn to identify the warning signs, understand that they have their choices and believe that they are valuable people who deserve to be treated with respect.

(11) Domestic violence

Domestic violence, of course, has a great impact on children's lives. If their parents fight each other, they are already tormented even if the fighting occurs outside the house as they always know and feel that something is wrong. If it takes place before them it is even worse. Sometimes they get caught up in the fight and they may be tempted to take sides or defend both parents.
Sometimes one parent will hit a child to take revenge or because he/she can no longer control his/her anger. Often, unfortunately, parents who are on bad terms, or separated, will put emotional pressure on the children. They will manipulate and brainwash the children. Very few parents are reasonable enough not to make their children pay for their own shortcomings. Or to keep their marital problems completely separate from their relationship with their children. The saying goes: "you can divorce your spouse, not your children".

In fact, children of broken marriages need more support from each parent separately. They need to understand that even if the parents cannot go on living together, they are still loved by each one.

In cases where the child is at risk, he/she may be removed from the family under the CPA 1995 or one may have recourse to the Protection from Domestic Violence Act 1997. Indeed the definition of domestic violence includes "acts committed by a person against his spouse or a child of his spouse".

The following acts will amount to domestic violence:

"(a) wilfully causing or attempting to cause physical injury;

(b) wilfully or knowingly placing or attempting to place the spouse in fear of physical injury to himself or to one of his children;

(c) intimidation, harassment, ill-treatment, brutality or cruelty;

(d) compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain;

(e) confining or detaining the spouse against his will;

(f) harming a child of the spouse;
(g) causing or attempting to cause damage to the spouse’s property;

(h) threatening to commit any act mentioned in paragraphs (a) to (g)."

The mother may seek a protection order, an occupation order or a tenancy order.

The first order which is the most common merely restricts the perpetrator from committing further acts of violence. Any breach of the order becomes a criminal offence.

The other two orders mean that the victim may apply for exclusive use of the residential home. The first one relates to "a residence belonging to him, the spouse or both of them," the next one relates to rented premises.

(12) Shaken baby syndrome

The Shaken baby Syndrome is effectively not a syndrome/disease but is considered as a typical kind of violence that is perpetrated mainly on younger children. It involves children younger than 2 years but may be seen in children up to 5 years old. Shaken baby syndrome can occur by violent shaking or shaking impact and this act is done most of the time unintentionally, in a moment of crisis to calm down an uncontrollable crying child, or even because parents play with the child in a very violent and risky way, by throwing them up and catching them again for example.

In addition to these, drug/substance abusers may also be at higher risk of inflicting shaken baby syndrome. Small children are particularly vulnerable to such abuse because of the large disparity in size between them and an adult-sized perpetrator.
Nowadays, working women are leaving their babies in the care of caretakers and crèches early in the morning till late in the afternoon. Others, although not working, find it boring and tiresome to look after their babies. Some are lucky to have nannies or other members of the family to baby-sit while they are outside the home whether for work or other activities. So many crèches have mushroomed throughout the island, thus offering opportunities for women to enter the labour market. Sometimes it may happen that due to negligence in hospital or crèche or even at home, an accident may occur and may even be fatal, whereby the cause remains unknown. A mother/caretaker who violently shakes a young infant causing unconsciousness may put the infant to bed, hoping or expecting that the baby will later recover. In this case, the opportunity for early therapeutic intervention may be lost. "Prevention is better than Cure" - it would be advisable to sensitize those concerned of the existence of such syndrome and its consequences on the life of a child. Suspicion of serious head injury as a result of abuse may be reported immediately to the appropriate authorities. Ideally, a physician who works with a multidisciplinary child abuse team should be available to take a broad but detailed history from the responsible party/caretaker.

According to studies carried out, it has been found that the most typical syndrome that emanates from shaken baby may vary from mild and non-specific to severe and immediately identifiable clinically as head trauma, ocular or cerebral trauma.

Though no specific case of shaken baby has been reported to this office, the case of a Minor bearing similar symptoms has been registered to the Ombudsperson for Children's Office.

Minor aged 15 months, was being beaten and assaulted by father. As a result of which, the child fell in coma for 22 days and had to stay in hospital for 6 months. Investigation made into the case revealed that the poor and serious state of the child had been detected only after proper medical examination. A CT scan of the brain revealed that minor had hemorrhagic contusion of the right occipital lobe. The child had to be put on ventilator. The child eventually became mentally and physically handicapped.

Shaken baby syndrome is not so common in our society, however, proper awareness and sensitizing programs should be organized on the issue. Parents as well as would-be parents should be provided with right information about child development as well as attachment and bonding. They must be taught to use consistent child rearing methods and how to deal and cope with family conflicts. Children have to be spared from any conflictual relationship in the family.

Appropriate training has to be developed both for parents and health care professionals to enable them to identify, treat and report suspected cases of shaken
baby syndrome. The Ombudsperson for Children drew the attention of the Ministry of Health on the subject and it was agreed that courses given would include the subject.

Recommendations

— Efforts to prevent such violent reaction from caretakers or parents;

— support to victims enduring stress or other societal problems;

— training to caregivers in crèches and hospitals;

— Adult education, counselling specially at ante-natal and post-natal stage.

— sensitizing and awareness programs on symptom of shaken baby syndrome.

— Educational programmes and campaigns to change attitudes and behaviour.

— Training in parenting - providing parents with information about child development as well as attachment and bonding, and teaching them to use consistent child-rearing methods and how to manage family conflict.

— Home visitation programmes involving regular visit from a nurse to the homes of families in special need of support with childcare or where there is an identified risk of child maltreatment.

— As Health Care Professionals have a key role to play in identifying, treating, referring cases and reporting suspected cases of shaken baby syndrome to the appropriate authorities, training programmes have to be developed to facilitate detection.

— Legal remedies such as arrest and prosecution policies, child protection services, mandatory and voluntary reporting systems to aid in the identification of cases.
Child neglect is considered as being a form of violence and in fact it is very widespread. Usually child neglect means not thriving for a child, not providing him/her with the basic necessities of life. These include the child economic and social rights as provided for by the CRC: right to food, shelter, basic health needs, education, etc… Negligence and abandonment can also be considered child neglect.

Unfortunately not all parents can cope with parenthood and child rearing. Many parents do not plan their family and women continue to fall pregnant because of the inability or refusal to use contraception. Sometimes male partners impose upon them and they have unprotected sex. At the same time they put themselves at risk as they may contract all sorts of diseases including HIV/AIDS. But if they are lucky, they will just fall pregnant and have to bring up "yet another child", as best they can. True it is that the demographic situation of Mauritius is not alarming. But a fringe of society does have to face problems with regard to unplanned parenthood. Most people who are in this kind of situation are from the poor and vulnerable groups and in fact need assistance. Several NGOs and the Ministry of Health run awareness programmes, including awareness on sexual relations. Though sex education is not taught in schools, there are a few initiatives to have courses for adolescents on the issue.

However child neglect is not only due to unwanted pregnancies. It is a wider and more complex issue. Even well-off families may be responsible for child neglect if they do not do everything in their power to permit a child to survive and develop fully.

The OCO is unfortunately called upon to deal with many cases of child neglect. We regularly have, as can be seen in the list of cases in this Report, cases of children who roam the streets, who beg, drink or take drugs. Often parents themselves are beggars, drunkards or drug-takers. Some parents will have a new partner and will neglect their children from their first partner.

Negligence is also very common. Small babies and toddlers who can hardly walk and remain without supervision have been victims of fatal accidents. They fall in rivers and ponds, they are run over by lorries and cars including school buses and even inside their own yards. Children have also died in accidental fires while they were being "kept" by other children. Older children have drowned. There have been too many of these so-called accidents for us to just be shocked and feel despair.
All stakeholders must work hand in hand to address the root causes of such events and to plan ahead on how best to prevent this type of violence.

Self-inflicted violence

Last but not least it is important to address the issue of self-inflicted violence and suicide. The Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions has a Suicide Prevention Unit and one NGO in Mauritius, Befrienders, concentrates on this phenomenon. Experts all explain that every citizen must learn the signs of those who are in such despair that they may attempt suicide. The first thing to do is to listen and not be judgemental and to support the person without being patronising and moralising. The next step is to convince the person to seek professional help.

The OCO has had a few cases where there has been a history of suicide. These cases were always referred to the psychologists of the Ministry or of the Probation and Aftercare Service.

At one time some 14 students had been rusticated for having inflicted wounds done with cutters on their arms. The OC proposed psychological help to those who were referred to the office and managed to convince the schools to give most of them a chance. Others were admitted to other schools. Parents were also counselled.

There are now and again cases of alleged suicide reported in the press. Recently, the OC opened an enquiry on the reported case of a mother and her daughters who died in a fire in their family home. The report has concluded that she was the victim of domestic violence and had sought police help several times. Finally, she presumably gave up all hope of leading a happier life.

A lot more awareness is needed to explain the dos and don'ts to the public as regards self-inflicted violence. It must definitely not be ignored.

What strategies for preventing violence

Violence against Children is not an individual issue but a structural issue. It is
therefore important to strategise for a better future for all human beings rather than just be reactive.

The WHO has already proposed several ways of dealing with violence. The UN Study is concentrating on Violence against Children.

It is important to remember that there is not one single simple way of dealing with violence and that one single stakeholder cannot hope to have a strategy that will give results. Governments are of course at the top of the list of partners, the more so if they have signed and ratified Human Rights Treaties which are the basis of all actions in this field. But NGOs, individual experts, professional groups, the press in other words, the *forces vives*, are also important partners as they are usually able to work more closely with the people at grassroots level. Even the private sector in Mauritius are investing more and more in a social or humanitarian form of sponsorship.

The main strategy is education for all, on the premise that the education is not just academic but is also meant to produce better citizens for the future. Awareness, sensitization and training are the three other pillars of any strategy. Then comes rehabilitation and psycho-social recovery of victims and the "treatment" of abuses to prevent further violence. That is why citizenship education is so important and the OC has been discussing with the two Ministers of Education on the need to introduce same as well as Human Rights Education and teaching on Human Values. The OC has even proposed that all schools should have a General Assembly at least once a week to pass on important messages to children and make them aware of their rights and responsibilities.

Legal, judicial and other "law and order" strategies are of course important too but they cannot be seen as the be all and they can only protect the victims for a short period of time. We must concentrate on more long-term strategies.
The OCO is in fact preparing a book on Violence against Children to create greater awareness on the subject and show what is already being done and what are the good practices both at public sector level and the private initiative. We will also look at gaps and make proposals.
The Rights and Dignity of Children

Under this chapter we want to highlight two aspects that have retained our attention this year. The treatment given to children by the press and the depiction of their image, as well as the commercial use of children in advertising. Both are linked as advertising is mostly done through the written and electronic media. In due course we will be looking at the commercial pressure on children as targets as consumers, including the sale of dangerous goods to them. For the moment, the OC has specially drawn the attention of many Ministries on the problem of the sale of alcohol and its availability to minors.

Children and the Media

According to the Convention on the Rights of the Child (CRC), children have the liberty of opinion, expression and association which form what is today referred to as their right of Participation. They also have the right to privacy. Article 16(1) states that: "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

The written and electronic media in Mauritius are more and more interested in what children, especially adolescents, feel and think about various issues. Some newspapers have an exclusively young readership. Others have special pages reserved for children. Many are also quite happy to seek the views of children on specific occasions. Radios often interview youngsters and have special programmes for them. The national television also has programmes where children participate fully.

However, the OC is very concerned with the way that the Media sometimes deals with the image of children, specially those who are victims of abuse and violence. She has therefore written to those who have recently been reporting about cases involving children. She has sent to Editors in Chief copies of the Oslo Challenge as well as several guidelines for reporting on children's issues, including the UNICEF checklist. Both are reproduced hereunder. There has been a little bit of progress made since then. But the Child Protection Act may need to be amended to ensure that there are strict parameters specially regarding the identity of child victims and even child authors. The reason underlying the need to protect the latter is that, if one believes in rehabilitation, it is not useful to reveal identities specially before a case has been heard and final judgement pronounced. A child is more vulnerable than an adult. He needs to become responsible and understand the implications of his acts. But chastisement by publicity does not serve this purpose efficiently. The fact that judgements concerning child victims are given in public, of course, gives ample leeway to the press to reproduce same. This needs to be reviewed.
The Oslo Challenge

The challenge to media professionals at all levels and in all media is:

Ý to raise awareness in the media professions about the rights of children and how they can be protected and promoted by good professional practices or harmed through inappropriate policies or actions;

Ý to work ethically and professionally according to sound media practices and to develop and promote media codes of ethics in order to avoid sensationalism, stereotyping (including by gender) or undervaluing of children and their rights;

Ý to resist commercial pressures that lead to children's issues and the rights of children to freedom of expression, fair coverage and protection from exploitation, including as consumers, being given low priority;

Ý to work to enhance the relationship between children and the media so that both grow and improve in understanding of the positive and negative power and potential of the relationship.

The challenge to the private sector, including media owners is:

Ý to take into account the rights of children to access, participation, media education and protection from harmful content in the development of new media products and technologies;

Ý to make the best interests of the child a primary consideration in the pursuit of commercial and financial success, so that today’s children become adults in a global society in which all people are protected, respected and free.

UNICEF Checklist

UNICEF has developed a checklist linked to Articles of the Convention on the
Rights of the Child,
to help journalists keep children's rights on the news agenda and gauge the extent to which the
protection and promotion of children's rights have been integrated into the
journalistic process and
the media industry.

General:

Ÿ Media professionals have an obligation to respect children's human rights, in the
way they operate and how they represent children. Would your work stand up to scrutiny in this regard?

Ÿ Did you approach your story with a fixed view about how you want the children to respond? Have you done justice to what the children actually said?

Ÿ When conducting interviews with children did you ensure that the children were comfortable and not under duress? Did you allow enough time to explain your intentions?

Ÿ Did you obtain the child's consent for the use of their names, quotes, and the taking and publication of their image?

Ÿ Do they know how to contact you and how to obtain a copy of the finished item?

Ÿ Have you assessed the risk to the child of using her or his name or image. Have you discussed it with the child, the child's parents or guardian, and with editorial colleagues?

Ÿ Have you applied the same checking procedures as you would with adult informants, before publishing allegations or assertions made to you by children?

Ÿ Is your language and terminology patronising, insulting or demeaning?

Ÿ Have you avoided naming or using emotionally exploitative pictures of the children?

Ÿ Are the best interests of children (their safety and security) served by your story? Is the story presented in a rational and balanced way?

Ÿ What can you do to help children understand the role of the media in society? Has your media company considered ways of producing information in accessible forms
that might attract children and even assist teachers in their classroom work with children?

Ÿ Has your publication or programme made arrangements to provide reliable (and, where appropriate, confidential) support or advice to children who respond to items concerning personal health, physical or sexual abuse, commercial exploitation or other forms of criminal activity?

Ÿ Are you providing information that will enable members of the public to assist children in need of care and protection to obtain the necessary help from state or non-governmental bodies?

---

**Children in advertising**

The OC organised a meeting with all stakeholders concerned by the question of advertising to discuss the issue of children in advertising: representatives of the Ministries of Women's Rights, Child Development, Family Welfare and Consumer Protection, Commerce & Industry, Labour were present as well as a State Law Officer from the Attorney-General's Office. Representatives of the Association of Advertising Agencies (AAA), the Censor Board and MBC as well as a representative of the Independent Broadcasting Authority (IBA) were also present.

The main issue was respect for the Human Rights of Children including respect for their dignity. The OC also raised the issue of child labour, i.e. whether the rights of children who participated in the making of an advertisement were in fact respected with regard to the hours of work involved and the general conditions for such work.

The AAA representative had communicated a copy of the Code of Ethics relating to children. Later, he also communicated a contract which had to be signed by the legal representative of any child who appears in advertisement. This code, which concerned the members of AAA, was generally accepted by its members which consisted of 90% of advertisers in Mauritius.

But it was clear that there was no possible control prior to an advertisement coming out. Publicity which came from abroad were not at all controlled.
Further, it appeared that publicity is also made by the publisher or broadcaster directly. There was consensus on the fact that there is a need to set up an Advertising Standard Authority which would set up the standards to be respected, including those regarding children, and to ensure that everyone complies.

The OC has made proposals to the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection and to the Attorney-General.

Herewith is reproduced the relevant paragraphs of the Code of the AAA:

Article 17-2

"En effet, c'est l'utilisation de l'enfant alibi qu'il convient d'empêcher et non la présence normale dans la publicité de l'enfant ou de l'adolescent au même titre qu'il est présent de façon naturelle dans la société.

La publicité ne doit pas représenter un mineur en situation dangereuse sans motif légitime, c'est-à-dire sans correctif positif.

Le mineur ne pourra être l'acteur ou le personnage principal du message que s'il existe un rapport direct ou indirect entre lui et le produit.

Il ne peut intervenir dans une publicité dont l'objet ne devrait pas par sa nature, sa qualité ou son utilisation être mis à la disposition des enfants.

La publicité faisant référence à la nudité enfantine doit veiller à ce que le comportement de l'enfant nu soit naturel et habituel pour un enfant de son âge.

Le mineur ne peut porter un jugement sur le produit ou le service que si cela correspond à une situation naturelle et de bon sens mais l'avis doit être compatible avec la connaissance raisonnable qu'un enfant peut normalement avoir du produit ou du service.
Cependant, on peut concevoir des hypothèses où l'enfant prononcerait un jugement dépassant ses compétences mais où la situation démontrerait explicitement qu'il ne fait que reprendre le jugement exprimé par un adulte (enfant lisant les caractéristiques techniques figurant sur un paquet, répétant les propos tenus par ses parents, enfant jouant les intellectuels…). Il convient tout de même de veiller au traitement de telles scènes qui doivent mettre en évidence l'aspect ludique du comportement enfantin. "

The above seems quite acceptable in terms of standards. But we know from experience, and because of some quite recent advertisements, that everyone does not respect these standards.

The OC has proposed an amendment to be brought to the CPA 1995 and that a proper legislation be drafted and discussed for advertising in general.
Promotion of Rights

Section 5(c) of the Ombudsperson for Children Act 2003 provides that one of the objects of the Ombudsperson for Children's Office is to «promote compliance with the Convention." Convention relates naturally to the Convention on the Rights of the Child (CRC). Throughout the year the OC and officers of the OCO speak on the CRC and on children's rights. There are some major events for campaigning. The 16 Days 16 Rights is the most popular.

16 Days 16 Rights Campaign

Last year in furtherance of section 5(c) the Ombudsperson for Children initiated the 16 Days 16 Rights Campaign to be held between the 1 June and the 16 June. These days were chosen in view of their symbolic value. The 1 June had been celebrated for several years as the International Children's Day but it had fallen in oblivion. We decided to revive it. The 16 June is the Day of the African Child. Children were invited to discuss about the rights chosen with their parents, teachers, educators, etc ... and reproduce the rights in the form of an artwork.

The Ombudsperson for Children proposed the project to the Ministry of Women's Rights Child Development Family Welfare and Consumer Protection and the National Children Council as main organisers. But many other stakeholders were invited to join in. Last year children were invited to translate 16 rights on standard size canvas (off-white denim or similar material). These were then sown together to make giant tapestries which were placed on public building. The response was good but some children opted for other supports like paper, wood, etc ...

This year it was decided to adapt to the children's choice and leave them free to choose their own support and techniques. The result was even more striking. Although most children aged 3 to 18 opted for paper or Bristol, some used glass and
even tiles. This year there were also structures including those made of *papier-mâché* by children in kindergardens. The 16 Rights proposed are at annex III.

**Exhibitions**

The artwork have already been exhibited in four different places. The launching took place on 08 August 2005 at *l'Alliance Française* at Bell Village, followed by three other exhibitions at the *Centre Charles Baudelaire* (CCB) in Rose Hill, the *Centre recreatif de Mahébourg* and the Ombudsperson for Children's Office at Beau Bassin. Other exhibitions are due to take place throughout the island. At the CCB, there was a meeting of Budi's Friends, the children network, during the exhibition. They discussed on their rights and also on the prevention of violence.

**The Concept**

It is important to remember that the concept of this campaign is manifold. It is first and foremost a fun way of teaching children their rights. But it also involves everyone: children, teachers, parents who must think and discuss about the rights. This year, it was decided to ask children to also think about their responsibility for each right chosen. Further the exhibitions are meant to sensitise other children and adults.

Thanks to the interest shown by the media since last year, the campaign is widely publicised and one can expect that more and more children will participate each year.

The Ombudsperson for Children's Office has also published a booklet entitled «Children's Rights are Human Rights» and which is being distributed to school children aged 8-9 years. Two pages are reserved in the booklet and children are invited to depict a right and a responsibility on each page.
National Campaign on Prevention of Violence against Children

In furtherance of the UN Study on Violence against Children and in the context of the Global Campaign for Violence Prevention led by the World Health Organisation (WHO), the Ombudsperson for Children has launched a National Campaign on 19 November 2004 to last for one year. Its objectives are:

Ÿ to sensitize all Mauritians on the negative impact of violence on individuals and society;

Ÿ to share information on best practices to counteract violence;

Ÿ to mobilize everyone in a national movement to struggle against all forms of violence, specially violence against children;

Ÿ to prepare for a full participation of Mauritius in the African Year of Violence Prevention in 2005; and

Ÿ to play a leading role in the Region in the preparation of/and the follow-up of the UN Study on Violence against Children.

Violence is dehumanizing. It causes harm and grief. It is a threat to everyone and society as a whole. Some groups are more vulnerable and need to be supported and protected: among the most vulnerable, we find women and children and their lives are closely knit together. Children, even at a very young age, are unfortunately often innocent victims of different forms of violence, both directly and indirectly. Research has shown that in such cases some children often tend to become either perpetrators or victims of violence when they grow up. Fortunately, many children are resilient.

Violence calls for more violence. It must be curtailed. By working with children and by preventing violence against children, there is a hope of breaking the vicious circle and promoting a non-violence culture.

Pledge

In order to show the seriousness of the Campaign and its national character, persons in positions of responsibility at the level of Government, Local Authorities, the National Assembly as well as decision-makers in the Private Sector and in Civil Society organisations, have been invited to take a pledge to support the Campaign
and enhance its moral value.

The response has been very positive. The pledge was signed by the President of the Republic, the Prime Minister, the Vice Prime Minister, several ministers, the Leader of the Opposition and members from both sides of the house. After the General Elections which took place on the 3rd July and with the installation of a new Government, more pledges have been signed by new Ministers and new Members of the National Assembly. Proposals collected by the Ombudsperson for Children's Office (OCO) are being compiled. Civil servants including doctors, teachers, members of the Police Force, etc… have been asked to sign the pledge and make suggestions for strategies to be adopted against violence.

**Consultations**

Since the launching of the Campaign on 19 November 2004, on the eve of the Universal Children's Day, the OCO has organised targeted meetings with the Press, NGOs, Magistrates, High Officials of the Police force and barristers. The education and health sectors will also be touched in the months to come.

**Training**

Training is considered to be a one-step-forward approach after sensitisation. The OCO has therefore started running a training programme on various aspects and techniques which relate to the struggle against violence: Ms Sheila Keetharuth, barrister and consultant on Human Rights, gave a course on Human Rights and Human Rights Mechanisms. Mr. Etienne Chomé ran a 25-hour course on Conflict Management. Mrs. Gianella Cathan, Psychologist, gave four half-day course on 20 June, 30 June, 11 July and 25 July 2005. These courses concern staff from the OCO itself but as far as possible other partners are also invited. The course on Human Rights was followed by officers from OCO, from MWRCDFW and the officers of the *Brigade des Mineurs* and educators from the SOS Village which hosted the
course. The 10 weeks course on Conflict management was followed by 50 officers from various ministries as well as members of the Police force, the Rehabilitation Youth Centre and the prison as well as officers and teachers from the Pre-school Trust Fund. 13 committed persons from NGOs are also benefitting from the course. They have been invited on the clear understanding that they will spread the ideas around them in order to create greater awareness on the principles and techniques that have been developed in order to solve interpersonal conflict and misunderstandings by non violent means and how to manage anger and violent feelings.

The course on psychology was followed by officers of the OCO, of the Ministry, of the CPU, Brigade des Mineurs and FPU.

**Child Network**

During the Campaign, the Ombudsperson for Children is seizing every opportunity to meet and discuss with children on the theme. Children will be encouraged to participate more in debates on this and other important issues. A network has been set up to promote the Participation Rights of Children, to teach them how to share with other children and respect them. "BUDI'S FRIENDS" is the name chosen by the young people themselves and they have adopted BUDI, the animated character representing a friend of children, a buddy. The spot Budi, which lasts 20 seconds, appears regularly on TV with messages against violence.

The children have now been meeting regularly and learning on different aspects of violence and how they can themselves be actors in the Campaign and thereafter to counteract and prevent violence. They have started training other youngsters and reinforcing their network. They also accompany the OC or investigators to various parts of the island to discuss on the theme of Violence against Children.

**Publications**

Interim proposals made to various ministries during the period September 2004-2005 are included in the Annual Report. They will form part of the overall proposals following the National Campaign.
At the end of the National Campaign, a book will be produced. It will include all the good practices that have been identified, both from the Government and from non-State actors. It will also look at gaps and weaknesses in the laws, policies and strategies and proposals for the short and medium term will be made. It will be reader friendly and it will be available to all those who are interested in Children's Rights and who are working on the issue of violence.

Campaign material have been produced and distributed. They include posters, bookmarks, stickers and books for pre-primary and primary school children. In due course BUDI will be reproduced in different kinds of "support" to give more messages to children.

Regional Cooperation

The OCO has also actively prepared and participated in a sub-regional consultation on the theme of Violence against Children as well as the Regional Consultation regarding the UN Study which took place from 25 to 26 April 2005 in Antananarivo, Madagascar and from 18 to 21 July 2005 in Johannesburg respectively. The Declaration made in Antananarivo is reproduced as annex V. The immediate result of this is that the Observatoire des droits de l'enfant de la région de l'Océan Indien has taken up the challenge of starting a study on Violence against Children in the five countries of the region. The work already done by the OCO will certainly be a good basis to build on as concerns the situation in Mauritius.

The protection of children from violence cannot be based on good intentions alone.
What is needed is action and cooperation to promote serious time bound Action Plans. The OCO will make proposals to the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection so that these can be integrated in the new Action Plan.
International Obligations

In Commonwealth countries, we have a dualist system as regards Public International Law. The ratification of or accession to an international instrument is not per se enough to render the Convention, Covenant or Protocol legally binding locally.

This does not mean however that our country has no obligation when we ratify or accede to a particular international instrument. In most treaties, a mechanism is provided for the proper follow-up of the Treaty ratified or acceded to. These Committees are referred to as Treaty Bodies and they are composed of experts elected from candidates proposed by member States, respecting geographical quotas. Once the expert is elected, he/she sits as an independent expert, even though the State sponsored his/her candidature.

The Treaty Bodies monitor compliance over the years following ratification or accession. Each country must send regular reports to show progress achieved. The consequences of not complying are more than ever important. Previously, countries were merely blamed but nowadays aid is linked to respect of international obligations, specially regarding Human Rights.

Even if there is no treaty, non respect of Human Rights specially of Women's and Children's Rights can jeopardise the relations at bilateral level. The United States in particular is interested in Human Rights issues and specially abduction and trafficking in persons.

The US Trafficking in Persons Report 2004 downgraded Mauritius from Tier 1 to Tier 2 (Watch list). This was due to the fact that there had been a lot of misunderstanding on what information was expected from Mauritius at the appropriate time. Further, there is no comprehensive legislation on the subject "specifically prohibiting trafficking in persons" according to the Report.

It is to be noted also that Mauritius has only signed but still not ratified the OP to the CRC on the
sale of children, child prostitution and child pornography as well as the OP to Cedaw.

We are presenting herewith a list of international and regional instruments concerning Mauritius. We also give the status of the adhesion of Mauritius to these instruments.

It will be noted that we have signed most of them. However, we have ratified and acceded to only some of them. Ratification is done within the period when the instrument needs a certain number of ratifications after signature for it to be in force. When a country takes its decision once the instrument is in force, it is an accession. It is bound internationally both after ratification or accession vis-à-vis the other member states that have ratified or acceded to the treaty.

Mauritius has signed and ratified the following Treaties which relate directly or indirectly to children.

*United Nations Treaties Signed, ratified or acceded to*

International Covenant on Economic Social and Cultural Rights (ICESCR) ... Acceded to on 12.12.73

International Covenant on Civil and Political Rights (ICCPR) ... Acceded to on 12.12.73

Optional Protocol (OP) International Covenant on Civil and Political Rights ... Acceded to on 12.12.73

Convention on the Elimination of all forms of Discrimination against women (CEDAW) ... Acceded to on 09.07.84
United Nations Treaties Signed, ratified or acceded to

Optional Protocol to the CEDAW ... ... ... Signed on 11.11.01

Convention against torture and other Cruel, Inhuman or

Degrading Treatment or Punishment (CAT) ... ... ... Acceded to on 09.12.92

Convention on the Rights of the Child (CRC) ... ... Acceded to on 26.07.90

Amendment to article 43(2) of CRC ... ... ... Acceded to on 25.08.99

OP to CRC on the involvement of Children in armed conflict ... Signed on 11.11.01

OP to CRC on the sale of children, child prostitution and child

pornography ... ... ... ... ... Signed on 11.11.01

Penal Matters

UN Convention Against Transnational Organised Crime

(Palermo Convention) ... ... ... ... Ratified on 18.04.03

Protocol to Prevent, Suppress and Punish Trafficking in

Persons Especially Women & children, Supplementing the

United Nations Convention against Transnational Organized

Crime, 2000 ... ... ... ... Ratified on 24.09.03

Internation Labour Organisation Conventions

Minimum Age Convention 1973 (No. 138 ILO Convention) ... Ratified on 30.07.90

Worst forms of Child Labour 1999 ... ... ... ILO Convention 182 on 26.05.00
The Ombudsperson's Report to the United Nations Committee on the Rights of the Child

Reporting to the Committee on the Rights of the Child

The Ombudsperson for Children has already submitted her report to the Committee. It is during the pre-sessional meeting that NGOs, National Human Rights Institutions and UN organisations are invited to depone. The Committee has reserved the 3rd October for Mauritius.

Mauritius acceded to the Convention on the Rights of the Child (CRC) on 26th July 1990. It has also acceded to the amendment to Article 43(2) of the Convention which purported to increase the number of members of the CRC Committee.

On 11 November 2001, Mauritius signed two Optional Protocols (OP) to the CRC namely: on the Involvement of Children in Armed Conflict and on the Sale of
Children, Child Prostitution and Child Pornography. But it has not yet ratified the two OPs.

The Committee on the Rights of the Child has been set up to examine progress made by States Parties in achieving the realisation of the obligations undertaken by ratifying or acceding to the Convention. (Article 43). Article 44 relates to States Parties obligations to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised and on the progress made on the enjoyment of those rights. The first report is made within two years of the entry into force of the Convention for the State party concerned and thereafter every five years.

Mauritius submitted its first report in 1996 and its second report covering only the period 1995 to 2000 was submitted in 2004. The second report is going to be examined in January 2006. It must be noted that many countries are unable to submit reports to Treaty Bodies of the United Nations in time. This is all the more difficult for countries like ours which have a lack of human resources for this kind of exercise. In fact, the United Nations has started discussions to find a more rational way of dealing with reports for all its treaty bodies. Countries like Mauritius which have ratified many Conventions and Covenants are in fact busy preparing reports all the time.

Even National Human Rights Institutions do not have the resources needed to prepare such reports, and to ensure follow-up, with the different Government departments concerned, the progress made to comply with Treaties signed.

Since the institution of a Human Rights Ministry attached to the Attorney-General's Office, such follow-up for Government is done by a unit which is composed of a few officers, who have to keep abreast of the situation with regard to treaties dealing with Human Rights including Women's and Children's Rights (9 Treaties and their Optional Protocols) as well as treaties on an innumerable list of subjects ranging from Environment to Narcotic drugs and Traffic in persons.

The OC's Report

The Report is, of course, embargoed until the end of the exercise though several proposals made by the OC form part of this report already. However, it is important to know that the OC concentrated her efforts on the Areas of Concern expressed by the Committee after examining the first report and which had to be addressed by Mauritius. Those areas of concern and the suggestions and recommendations are reproduced herewith as part of the obligation to make a wide publication of the exercise. Thereafter, the OCO will set up a mechanism to efficiently "promote
compliance with the Convention" according to Section 5(c) of the Ombudsperson for Children Act 2003.

It must be noted that one of the recommendations hereunder reproduced as point 25 concerns precisely the setting-up of an OCO.

10. "The Committee is concerned that the Convention is not an integral part of the national legislation and that the national laws and regulations are not fully consistent with the principles and provisions of the Convention."

11. "The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism, that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children especially those who are victims of child abuse, ill-treatment or child labour or the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, abandoned, institutionalised and disabled children, and children who, in order to survive, are living and/or working in the streets."

12. "As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, children living in poverty and children who, in order to survive, are living and/or working in the streets. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children."

13. "The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child" (art.
14. "The Committee is concerned about the insufficient measures taken to make the principles and provisions of the Convention widely known to adults and children alike, in conformity with article 42."

15. "The committee is concerned that the Education system might not be consistent with the provisions of the Convention regarding the right to education. In this regard, the Committee is deeply concerned at the high, school dropout rates, especially at the end of the primary education level, and at the high rate of illiteracy. It is also worried about the absence of supervision of private schools. The Committee is concerned, in addition, at the difficulties encountered by disabled children in gaining access to regular primary schools."

16. The Committee is concerned that the provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are inconsistent with the principles and provisions of the Convention.

17. Although the employment of children is governed by the 1975 Labour Act which prohibits the employment of children under 15, the Committee notes with deep concern that the 1990 census confirms the existence of working children, in particular on the island of Rodrigues where child labour is common.

18. The Committee is concerned by the reported increase in child abuse, including infanticide, domestic violence and child prostitution and the lack of adequate measures for the psycho-social recovery of child victims of such abuse.
19. While noting with appreciation the establishment of the National Adoption Council, the Committee is concerned about the insufficient safeguards to protect fully the rights of children in the process of international adoption.

20. The situation in relation to the administration of juvenile justice and, in particular, its lack of compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern to the Committee.

Suggestions and recommendations

21. Re withdrawing of reservation

In the spirit of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, in which States were urged to withdraw reservations to the Convention on the Rights of the Child, the Committee wishes to encourage the State party to take steps to withdraw its reservation to article 22 of the Convention.

22. Re Domestication of the Convention and Institutional framework to promote and protect Human Rights in general and the rights of the Child in particular

The Committee recommends that legislative measures be undertaken to ensure that national legislation conforms with the provisions of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

23. Re coordination of various government mechanisms

The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.

24. Re data collection

The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a
vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights for all groups. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who are forced to live and/or work in the streets in order to survive. It is further suggested that the State party request international cooperation in this regard.

25. Establishment of independent mechanism

The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

26. Re adequate distribution of resources:

The Committee encourages the Government of Mauritius to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

27. Re permanent information campaign on the CRC

The Committee recommends that the State party launch a permanent information campaign, for both children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention in school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party develop a comprehensive training programme for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigration officers. Police officers must be specially trained to deal with child abuse and neglect.
28. Re impact of malnutrition on child development and school drop-out

The Committee encourages the State party to undertake a comprehensive study on the impact of malnutrition on child development in connection with school drop-out and child labour, and to take all appropriate measures to address this problem. International cooperation could be requested to achieve this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund (UNICEF). It is also recommended that the State party encourage and support the establishment of day-care centres at workplaces, to enable children of working mothers to benefit from a healthy development.

29. Re global study on the quality of education

The Committee recommends that a global study on the quality of the education system be made. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out and to prevent child labour. Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups. It is also suggested that sexual education be included in school curricula. It recommends that comprehensive studies be initiated on these important issues to provide better understanding of these phenomena and facilitate the elaboration of policies and programmes to combat them effectively.

30. Re ratification of Hague Convention on intercountry adoption

The Committee also recommends that, in order fully to protect the rights of the child in adoption procedures, the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

31. Re struggle against child abuse, corporal punishment, child labour, etc…

In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of
children, including victims of sexual tourism. The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

32. Re reform of Juvenile Offenders Act

The Committee recommends that the State party envisage undertaking a comprehensive reform of the Juvenile Offender Act in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period, to protecting the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee also recommends that the penal law be amended so that adults having sexual intercourse with boys under 16 be considered as a criminal act. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

33. Re wide distribution of Report and other related information to CRC Committee

Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Mauritius be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee.
Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

International Contacts

The United Nations Secretary General's Study on Violence against Children

The General Assembly of the United Nations has decided to launch a Study on Violence against Children (VAC) upon the recommendation of the Committee on the Rights of the Child.

Professor Paolo Sergio Pinheiro has been appointed as the Independent Expert to lead the Study with direct support from the Office of the High Commissioner for Human Rights, UNICEF and the WHO. The OC, Ms Shirin Aumeeruddy-Cziffra has been appointed to sit on the Executive Editorial Board along with 15 other experts. This Committee sits four times a year in Geneva.
The Study which was launched last year lasts two years and the final Report will be given to the SG of the UN in mid 2006 to be examined by the General Assembly in Autumn 2006.

It is a global Study and concerns the issue as it is perceived in all countries, whatever be the economic situation of the country concerned. It is based on a sum of information that has been collected by different means. There is on the one hand information that has been gathered from Member States. A questionnaire had been sent and replies are now being analysed.

There has also been a call for public submissions since mid 2004. Further there have been Regional and even Sub Regional Consultations and NGOs have been invited to send their information directly to the Secretariat of the Study. Every effort is also being made to promote the full participation of children in the process and Save the Children has prepared a booklet to explain the study to children who have also participated actively in the Regional Consultations.

The Study will focus on Violence related to "the intentional use of physical force, or other forms of power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death psychological harm, mal-development or deprivation."

The objective of the Study is to develop strategies which "aim at effectively preventing and combating all forms of violence against children, outlining steps to be taken at international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration".

The Study not only looks at the different forms of violence but it also analyses the settings where violence occurs: home, school, community which also includes problems of street children, institutional violence…. There will be an analysis of violence-free settings.

The OCO was very active during the Sub Regional Consultation in Madagascar and the preparation meeting as well as the Regional Consultation in Johannesburg. In Mauritius the OC has launched a National Campaign with a view to sensitizing the public on the VAC and to gather a maximum of information on key issues, strategies that already exist and can be replicated with some amount of success. The Campaign will permit to identify gaps and prepare for recommendations for a full plan of action. It is running parallel to the UN Study and will move from a sensitization Campaign to a strategizing phase when the Study is finalized.

Subregional and regional consultaions
A Sub-regional consultation on Prevention of Violence against Children for the Indian Ocean region was organized in Antananarivo, Madagascar from 25-26 April 2005 under the aegis of the Indian Ocean Commission (IOC) and UNICEF. Delegates came from the five members of the IOC, Madagascar, Comoros, Seychelles, Réunion and Mauritius. The OC, Mr. Ismael Bawamia, Investigator at OCO, Mr. Shyam Reedha and Mrs. Rita Venkatasamy representing the civil society attended the consultation.

Each country made an exposé on the main problems related to VAC affecting them. Transnational issues like sex tourism, child trafficking, paedophilia, were also discussed. At the end a Declaration was adopted (see Annex II). The Sub-regional consultation was organized to prepare for the Eastern and South African Region (ESAR) Consultation on PVAC in Johannesburg, South Africa.

From 6-7 June 2005, the steering committee preparing the ESAR Consultation on PVAC met in Pretoria to finalise all the technical issues. OCO was invited to participate along with representatives from Kenya, Malawi and some sponsoring organizations. During this meeting the final agenda of the conference was adopted as well as the working methodology. Mr. I.A. Bawamia represented OCO in that meeting.

The ESAR Consultation on PVAC was held from the 18-21 July 2005 in Johannesburg. Some 200 participants attended. Mrs. K. Chooramun, Head of the CDU and Mr. I.A. Bawamia of OCO participated. The main issues discussed during this conference were Corporal Punishment, HIV/AIDS and harmful traditional practices, sexual and gender based violence and the legal framework regarding VAC. At the end recommendations were made to the AU so that it may bring the issue of VAC as one of the top priorities for the Head of States of Africa to consider. The participants also visited the Thuthuzela Centre caring for minor victims of sexual abuse, the Teddy Bear Clinic and the Hector Peterson Memorial in Soweto.

European Network of Ombudspersons for Children (ENOC)

Since last year the OC has been invited to attend the ENOC Annual Meeting. The
2004 meeting took place in Cardiff, Wales in mid-October and it had very important issues on its agenda namely:

Early Childhood Development

Students' Civil Rights in school

Juvenile Justice

The OC met several experts on Children's Rights as well as most of the Ombudspersons from Europe.

This year the meeting took place in September in Warsaw, Poland and some interesting items were on the agenda, namely:

Prevent Family Separation

Strengthening Children's Right to Protection

Commercial and Media Pressure on Children

The OC met the Ombudspersons in Europe who are members of the ENOC, the new forthcoming members from Eastern European countries. She also met representatives of the Council of Europe and of the CRC Committee.

It must be noted that the Innocenti Centre which is a research centre of UNICEF is trying hard to organise a Global Network which would include Ombudspersons from Canada, Australia, Latin America and Africa and pave the way for the setting-up of more such institutions worldwide.

Training by OHCHR

The OC participated in two training workshops on "Strengthening Human Rights Mechanisms" organized by the Office of the High Commissioner for Human Rights. The first one took place in Mauritius from 15 to 17 March 2005 and participants were from the National Human Rights Institutions (NHRC & OMBUDSPERSON), NGOs, the Press and members of the Human Rights Unit of the Attorney-General's Office. The second one concerned 50 participants from five countries including Mauritius, and it took place in Geneva in July 2005.
The objective of the workshops was to train participants on the best way to use Human Rights mechanisms specially the individual complaints system and the reporting system to Treaty Bodies.

Training in India


The objective of the training was to give the participants an overview of the situation of children in developing countries, to give them an insight of child development and child welfare services in the country and to orient them to the concept of integrated services for children for the welfare and development of children through visits to organizations working for children.

Several recommendations were made as a result of this training:

(i) The integration of children with special needs in the main stream education as far as possible. Teachers to be provided with helpers to assist them in the inclusion of these children.

(ii) The reverse integration could also be considered: opening of the schools catering for children with special needs to other children in the community.

(iii) The possibilities of vocational training, on-job training to facilitate the re-integration of a child in society and provide him with the opportunity of earning a living in life, which will probably help in solving the problem of the re-integration of a child coming from a residential care after he/she has reached 18 years of age.

(iv) The licensing of NGOs providing care for children. The setting up of an inspection committee to monitor the services given to children. Assessment of the home providing care for children in its endeavour to rehabilitate the child.
(v) Provisions for the training of Police officers dealing with Juveniles to be provided.

Talks and Seminars between September 2004 to September 2005

The Ombudsperson for Children (OC) has received many invitations to attend public functions as well as events organised by NGOs and private organisations. She sometimes attended and delivered a speech. She was sometimes represented by an investigator from the Ombudsperson for Children's Office (OCO). In view of the volume of work however, a selection had to be made in order to satisfy the great demand without neglecting the main responsibilities of the office. Criteria for this selection were developed on the following considerations: the target audience (the number of people invited, their interest in the work of the OCO, the chances that messages from the OCO would really impact on them or not) and the relevance of the event for the OCO. Of course the choice was sometimes difficult.

Conscious however of the responsibility of the Ombudsperson for Children's Office to create awareness on its own role and powers (R & P) and on the Child Rights (CR), between September 2004 and September 2005 the Ombudsperson for Children personally attended many events and made speeches at most of these. Since the
launching of the National Campaign on the Prevention of Violence against Children (PVAC), she often explained what types of violence affected children and what strategies could be used to struggle against such violence. On specific occasions, she was given a theme, or a particular aspect of child's rights.

The Ombudsperson for Children attended the following events:

1. On 6 September 2004, meeting organised by the Mauritius Scout Movement on Youth Empowerment. The Ombudsperson for Children spoke about Children's Rights.

2. On 20 September 2004, inauguration of the Sainte Famille School of Bois Marchand.

3. On 19 November 2004, "Journée mondiale de la prévention des abus envers les enfants" celebrated by the Centre d'éducation et de développement pour les enfants mauriciens (CEDEM) where the Ombudsperson for Children spoke to children on violence and CR and informed them of the creation of the animated character BUDI, their little friend who would teach them Rights.


5. On 23 November 2004, Workshop on « Apprendre à vivre tous ensemble: Les jeunes face à la violence » organised by Soroptimist, the Ombudsperson for Children presented the National Campaign on PVAC to the audience.

6. On 27 November 2004, Workshop on "Court Procedures and practices relating to Domestic Violence issues" by Justice Elizabeth Gwanza and organized by the Ministry of Women's Rights, Child development and Family Welfare. The Ombudsperson for Children spoke from the floor on the role of Magistrates in the promotion of rights in general.

7. On 7 December 2004, the workshop on Human Rights Education organised by the National Human Rights Commission where the Ombudsperson for Children spoke to the headteachers of secondary schools on her role and powers and how her office prepared awareness programmes to teach Human Rights especially Children's Rights.

8. On 10 December 2004, Fun day on for pre-primary schools organised by the Municipality of Curepipe - she spoke on Children's Rights.

10. On 15 December 2004, at the Lycée Labourdonnais to talk on the subject of child abuse and violence to children of 8 – 9 years. Investigators also spoke to different batches of children.

11. On 18 December 2004, Christmas event organized by the Mouvement d'aide à la Maternité (MAM) _ the OC spoke about non violence and Children's Rights.

12. On 19 December 2004, at the Brahma Kumaris World Spiritual University on the occasion of Christmas, the OC spoke on peace and non violence.

13. On 4 March 2005, the Southern Africa Human Rights NGO Network (SAHRINGON) meeting hosted by the Mouvement pour le progrès de Roche Bois, at the Municipality of Port Louis on 04 March 2005. Intervention of the OC from the floor on her role and powers and the need for NGOs to mobilise and promote Human Rights.

14. On 9 March 2005, on the occasion of Women's Day organised by the Gaëtan Raynal State College _ the OC spoke on children's and women's rights and responsibilities.

15. On 11 March 2005, the flag raising ceremony of the Loreto Convent of Rose Hill where the Ombudsperson for Children as guest speaker spoke about the NCPVAC and CR.

16. On 11 March 2005, the flag raising ceremony organised by the Society for the Welfare of the Deaf where the Ombudsperson for Children as guest speaker read the speech of the Prime Minister.

17. On 12 March 2005, on the occasion of the flag-raising ceremony at SOS Village, Beau Bassin _ The Ombudsperson for Children was the Chief Guest. She spoke on
18. On 15 March 2005, the meeting of the Port Louis Toastmasters Club at the Port Louis City Club to celebrate the National Day. The Ombudsperson for Children as guest speaker spoke on the National Campaign on Prevention of Violence against Children (NCPVAC) and Children’s Rights (CR).


20. On 8 April 2005, at the Invitation of the Mauritius Bar Association, the OC spoke on the role and powers of the OC and the Campaign on PVAC.

21. On 12 April 2005, at the Loreto Convent, Rose Hill the OC spoke on the Campaign on PVAC.

22. On 3 June 2005, on the occasion of the 44th Anniversary of Amnesty International at the London College the OC spoke on violence against children and children's rights. BUDI Spot was shown on TV to pupils on the occasion of the Day of the African Child.

23. On 16 June 2005, on the occasion of the Day of the African Child at Le Pavillon organised by the Nelson Mandela Cultural Centre. She spoke on Children's rights and made a distribution of booklets on "Children's Rights are Human Rights".

24. On 16 June 2005, at SOS Village at Beau Bassin co-organised by Mauritius Family Planning Association, the OC made a speech on Violence against Children and Children's Rights.

25. On 27 June 2005, the OC participated in the launching of the Book "Apprendre à mieux gérer nos conflits" written by Etienne Chomé. She spoke about the Campaign on PVAC and how managing violence concerns everyone.

26. On 10 September 2005, workshop organized by Befrienders Mauritius, the OC spoke on suicide and on the National Campaign on PVAC.
Mrs. Michèle Thomas, Investigator, has been actively participating in a series of seminars, talks organized by several agencies:

1. On 23 October 2004, she was invited by the Institute for Child's Rights to participate in a seminar at Cité Vallijee. She spoke on the role and functions of the Ombudsperson for Children's Office and child protection.


3. In a youth leadership training programme at Villa D'Avray Sports Club, 16eme Mille, she spoke on violence to a group of youth.

4. On 14 April 2005 at the request of a group of Form V and VI students of Adventist College, she talked on violence. Teen dating violence and bullying were also discussed with the students.

5. On 4 June 2005 she intervened during a seminar on the parental empowerment programme

at Cite Briquetterie Government School. The lecture was based on the rights of children, child abuse and child protection.

6. On 12 August 2005, in a seminar at Gold Crest Hotel organized by the Marion Hair Club for the trainees. She spoke on child abuse and violence.

7. On 18.08.2005, at SOS Village Children's Village, Bambous. She spoke on juvenile delinquency and its consequences to the inmates.

8. On 10.09.2005 at Cité Ilois Community Centre, Baie du Tombeau, she talked to children of

the Child to Child Club on violence. This talk was organized with the aim of providing them

with information in the preparation of a leaflet on violence.

Mr. I.A. Bawamia also participated in various meetings as follows:
1. On 12 November 2004, meeting with ZEP Parent Mediators and Liaison Officers of Zone 1 (Port Louis and the North) held at Ste Croix. 25 Parent Mediators and Liaison Officers were present. Mr. Bawamia talked about the role of the Ombudsperson for Children's Office and the type of work we do. He also discussed with the participants about the rights of the child.

2. On 3 November 2004 at St. Ignace, Rose Hill, after the meeting of Zone 1, the Parent Mediators and Liaison Officers of Zone 2 and 3 requested a similar meeting. Mr. Bawamia attended on behalf of the OC.

3. From 22 _ 27 November 2004, CEDEM organized a Training Workshop on Research Methodology. It was run by Dr. Sibnath Deb, Professor in Applied Psychology from the University Calcutta, India. Mrs. Thomas and Mr. Bawamia attended.

4. On 7 December 2004, the National Human Rights Commission organized a one day seminar on the Paris Principles and Human Rights Education. It was held at Le Meridien Hotel, Balaclava. Mr. Bawamia attended, representing OCO.

5. On 28 December 2004, the PSTF organized a Training Workshop for 50 Pre-primary Teachers in Curepipe. Mr. Bawamia talked about the role of OCO and the National Campaign on the PVAC.

6. From 7_12 January 2005, in the context of the SIDS Conferences, a Youth Forum on the theme Youth Visioning for Island Living was organised. More than 100 youngsters from the Island States attended. Mr. Bawamia participated as observer representing OCO.
7. In July 2005, the 6th UPW Scout Group organized a talk on PVAC. 70 parents of Scouts were present. Mr. Bawamia intervened for OCO. He talked about the National Campaign on PVAC and discussed with the participants on alternative ways of disciplining and controlling children.

8. From 5 _ 9 August 2005, the 3rd National Cubborree (National Camp for Cub Scouts) was held at Mont Choisy. Some 500 cub scouts aged 7 _ 11 years participated. OCO was invited to run an activity corner on children and violence. Mr. Bawamia was responsible for running the activity on Saturday 6 August. 3 groups of 30 children participated in the activity on that day.

**Media**

The Ombudsperson for Children, Investigators Michèle Thomas, Ismail Bawamia and Faryahd Dedaur all participated in various radio programmes on Kool FM, Radio 1, Radio Plus and Top FM.

The Ombusperson for Children also participated in Téléobjectif on MBC TV to speak on violence against children. The programme was entitled *Adieu Violence* which is the slogan of the National Campaign on the Prevention of Violence against Children.
Complaints - Investigation - Follow-up

As explained, the OC initiates an investigation «whenever she considers that there is, has been or is likely to be, a violation of the rights of a child» Section 6(f). Section 7 specifies that such investigations are made «either upon complaint made to him or on his own motion». Since the setting-up of the office in December 2003, there have been 751 complaints made (as at 27th September).

In all cases, there was a pre-investigation to determine if the OCO could deal with the matter or if

the matter should be referred to an institution which has the mandate of dealing with such matters. Criminal cases are dealt with by the Police but child victims can be counselled and assisted by the CDU, CPU. Cases of children who are or may be at risk are normally dealt with by the CDU. If they need to be removed and accommodated in a place of safety, only the Permanent Secretary of the MWRCDFWCP can delegate to one of its officers the responsibility of getting an Emergency Protection Order and a Committal Order.

The Ministry also takes care of undeclared babies. From September 2004 to September 2005 the OCO initiated 520 investigations. This is more than double the number of last year which was however a short year of nine months only. There were a few own motion investigations. The latter are usually initiated whenever there is a serious allegation or a shocking event which deserves to be investigated in order to find out what are the causes for such events and whether there can be any changes made to laws, policies or strategies to prevent re-occurrence or to at least impact positively on such events in the future.
How do citizens complain?

Adults and children alike can complain. Most people turn up without an appointment which does not facilitate the work of the officers. If they are free the pre-investigator starts and an appointment is then given within two weeks. Often, in the meantime, a letter is sent to the relevant authorities to get more information.

When a case is urgent, the full investigation starts and some urgent measures are taken: e.g. a child may be immediately referred to a psychologist.

Luckily, a few phone calls can sometimes help to find a solution, at least a temporary one. Some complainants call or write. Those who call are sometimes encouraged to write to explain their problem and make their specific request. Those who do turn up have to fill in a complaint sheet and sign it.

It has been impossible to analyse all the cases to draw any significant data. However, on 150 cases, we noted that the complainants are mostly mothers (49), fathers (36), grandparents (20), and children (14). Two Ministries, eight NGOs, five teachers, one doctor and one policeman have referred cases to the OCO. The others were just citizens who report a case.

The nature of complaints

On the first 150 cases, it appears that most cases concerned a family conflict (29 general conflict - 25 custody - 14 alimony - 13 for right of access).

Next on the list we find cases relating to child neglect (22), domestic violence (17), battered child and punishment (14).

There were 12 cases of sexual abuse and two of prostitution.
The third important set concerns school: school drop-out or non-attendance (22), need for school transfer (15), corporal punishment [physical (3) and humiliation (5)].

There were three cases of institutional abuse or neglect, eight concerned poverty issues, nine concerned health problems and 10 concerned drug/alcohol.

Two cases concerned a handicapped child.

There were five cases of self-inflicted violence but no cases of bullying was ever reported, though it is widely known that there is a lot of bullying that goes on at school.

Four cases concerned a child abroad.

These figures are of course merely indicative and only reflect information on the first 150 cases when the OCO was not really well-known to the public. It must also be noted that an adding up of the figures will not make 150 because there were cases when different types of abuse were reported.

The kind of investigation

Officers investigate in the office. At the beginning, they had made a few visits. But this is time consuming and is not at all within the role and powers of the office. It however gave a first hand feeling of how the situation is. It is only in special circumstances that the OC herself decides to go to a specific place, to see the environment, or meet a child within that environment or to seize documents etc....

Normally, all field investigations are done by the by the CDU, the Police, specially the BPM who are often called upon to find a child or a respondent or a witness, or to facilitate the right of visit of a parent etc....

The normal practice is to seek the views of or a report from another institution either on its own action or omission or its own investigation in a case falling under its purview.

Follow-up

Investigators always await for reports from other institutions. These are often given verbally on the phone until a written report is received. The lack of human resources makes this part of the work of the OCO difficult. Complainants are contacted for final follow-up.
Complaints reported

1. Selected complaints

As we did last year, we have selected a few interesting cases which either raised interesting issues or were so complex that they deserve to be treated separately from other cases. Unfortunately, the result of all the cases were not always positive. We feel that it is not sufficient to report more extensively on cases which have been solved, however much we can draw a lot of satisfaction from these experiences. Cases which are considered as failures need to be highlighted too because they help all of those who are involved in child protection to measure the enormity of the challenge before us. Each case selected has a lesson for us. They show good and bad practices and may help to serve as examples of what to do or not to do.

These concern complaints which are complex and which have brought to light some interesting issues. They serve as examples of what can be done by the OCO itself, how far it can go. They also reveal sometimes the loopholes in the law or policy or practice regarding such matters. Some are examined under specific headings: corporal punishment, mendicity, social aid ….
2. A follow-up of last year's complaints

Some of the complaints reported last year were still pending. A follow-up has been done and presented.

3. This year's complaints have only been integrated in the report in as far as the investigation done by the office was important enough even if there has been no report from the institution which dealt with the case. As much as possible however, the investigator has had to give some time to the chasing of reports. The written report sometimes puts an end to the investigation but often the OC will seek further reports and even make further proposals.

The MWRCDFWCP, which is the main ministry concerned with child protection, is at present reviewing its method of work to improve the reporting and monitoring of cases. But there will always inevitably be a backlog of cases. The important decision is to ensure that there is follow-up in actual fact. Report however is essential to monitor and ensure that the needful has in fact been done.

**Cases concerning the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions**

**Social aid**

Social aid is payable to the head of a family who is incapable of earning his living adequately and who has insufficient means to support himself and his dependents. It is calculated as the difference between the net income earned and the expected overall expenditure of the family.

Social aid is granted by the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions.

Social aid is also payable to the dependents of prisoners and abandoned spouses, especially those with dependent children. It is also paid for a limited period in case of sudden loss of employment.

Benefits in kind are granted to a social aid beneficiary _ free spectacles, wheelchairs to deserving cases, hearing aid, payment of examination fees among others. Child's Allowance and Compassionate allowance are allocated to children between the age of 3 and 15 years where the child suffers from a permanent disability of at least 60% and is in need of constant care and attention as certified
by a medical board. However, attention must be drawn to the cause of `disabled child below the age of 3'.

---

**Social Services**

Various specialised institutions operating under the aegis of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions are presently offering a wide range of services to the public. The Disability Unit, the National Council for the Rehabilitation of Disabled persons (NCRD), the various Social Welfare Centres scattered throughout the whole country, the Probation and Aftercare Services do provide the appropriate care and counselling to the public. Recently an outreach and empowerment service, the Support Services Network (SSN) has been implemented. Its main objective is to alleviate the burden of handicapped persons through a service `d'accompagnement'. The provision of the services are aimed at the deprived, excluded, poor and most vulnerable section of the population. It acts as a catalyser and enables them to cope with the mainstream of development.

Various complaints have been referred to the Ombudsperson for Children's Office. The persons in need, particularly children approach the office to intervene in their favour.

The Ombudsperson for Children's Office has dealt with several cases and appropriate solution has been sought. Social aid whether in cash or kind have been very beneficial to the abovementioned group. It has succeeded in alleviating the burden of this category of people and helped them to cope with the economic, social situation of the country and to keep pace with the mainstream of development.

However, it is to be noted that the parents of a child suffering from muscular dystrophy and unable to move by himself, approached this office in demand for a child wheelchair. The latter could not benefit same, as the Ministry do not cater for child wheelchair. To alleviate the burden of these poor children, the Ombudsperson for Children has recommended that appropriate action should be undertaken in future for the availability of wheelchair for disabled children.
Specific Cases

**OCO/Comp//11/569**

Minor is suffering from a DUCHENNE MUSCULAR DYSTROPHY. Minor aged 8 years old can no longer walk on his own and needs assistance throughout the day. He encounters the same problem at school, he has to be carried in his teacher's arms wherever he has to go. Minor's mother as well as the institution in which he has been admitted, request that the case of minor be taken into consideration and provision of wheelchair be made to the said minor. The procedures in such cases take time. The complainant has to look for prices at various firms and submit same with an application letter at the National Solidarity Fund. Then, the case will be taken into consideration only after having satisfied the requirements of the board. Lengthy and complicated procedures act as an obstacle for prompt and efficient delivery of services.

**OCO/Comp/11/383**

The Ombudsperson for Children's Office has learnt through the press of the case of a blind, deaf and dumb minor. It was alleged that minor was left naked, unattended, closed in a dark room in an unhygienic condition. Acting on her own motion, the Ombudsperson for Children investigated the case. The Ministry of Social Security, Ministry of Health and Quality of Life, the Ministry of Women's Rights, Family Welfare and Child Development were requested to enquire into the case and provide the necessary assistance to the minor.

Appropriate action was undertaken at the level of each stakeholder to provide the necessary service to the minor. At present, Minor is benefitting from a Basic Invalidity Pension and Carer's Allowance. He is also being followed by the Support Services Network, a newly set up unit at the Ministry of Social Security.
The case, along with other cases of children who are handicapped, raises the issue of whether or not the State should provide for alternative care for such children who are so seriously handicapped that financial assistance alone is insufficient. Indeed financial assistance could be misused and the child could continue to be ostracized and neglected.

**Social aid**

Another sensitive issue relates to the case of broken families. If a woman lives separately with dependent children, she is eligible to social aid under the Social Aid Regulations Act 1983. But if the woman engages in free union with another man, the social aid is immediately cut. In several cases of complaints registered at the office, the concubine himself, may be unemployed or is drawing a meagre salary. He may also have the responsibility of his own children or may be unwilling to take the responsibility of the woman's children. Instead of getting financial support, the family is then caught in the web of poverty which then results in other problems and various other society ills may crop in. In such circumstances, the most vulnerable ones, the children are most at risk. The children rights are baffled. The latter may indulge in robbing, begging, committing assault, become drug-addicts, *sniffeur de colle* or end up as street children. It would be highly recommended that before ceasing social aid allocation, the prevailing situation of the complainant should be well examined in the best interests of the child. If need be, the law may be amended in particular cases. A proposal has been made to this effect to the Ministry concerned.

**Mendicity**

Section 17 of the Child Protection Act stipulates that "Any person who causes or allows any child under his care, to beg shall commit an offence".

A few cases of child mendicity, most particularly in the region of Plaine Wilhems has been reported to the Ombudsperson for Children's Office since its setting up in November 03.

These cases were referred to both the Commissioner of Police and the Ministry of Women's Rights, Child Development, Family Welfare & Consumer Protection for appropriate enquiries.

Both the *Brigade pour la protection des mineurs*, (BPM), a newly set up unit at the police department and the Ministry of Women's Rights, Child Development and Family Welfare, as it was then called, dealt with the cases promptly.
The enquiry conducted by the OCO revealed that in most cases of child mendicity, it was the parents who were forcing their children into this activity.

The parents were counselled by officers of the *Brigade pour la protection des mineurs* (BPM) as well as the psychologist of the Ministry. Watch and vigilance are ensured by the police through regular patrols where children usually go to beg, i.e. near banks, supermarkets, etc.

The Ombudsperson for Children's Office has proposed that laws be reinforced to prevent beggars to use children to beg in streets. All stakeholders, i.e the Police, the Ministry of Women's Rights, Child Development, Family Welfare & Consumer Protection, NGOs dealing with children, the Ministry of Social Security should have concerted and sustainable action for the prevention of child mendicity.

**OCO/Comp/11/177**

Complainant, a Social worker of *Service D'écoute et Développement*, informed us that a woman who is living in concubinage neglects her 3 children aged 11 years, 9 years and 3 years. The two elder children absent themselves frequently from school and the one aged 11 years begs and roams in the street till late at night. Nothing has changed though the mother had been counselled by that social worker several times. The case was referred to the CDU and the Commissioner of Police by our office for enquiry and report.
In November 2004, we have been informed by the Commissioner of Police that the mother of the children works as `garde malade' and her paramour as watchman and that the 3 children are left under the care of another woman aged 30 who lives under the same roof. According to the mother the absence of the children from school was due to illness. There is no record that the children loiter or beg at night. On 2 February this year, we have received a 2nd report from the Police informing us that a follow up visit by the BPM revealed that the family was previously facing great difficulties to cater for the family needs but their situation has improved. Both the woman and the paramour were working. The other woman was still looking after the children and they were all attending school. Proper counselling and advice were given to the family and the other woman.

**Fugue – Teenage Runaways**

One of the greatest fears that parents can experience is when they discover that their child has run away or is missing. The stress of the situation and the different ways in which parents, family, friends and police respond can create further crisis within a family.

There is a difference between a child who has run away and a child who is missing. Children who run away usually leave home or a supervised institution to escape or avoid something or to find or get something. A runaway is not necessarily missing. It is very rare that a very young child will run away. Most of those who pick up the courage to do so, are teenagers, mostly girls.

Why does a teenager run away?

- to avoid an emotional experience or the consequence of their acts.
- To escape a recurrent, unpleasant or painful experience in their life
- to be with other people who are supportive and encouraging
- to be with other people who make them forget their problems in life.

Cases of runaway teenagers are regularly brought to the notice of the Ombudsperson for Children. These teenagers have run away from their home either because

(i) they were bearing the brunt of a violent relationship between their Parents;
(ii) they were being forced by their parents to get married;

(iii) their parents disapprove their relationship with their boyfriend;

(iv) they were being subjected to sexual abuse;

(v) they were victims of physical or emotional abuse.

Most of these cases have shown that these teenagers present a behavioural problem. They feel rejected by their parents and they are victims. They are too often classified as difficult cases rather than children in difficulty.

It is often pointed out that some teenagers run away from institutions because of institutional abuse. What about the other inmates of the said institution?

Are the other inmates given a different treatment? Or rather some inmates have been at the institution for a long time without thinking of running away and they accept the treatment that they receive because they have a submissive personality.

In any case each person reacts differently to community life. Some persons cannot adapt specially if they are kept locked up. Recently the case of three young persons were reported. One had the ‘habit to fugue' and she encouraged the other two.

The lack of parental responsibility or supervision renders the task of the authorities difficult. The fact remains that it is up to parents to bring up their children in such a way as to teach them their rights and responsibilities from a very tender age. A family where there is respect between all of its members cannot end up with such conflicting situations that will result in a total breakdown of trust and love.

It is well known that in order to structure their own personality, youngsters must defy their parents at some stage in life. This usually corresponds to their teens "l'âge ingrat", an age when they are in between childhood and adulthood, a time of physical and emotional change. Parents on the other hand must represent "the law" symbolically and put the limits within which the children must function. Parents who are too strict or too loose in their family functions will inevitably get into trouble.
with their children.

Irresponsible parents, through whose behaviour, some teenagers feel that they are invulnerable and openly defy the authorities need to be made to understand that parenthood is a full time job and child bearing and rearing is a responsibility.

Some teenagers may become so abusive towards their parents that the latter are powerless when faced with a violent encounter.

Whatever be the reasons for their behaviour, the fact remains that these runaway teenagers are denied the basic rights when they are away from their homes or the institutions as they are exposed to all forms of abuse.

**Some suggestions for intervention**

Education and training for parents and teenagers, specially in conflict management.

Individual, group and family counselling and therapy

Increased parental involvement and supervision

Mentoring

Special residential treatment

Proper follow-up by appropriate agencies to prevent further relapse

It should be borne in mind that inappropriate intervention may make matters worse and may not only undermine the relationship with the teenager, but create another crisis. Inadequate response may prolong the problem and prevent the success of future intervention

**OCO/Comp/11/85**

The case of three missing minors was referred to the OCO through an anonymous phone call. Two of the girls have recently been released from the RYC where they had finally been placed, while the third one was not attending school. It was also reported that there was a group of female adolescents who frequently absent themselves from home, loiter around for a few days and return without any plausible explanation. The case has been referred to the Brigade pour la Protection des Mineurs (BPM) through the Commissioner of Police for enquiry and report. Minors were found and returned to their parents with a warning to parents to exercise better
control over their wards. Minors were also warned to review their behaviour.

Minors absconded anew in company of a fourth adolescent who was considered as the ring leader. The BPM intervened again and proper counselling and advice was given to parents. Parents moved for a case of Child Beyond Control. One minor was given a chance to redress her conduct while the two former inmates of RYC have been committed to the institution till they reach the age of 18. The minor who was considered as ring leader was remanded to the RYC but her mother answered for her charge and responsibility and she is actually living at her family place.

The case was referred to MWRCDFW for follow-up.

**OCO/Comp/11/195**

The case of a 14 year-old minor was referred to the OCO through a correspondence from a lawyer to the effect that minor had fugued from her mother's place and was suspected to reside at her boyfriend's place but latter was unwilling to disclose her whereabouts. The case was referred to the Commissioner of Police for enquiry and report. The *Brigade pour la Protection des Mineurs* brought minor and her boyfriend to the office where they were interviewed by the OC. Minor has been placed in a shelter while an enquiry from the CDU was requested to see whether she could be accommodated at her sister's place as latter as agreed. Minor fugued from the shelter and BPM intervened anew and brought the minor to the Office. OC suggested that she be placed in an institution and that she be followed by a psychologist. OC learnt that minor had been returned to her mother by the District Magistrate of her locality, but minor fugued again. Actually minor is residing at the place of her boyfriend allegedly with her mother's consent. The OC has written to the CP to seek a final report.
In this last case it became obvious that there was a pattern of behaviour in that family. The mother and the daughters seemed to be repeating a mode of life. Unless this pattern is reversed, this kind of attitude may go on for many generations. The lesson to be drawn from the above is that human psychology is at the centre of any solution that can be found both in the short and long term.

OCO/Comp/11/413

A young girl aged almost 18 years fugued from home as her parents wanted to marry her to an unknown young man who was to come from abroad. She phoned the OC to explain her plight. She was ill-treated, humiliated and even beaten not only by her father and mother but also her young brother who was almost her own age. She was in love with another young man and she did not want to just go through a marriage ceremony to please her father. She was convinced that they would put pressure on her if she came back.

The OC requested the BPM to start an enquiry on the families involved. The OC finally met the boyfriend, his father and the minor's parents and her brother. She also met, at his request, a well wisher to whom minor agreed to speak on the phone to reassure everyone that she was safe and knew what she was doing.

A mediation with minor's family failed as the father was not really concerned about the best interests of the child but more about his own reputation. The mother revealed that minor was very fond of her father but admitted that she was beaten. The brother also admitted that she was beaten. The brother also admitted beating her but explained that it was because she was very "effrontée".

The minor even wrote to the CP to say that she would commit suicide if she was not left in peace.

When she turned 18, that is three months later, she turned up at the OCO after having given a statement to the BPM. She was preparing to get married and go and live with her future in-laws. This is a special kind of fugue, not one committed in despair but one prepared well in advance. The minor did not seem to be disturbed. She just wanted to be respected for her own choices as per the CRC and all Human Rights instruments.
Corporal Punishment

During the past year many cases of corporal punishment inflicted against children have been reported to the Ombudsperson for Children's Office. These punishments, perpetrated mainly by adults, are inflicted in the family by the parents or by an elder brother or sister, by an aunt or uncle, at school by the teacher or the headteacher. Corporal punishment is also practiced in institutions like shelters, rehabilitation and correctional centres. The aim is supposedly to force the child to change behaviour which is considered wrong by adults. It is made to discipline and to correct and to learn good manners. These adults very often proudly state that the corporal punishment perpetrated against them during their childhood and adolescence has helped them to be more responsible, disciplined and successful in life. Some 8 _ 9 years old children when questioned have explained to officers of the Ombudsperson for Children's Office that they "deserved" the punishment. However they also admitted that often a child will change behaviour immediately but will resume later. They also stated that some children will in fact revolt and be even more undisciplined on purpose. They may even find other forms of retaliation.

Many defenders of corporal punishment distinguish it from child `abuse'. To them certain forms of violence are permissible against children. This belief may be of cultural or religious origin. Others may use the argument that children are adults in miniature who have to be moulded in such a way as desired by society and corporal punishment is a necessary evil to achieve this goal. However, we should not delude ourselves, corporal punishment is "physical abuse" administered in a context of punishment or control". We are teaching them that violence can be a legitimate way to sort out conflicts or impose more authority. Hitting children is a harsh and humiliating form of discipline and is associated with the development of anti-social and violent attitudes. It may also affect the victims psychologically throughout their lives.

Corporal Punishment in the family

Corporal punishment is still widely considered by parents as the main method which they can use to impose their authority. They still believe that authority should be imposed rather than earned. Below, is one case, among others, of corporal punishment in the family reported at the Ombudsperson for Children's Office.

1. OCO/Comp/11/439
The minor, a young girl of 16 years, complained that, as she has a boyfriend, and has been absent from school to attend a wedding at his place, her parents want to stop her from going to school. She also stated that her father has beaten her using a stick and a leather belt. She said that her father is violent and he regularly hits her. Furthermore she also stated that her elder brother, who is only seven years older than her, hit her as she went out with her boyfriend.

The OC mediated between the mother, the elder brother and the minor. They all agreed that violence should stop in the family and there should be more dialogue between them. She also called the boyfriend and the minor at the office. After counseling both agreed that they will not be absent from school to meet. They will give priority to their studies and after their studies they will decide about what they want to do. Note that the father being ill was not convened by the OC.

Corporal Punishment at school

Many cases of corporal punishment at school are reported to our office. However in most cases, the teacher denied despite constant affirmation by the pupils that they were beaten, or forced to kneel down or sent out of the class. Hereunder is a case of corporal punishment at school reported at OCO and an extract of a report sent by the Ministry of Education and Scientific Research on a reported case of corporal punishment.

2. OCO/Comp/11/334

A father reported that his daughter aged 11 years and attending a specialized school for the handicapped, was beaten by her teacher. The latter regularly uses abusive language towards her pupils.

Case referred to the Ministry of Education and Scientific Research for appropriate actions and report. The supervisor visited the class and reported that the teacher has the habit of beating her pupils and abusing them verbally. She was verbally warned by the supervisor to stop inflicting corporal punishment to her pupils.

The extract of the report is reproduced as it shows clearly that the child who reports
is always in a weak position and the teacher is always stronger.

<table>
<thead>
<tr>
<th>Complaint</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Raging by the teacher in front of the class.</td>
<td>The teacher denied</td>
</tr>
<tr>
<td>(ii) Teacher asked pupil to act as a beggar to get money to buy shoes.</td>
<td>The teacher denied</td>
</tr>
</tbody>
</table>
| (iii) Use of physical violence. | The teacher denied. However, some pupils stated that he used to inflict corporal punishment but he has stopped.
Teacher told pupil if he does not perform well at school, he would have to work in the nursery kept by pupil’s mother. |
| (iv) Told child to stop studying and joinfather as watchman. | |

Up to now, of all the cases of Corporal Punishment reported, only two teachers have been warned, one by the inspectors of the Pre-School Trust Fund and the other one by a supervisor of a special needs school. All the others denied and it was their words against those of a child. In most cases the child victim was transferred to another school to avoid harassment and neglect. It should also be deplored that very few children victim of corporal punishment are referred to a psychologist by the school.

**Recommendations**

1. To amend existing laws and regulations so as to include a clear definition of corporal punishment and to explicitly prohibit such punishment in the family, at school and in all other settings. We propose to define corporal punishment as `any form of physical abuse administered to a child in a context of punishment or control'.

2. To sensitise parents and future parents, teachers and future teachers, carers and future carers and any other person working with children about the negative effects of corporal punishment on children. In this task the support of community and faith leaders, social workers, educators, opinion leaders and popular persons is essential.

3. To review the content of parental education and teacher education so as to empower parents and teachers in devising alternatives to corporal punishment suitable in different contexts.

4. To review the mechanisms of inquiring in corporal punishment cases at school so as to make them more impartial and effective. Other stakeholders like parents, social workers, school psychologists parent mediators, members of students councils (where applicable) should be involved in carrying out such inquiries.

5. Children to be sensitized on their rights and responsibilities. They should be made aware that for their own protection they should behave in a responsible way and as far as possible stay within the social norms. Adults should on their part respect to a certain extent the rebellion specially of adolescents as this is part of their character formation. Both children and adults should be made aware of the importance of dialogue in the family, at school and in all other settings.
6. Awareness programmes should put emphasis on the risk of victims of corporal punishment becoming violent and on the need to break the transgenerational cycle of violence.

Other Selected Cases

1. Child neglect - Case OCO/Comp/11/2

One of the most heart breaking case we had to deal with was already reported last year as it was in fact one of the first ones referred to us. We did invest a lot of time and energy in that case for the very reason that we had a lot more time then and we needed the first hand experience to get our investigation work going.

The facts are: children aged one, two, five and six years had been reported in the press as being victims of serious oil burns. The OC received a written complaint to that effect from a citizen who felt very concerned about this state of affairs. The «incident» had occurred before the OC was appointed. However, an investigation was initiated and the OC decided to visit the family and see the situation for herself. Investigators also got involved. One investigator visited the school to find out the situation of the children who had not been met at home.

Although this experience was never renewed, as it is not the normal mandate of the OC, it was a very eye-opening experience.

The OCO found as follows: two of the children had been severely burnt. One young girl of two had

a huge mark on her cheek, another aged five had a burnt on her arm. The OCO did not investigate

the reasons for the said incident which was the subject of a police enquiry. What was of interest to

the OC was whether the children were at risk in their family and needed to be removed and placed.
The OC made some clear recommendations to the Ministry: she proposed that either a decision was taken to remove the children or family support should be available. As the family was caught up in a drinking cycle, the first move was to deal with this problem. The OC also made proposals to help the mother deal with her reproductive life in order to prevent further abuse to new children since she had just delivered after the incident. She was in fact a mother of six children, two of whom with a previous partner had already been placed but she was completely unaware of their whereabouts.

It appeared that they did not at all realise the implications of parenthood which were specially obvious as they were merely feeding the children but did nothing much else. The children were not vaccinated, they were most of them unable to express themselves properly. The child of two did not speak at all.

The following measures were taken by the CDU. The children were vaccinated, they saw the psychologist.

A letter was sent to the Dr. Jeetoo Hospital concerning the possibility of having surgical operation for the scars left on the children but it has been reported verbally that the children must be more grown up before any operation can be performed. The CWO met the family occasionally and was convinced that they were doing better. The children who had originally been removed immediately after the incident had been once returned to the family already, so it was decided to keep them with their family. But, in the end, they were removed a second time and are now in alternative care in view of the fact that the parents started drinking again. In the meantime the mother fell pregnant for the seventh time as she was unable to take the pills given to her by the dispensary. All efforts of the OC to get her to seek further help in this respect was in vain. The children were removed and have now been placed in an institution. However, it appears that no recommendations were given to the institutions regarding the children.
The lessons:
(1) The rehabilitation of parents is a long-term process and must be done by professionals who are experts in this field and not necessarily in the protection of children's rights. The latter must concentrate on protecting the children and both experts must work in close collaboration.
(2) A decision to remove and place a child is a serious matter and there must be clear written standards adopted by the CDU. There must be adhered to by all officers and not be left completely to the appreciation of whichever officer is dealing with the case at the time, the more so as officers are forever being transferred.
(3) An officer should be «permanent» on a case as far as possible.
(4) Removing children more than once in a family should be the last thing to do.
(5) Since there is a staff shortage, this would have been a proper case for a family child mentor. The latter could have given more ongoing support to ensure that the children were not being neglected.
(6) Handing over of a child to an institution must be accompanied by a full file with the child's history.

2. Disabled child - Case OCO/Comp/11/69

The OC has had to deal with a certain number of cases on disabled children. One case is being highlighted as it raises some important issues.

It concerns a young boy of 14 years who suffered from «epileptic psychosis». His case was referred to the OCO by an NGO. He was allegedly beaten by his father. He was admitted to Brown Sequard Hospital (BSH) and followed treatment for several months. The OC and investigators visited him there and his parents were interviewed several times, including at their own request. The child did not want to go back to stay with his parents and opted to stay in the special wing of BSH for children, where there were three other youngsters with other problems.

The OC also requested the treating psychiatrist to send a report. Gradually, as his medication was given to him regularly, he was declared to have been sufficiently stabilised to be able to visit his parents on specific occasions and later for weekends. But, he was rather apprehensive about these visits although it is difficult to state that this was in fact due to the fact that he had been abused there, which is what he says. This may be an explanation. He spoke of the fact that he was always belittled. He was closely followed by a Hospital Social Worker. He did make a few visits. The Board of BSH finally decided that he should be discharged. He was then sent to live
with his parents and he started following vocational training at IVTB but in fact he could not cope. He seemed to be resuming his previous behaviour and his father could no longer take his responsibility and he was sent to stay with his grandmother.

Clearly, there are cases of children who have to be cared for in specialised institutions as they may be given proper medication at the relevant times of the day and be monitored. When the minor was at the Institution, he was never violent.

The question which remains to be determined is whether such children should be cared for at the BSH itself, even if it is in a special wing, or whether Government should consider setting up a more specialised institution for such children. This would then be fully equipped not just as a medical centre but also as a proper living space where children who are not considered as too dangerous could be developing as normally as possible. Occupational therapy or other forms of therapy and educational, leisure and cultural needs could also be taken care of.

It must be noted that during the investigation on the Government Shelter at Albion, it was also found that several children were following treatment at BSH and did cause disruption in the lives of the other inmates of the Shelter.

3. Child abroad - Case OCO/Comp/11/490

The OCA 2003 empowers the OC to deal with cases of violations of the rights of a Mauritian child even if he/she is abroad.

The OC had to start an investigation regarding a case of a child who had been placed in a foreign country and whose mother was unable to have either telephone contact with her nor to exercise her rights of visit. She was finding it difficult to have a visa to go to the foreign country in question. Moreover, the mother did not seem to fully understand the legal implications of documents that she had signed. She was not a party to procedures taken for the placement of her child. She also never received the decision and was therefore unable to exercise her right to appeal against the decision.

The OC decided to intervene in order to find out what the whole situation was. She therefore contacted the foreign authorities to facilitate her visit to see the child there.
Pending the obtention of a visa by the mother, the OC who happened to be on mission in that foreign country, went to visit the child with the guardian ad litem of the child. The purpose of the visit was to see the living conditions of the child and discuss with the mother's sister who had become the «foster mother» of the child who had dual nationality. The child's father was dead. The OC then supported the mother's application for a visa by documenting the foreign authorities on the gist of the case and the reason why the mother should have a visa.

It is important to state that the OC was only motivated by the best interests of the child. She was therefore more concerned about the right of the child to «maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's interest» as per article 9 of the CRC. The matter is still under consideration.

4. Child abroad - Case OCO/Comp/11/35

The father of a mother who had been abandoned by her husband in Paris while her child was less than a month old, complained to the office as his daughter could not travel back to Mauritius with the baby who had no passport. The minor's father was called to sign for the child to get a passport or be placed on his mother's passport. The OC tried to mediate with him. He pretexted that he would not sign as his father-in-law owed him a sum of money. The OC proposed to him to mediate with the latter to get an agreement to reimburse him but reminded him that it was the best interests of the child which was most important. He agreed and the OC then called the grandfather and managed to obtain from him a promise to reimburse. He recognized the debt which was a great progress. The father then said that it had to be done before a lawyer. He was advised to find a lawyer and that the OCO would then let both parties' lawyers deal with the debt issue. He promised to do so and it did take a lot of patience to finally obtain the signature from him. The BPM had to intervene. Finally mother and child flew in and the mother came to the OCO to thank the office.

The issue raised here was:

1. Whether the abandoning of the wife and baby was not a criminal offence under the Criminal Code?

2. What amendments can be made to ensure that if a mother is abandoned in a foreign country while she is pregnant or with a small baby, she should be given travel documents by the Mauritian Consulate or the PIO on exceptional grounds.

The OC has raised this matter with the authorities.
5. Foreign child in Mauritius - Case OCO/Comp/11/315

The OC received a report from an NGO in a foreign country to the effect that two children who were in Mauritius with their parents were at risk as the father was suspected of being a sexual abuser. The OC is entitled to initiate an investigation concerning a foreign child whose rights are likely to be violated as long as the child is in Mauritius.

An investigation led the OC to visit the younger child at pre-primary school and to discuss with the headteacher and psychologist of the elder child, who were all asked to keep an eye open for any signs of abuse. No visible signs were to be seen regarding the younger child but the elder one had behaviour problems.

While the investigation was on, the head of secondary school phoned to say that the child had stopped attending school. The OC then contacted the pre-primary school and learnt that the younger child has also been absent. While trying to locate the parents whose house had been closed, the OC informed the CP and drew the attention of the PIO to the case. It seems that the parents had many debts concerning the school and the bus driver. Unfortunately the OC soon learnt that the whole family had left Mauritius by ship.

The Embassy concerned had also been kept informed throughout the investigation and recently informed the OCO that all its authorities had been informed as well.

The OCO reverted back to the NGO to ask them to take over the enquiry as the child being no longer in Mauritius, the OC could no longer investigate.
Follow-up of cases pending in first Annual Report
<table>
<thead>
<tr>
<th>REFERENCE &amp; DATE</th>
<th>NATURE OF COMPLAINT</th>
<th>ACTION TAKEN BY OCD</th>
<th>OUTCOME FOLLOW-UP</th>
<th>Recapitulation, Follow-Up &amp; New Outcome in 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>101.04</td>
<td>Aunt of niece aged 11 informed OCD that latter fuged from father’s place and came to her. She had given declaration to the police and contacted the CDU. Father called personally at OCD and informed OC that the CDU had placed the child in a shelter whereas he had an order from a judge in chambers granting him provisional custody of both his minor children. Later, to prevent mother from seeing daughter, father changed domicile and removed her from school.</td>
<td>OC sought information from CDU and interviewed both minors who seemed to be scared of father. OC requested police to enquire.</td>
<td>Judge confirmed his order giving right of visit and hébergement to mother on alternate weekends and half of holidays. Father arrested and right of visit &amp; lodging for mother now being exercised, and daughter resumed school. Main custody - case still pending.</td>
<td>The mother been told to contact her attorney and counsel to prepare her case. OC can no longer intervene.</td>
</tr>
<tr>
<td>1213.02.04</td>
<td>Parents were separated and in process of divorce. Their two children are living with the mother in family flat. The father was reported to be violent. He had also stopped paying instalments for the house to the NHDC. Mother requested OCD to help her to get protection for herself, children and to get psychological assistance for her children and to mediate with her husband to pay for the house as otherwise the children and herself would be homeless.</td>
<td>Case referred to CDU. Mother convened by investigator. Father convened for mediation by Ombudsperson for Children.</td>
<td>Protection order obtained. Psychological support to children provided. Father agreed to pay for the house provided ownership will be in name of the children. Agreement with the father’s conditions. Father still trying to get loan. Mediation not over.</td>
<td>Children are in safety at their father’s place. Case of divorce in court. Case filed.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.02.04</td>
<td>Father complained: his three children who are presently living with his ex-wife who has custody of the children are living in an unfit environment - several social problems in their locality - children absent regularly from school. He wants to control his children's education and eventually get their custody.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Requested report from CDU as case was reported there in 2003.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Requested reports on the children from their respective schools.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mother was convened - reported father was not complying with the court order regarding custody - has no objection for the children to see their father but in an agreed way despite no official 'droit de visite'. Investigator visited the family and interviewed the children. Parents convened for mediation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CDU Report received. Report received from the schools.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The mother gave a totally different version.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Children happy with mother and are not at risk.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Only mother was present. Father apologized and asked for another date for mediation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enquiry still going on.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Now case pending before court. OC cannot intervene.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| 24.03.04 | An informer wrote to the office: a minor of 13 years suffering from a slight handicap is not going to any school or institution and is developing a negative behaviour. |
|          | Case referred to CDU.                                                                  |
|          | Parents convened at the Office. They are still looking for an appropriate institution to send the child - meanwhile child is taking private tuition. |
|          | CWDO visited the family.                                                               |
|          | Child admitted at appropriate school since May 2005.                                 |
|          | OGO called at the school to confirm this information.                                |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Date</th>
<th>Nature of Complaint</th>
<th>Action taken by OCO</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>160</td>
<td>09.07.04</td>
<td>Mother requesting help for her son, aged 4 years and herself, as minor has a</td>
<td>Referred to CUO for services of psychologist</td>
<td>Psychological services obtained. Minor's mother</td>
</tr>
<tr>
<td></td>
<td></td>
<td>behavioural problem.</td>
<td></td>
<td>complained and said that situation has improved. Case filed.</td>
</tr>
<tr>
<td>162</td>
<td>28.08.04</td>
<td>Father in prison complained that mother was preventing his daughter to meet him.</td>
<td>Investigator convened mother and daughter for mediation.</td>
<td>Minor does not want to meet father. Father informed OCG that he will enter a case in court to get the custody of the minor.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>He requested OCG to intervene.</td>
<td>Investigator met father who was out of prison.</td>
<td></td>
</tr>
<tr>
<td>163</td>
<td>23.09.04</td>
<td>Minor, having given birth to a baby, would like to pursue her studies and return</td>
<td>Referred to MESR to help ensure that she will be able to</td>
<td>Approval of MESR. Principal of College advised to facilitate resumption of studies. Minor resumed school. Case filed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to school.</td>
<td>return to school.</td>
<td></td>
</tr>
<tr>
<td>164</td>
<td>19.08.04</td>
<td>Request transfer of school. Child aged 12 years old has to take two buses to go to</td>
<td>Case referred to MESR</td>
<td>Report received. Parent requested to make fresh anquest accompanied by medical certificates. Parent informed, never reversed back.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>school and he is asthmatic.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>165</td>
<td>24.08.04</td>
<td>Father complained that his daughter is ill-treated and beaten by the step-mother</td>
<td>Minor interviewed by Investigator. Father and minor</td>
<td>Minor stayed at an aunt's place awaiting case to end. Father and minor granted protection by court. Case filed as it was being heard by court.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and step-brother. He fears for the life of his daughter. He wants the step-mother</td>
<td>referred to FFU for help to get protection order. Father</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>and her children to leave his house so that he may live with the minor.</td>
<td>and minor granted protection by court. Case filed.</td>
<td></td>
</tr>
<tr>
<td>166</td>
<td>26.08.04</td>
<td>FFU referred a case of a Psychologist of an institution being an affair with an</td>
<td>Young girl not a minor. Investigator informed FFU that</td>
<td>Case filed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>inmate of that institution and now refusing to marry her. Young girl attempted</td>
<td>OCG deals with cases of children only</td>
<td></td>
</tr>
<tr>
<td>167</td>
<td>27.08.04</td>
<td>Mother was having a visa problem for her two minor daughters to go with her to</td>
<td>OCG intervened with the authorities, advised the family</td>
<td>Children received their visas and left for France two weeks later.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>France where they all lived. Only one daughter was on her passport.</td>
<td>on the documents which would be needed.</td>
<td></td>
</tr>
<tr>
<td>168</td>
<td>16.09.04</td>
<td>Mother of minor children needed help to overcome her problems with her illnesses.</td>
<td>OCG counselled and gave advice back.</td>
<td></td>
</tr>
<tr>
<td>169</td>
<td>30.08.04</td>
<td>Father complained that a child was humiliated and ill-treated by her teacher, in a</td>
<td>OCG discussed with the whole family on different occasions.</td>
<td>Child was admitted to another school with parents' approval.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BEC school.</td>
<td>She also discussed with the BEC representative and listened to the teacher. Versions were conflicting. OCG advised that child should be admitted to another appropriate school. OCG mediated with MESR.</td>
<td></td>
</tr>
<tr>
<td>170</td>
<td>31.08.04</td>
<td>Complaint by grandfather of a minor aged 6 who was under his responsibility and</td>
<td>OCG wrote to the Commissioner of Prisons in order to mediate</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>whose mother was in foreign country while the father was in prison. Grandfather</td>
<td>with the father who refused to sign. Complainant was advised to apply to the Supreme Court and to obtain a proxy from his daughter.</td>
<td>Case filed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>could no longer look after the child went OCG to mediate so that father signs the application for passport for child to go and join mother.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
173 03.09.04 Anonymous phone call to the effect that 3 minors aged 9 months, 3 and 8 years are being ill-treateed by their father. Respondent is a heavy drinker, beats his wife and locks his wife and children out at night. Case referred to CDU for enquiry and report.

174 02.09.04 Minor aged 17 years called at office with her aunt - she had lived at her grandmother's place since birth and her younger sister had stayed at aunt's place as their mother had died. They did not want to go back to their father's place but he had applied for an order on them. DC discussed with minors and aunt and informed the case to the CDU as she cannot intervene in court case. CDU arranged for minors to see a psychologist and for a legal advisor of the Ministry to advise and help.

175 01.09.04 Grandmother complained that her grand-daughter aged 14 years, is having a love affair with a foreigner who is married to the minor's cousin. The matter is alleged to have had sexual intercourse with minor. The case was reported to police. The minor was arrested and later bailed on bail, awaiting the main case. Meanwhile grandmother learnt that they were now living together.

176 06.09.04 Minor aged 15 years, mother of a 4 months old baby complained that the father and his parents prevented her from seeing her baby. She left her boyfriend's place as the latter is violent. She wanted her baby back.

177 07.09.04 Social worker reported that a mother is neglecting her three children, she even uses the oldest one to beg. They live in a very difficult situation. The children very often rent themselves from school.

178 06.09.04 The case of a minor in distress referred to the office by a lady who sent letters on her doorstep in the early morning. Minor alleged that she had spent 8 months in the open and had nowhere to go as her mother had requested her to leave the family roof. Case was referred to EPM who took the minor to the office for interview with OC and mother who where caught were traced out. CDU conducted for minors admission in shelter.

179 07.09.04 Minor aged 7 months and 3 years, another child - grandmother alleged minor's father to be mentally ill. Minor are actually in contact with grandmother. Father wants to take back his children. Grandparents think that father is unable to take care of them.

Report received - Minor's mother confirmed past domestic violence episodes. Minor's father bullies eldest daughter expecting her studies. Appointment with psychologist for therapy scheduled and follow up to be maintained.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.06.04</td>
<td>Minors aged 1.5 months, 3 and 13 years parents died - are actually living at their grandparents' place. Complainant requested to arrange for a mediation between both families. OC convened both parties to her office for a mediation. Case referred to SPM for an agenda and report. OC was informed that minors' paternal uncle was doing the needed to have a minor and seek custody of minors. OC informed the material guardians but unfortunately the were negative about this, the OC was advised to go to court. Case filed.</td>
</tr>
<tr>
<td>16.06.04</td>
<td>The two minors left the parental home. A case of missing reported. Three days later they returned home. Case referred to SPM.</td>
</tr>
<tr>
<td>16.06.04</td>
<td>Grandmother complained that her grandchildren were at risk. Respondent is violent, drug addict as well as a pimp. Elder child inside the complainant's place as respondent used to sexually abuse him and force him to sell drugs. Younger child is at respondent's place who blackmauls minors' mother. Several cases of assault have been reported to the Police. Request for documents from COP. OC convened minors' mother.</td>
</tr>
<tr>
<td>17.06.04</td>
<td>Couple accepted a young girl of 16 years whose mother passed away and stays in a dark room. Following a dispute between the minor and the couple's son, the child was brought to CDU. Couple said they cannot handle minor anymore. Minor was placed into a children's home. A few days later couple wanted to get minor back. Couple advised to apply foster parents. Requested report from CDU on what really happened. Report received stating that complaint will have to follow the procedure to be appointed as foster parents. Minor in the meantime placed in a shelter. At present the child is being temporarily placed in complainant's family. The resolution of the complaint for foster parent is still in process.</td>
</tr>
<tr>
<td>20.06.04</td>
<td>Young man of 26 years complained that Case referred to CDU for appropriate action. CWG informed OC that child is still in foster care.</td>
</tr>
<tr>
<td>Date</td>
<td>Case Number</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>20.06.04</td>
<td>191</td>
</tr>
<tr>
<td>17.06.04</td>
<td>192</td>
</tr>
<tr>
<td>Date</td>
<td>Notes</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>24.06.04</td>
<td>Case of child neglect. Two minors aged 13 and 15 years old not attending school. Mother, 35 years old, has no job. Case referred to CDU for appropriate action and report requested. Report received from CDU. Minor's mother has been advised to enrol both children in an educational or vocational institution.</td>
</tr>
<tr>
<td>28.02.04</td>
<td>Minor was at YPC Club. Considered as child beyond control. Case referred for psychological assistance. The young girl is now 18 years old.</td>
</tr>
<tr>
<td>27.06.04</td>
<td>Case referred for FBM through CP. Inquiry requested from CDU to see if minor could be accommodated in her sister's place as latter had quit. Report sought from CDU supporting the figure. OC has written to the CP to seek a final report.</td>
</tr>
<tr>
<td>26.06.04</td>
<td>Correspondence from lawyer to the effect that minor has refused to sign from her mother's place and was suspected to reside at her boyfriend's place but latter refused to disclose her whereabouts. Minor also continued from father.</td>
</tr>
<tr>
<td>28.06.04</td>
<td>Mother reported that the two children were going to the clinic to complete the construction of their house on a one-acre lot owned by their mother. Minor, a young girl of 12 years old, suffered from epilepsy and was occasionally absent and stopped as father was promoted in his work. OC requested 'Lease Agreement' from Ministry of Housing and Lands OC proposed a proposal to build a house at the location. Agreement signed by the parents. Investigation wrote to Ministry of Social Security to explain that minor is living with mother.</td>
</tr>
<tr>
<td>06.08.04</td>
<td>Mother suffering from mental illness complained that CDU officials have taken her children away as she was sick. Now she is living with her partner and both of them want to have the minors back. Case referred to CDU and report requested. OC received complaint from the mother and her partner. OC also received complaint from the minor's mother, who was living in a children's home.</td>
</tr>
<tr>
<td>28.08.04</td>
<td>Parents reported. Mother who lived in Minahassas has been granted asylum of child aged 16. Fatherson living in Italy granted a visit to child. Request OC to mediate. Both complainant and respondent as well as minor concerned to OC.</td>
</tr>
<tr>
<td>03.10.04</td>
<td>Father complained that his son was beaten by a teacher at school. Alleged that minor had to be taken to ENI as he was suffering from his own. Case referred to MIN, for inquiry and report requested. Report received. Teacher committed to social worker by other staff members denied that child was beaten. Doctor's report stated that no sign of beaten caused by corporal punishment could be found. OC has made recommendations on corporal punishment to the Ministry of Education.</td>
</tr>
<tr>
<td>Date</td>
<td>Case Details</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>01.10.04</td>
<td>An Officer from a Govt. department was asked to pass away a requested OC to intervene on his behalf so that he may be suspended from duty due to the presence of two children aged 4 years and 2 years old. Both children have health problems. Officer advised the officer responsible.</td>
</tr>
<tr>
<td>23/02/04</td>
<td>Mother complained that her son is throwing her out of the house and is being denied access to her children.</td>
</tr>
<tr>
<td>05.10.04</td>
<td>Child was reported missing by a neighbour. Father complained police not dealing with the case properly.</td>
</tr>
<tr>
<td>06.10.04</td>
<td>Complainant complained that her husband is uncooperative and does not provide for the family. He was being subjected to emotional abuse and had on several occasions left the house. She would like OC to attempt a mediation.</td>
</tr>
<tr>
<td>08.10.04</td>
<td>A baby aged 5 months was reported to have been left at a 'play' by his mother. A couple wanted to adopt the child but the woman was not approved.</td>
</tr>
<tr>
<td>07.10.04</td>
<td>This is a case of a fugitive minor. OC opened an own motion investigation.</td>
</tr>
<tr>
<td>11.10.04</td>
<td>Complaint from parents that minor daughter aged 13 years had been removed from home by her partner. Request OC to intervene for them to get back their child.</td>
</tr>
<tr>
<td>12.10.04</td>
<td>Father complained that his daughter, 14 years old, has been neglected and that she has been accused of uttering threats against a teacher.</td>
</tr>
<tr>
<td>13.10.04</td>
<td>One minor noted in love affair with an engaged man. Another one refuses to go to school. Both are removed for the whole day.</td>
</tr>
<tr>
<td>Date</td>
<td>14.10.04</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
</tr>
<tr>
<td>Action</td>
<td>21.2</td>
</tr>
<tr>
<td>Incident</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One minor involved in love affair with an</td>
</tr>
<tr>
<td></td>
<td>engaged man. Another one refuses to go to</td>
</tr>
<tr>
<td></td>
<td>school. Both remain streets the whole day.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sister in Charge of Convent complained that</td>
</tr>
<tr>
<td></td>
<td>father together with the perpetrator were</td>
</tr>
<tr>
<td></td>
<td>attempting to remove pregnant minor; victim</td>
</tr>
<tr>
<td></td>
<td>of rape from the said convent.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mother complained that her husband is a</td>
</tr>
<tr>
<td></td>
<td>heavy drinker and abuses the family verbally</td>
</tr>
<tr>
<td></td>
<td>and physically. She has called at several</td>
</tr>
<tr>
<td></td>
<td>institutions but situation has not changed.</td>
</tr>
<tr>
<td>Date</td>
<td>21.9</td>
</tr>
<tr>
<td>Date</td>
<td>21.5</td>
</tr>
<tr>
<td>Date</td>
<td>21.6</td>
</tr>
<tr>
<td>Date</td>
<td>21.7</td>
</tr>
<tr>
<td>Date</td>
<td>21.9</td>
</tr>
<tr>
<td>Date</td>
<td>22.0</td>
</tr>
<tr>
<td>Date</td>
<td>22.1</td>
</tr>
</tbody>
</table>
CWO informed that child is hyperactive but does not show the other behavioural problems. His treatment at BSH is giving good results. Case filed.
during the month of July 2005. Head Teacher informed OCO that minor has stopped coming to school again. He is now sniffing glue and has formed his own gang.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.11.04</td>
<td>Grandmother complained that minors and his mother are subjected to domestic violence. Minor's father threatened to throw hot food in minor and his mother. Minor's mother advised to apply for a Protection Order. Protection order obtained. Perpetrator no longer has access to minor. Situation quiet now.</td>
</tr>
<tr>
<td>18.11.04</td>
<td>Father complains that his daughter aged 14 and 15 have left his house to reside at their mother's place where they are attacked. Minor's parents have been living in separation since 10 years. Minor refused to return to their father's place. Case referred to the police and CDU. Situation quiet now.</td>
</tr>
<tr>
<td>21.11.04</td>
<td>Mother complained that minors aged 10 and 13 are suffering from being forced to live in a small and dark room and are not able to give their best for their homework. She was requested from father but not divorced. Minor interviewed her and the minors and referred her to the Trust Fund for Vulnerable Girls. She was advised to start divorce proceedings and to contact the authorities to get a house.</td>
</tr>
<tr>
<td>22.11.04</td>
<td>NGO reported that mother and minor daughter aged 13 years are involved in prostitution. The minor does not go to school and consumes alcohol daily. She is on bail and the other minor is a drug addict. Case referred to CDU for appropriate action. Following report received, Minor denied all allegations. CDU is assisting the follow-up.</td>
</tr>
<tr>
<td>22.11.04</td>
<td>Paternal grandmother alleging that her grandson is at risk as his mother moved around having no fixed place of abode. Minor's parents are not married and minor is father in prison. Refered to CDU. Awaiting report, despite several calls.</td>
</tr>
<tr>
<td>22.11.04</td>
<td>Father requested OC to mediate as minor's mother refused that he declared the minors out of school. Second complaint that he is being denied access to minor despite &quot;compromission de paternidade&quot;. OC not complaint and advised him to go to Civil Status office for assistance. Respondent contented. &quot;Reconocimiento de paternidad&quot; done. Respondent stated that (i) the complaint did not respect the arrangements concerning visits of minor as agreed. (ii) that minor is trustworthy as he has witnessed respondent using violence against complainant. (iii) Respondent is agreeable that complaint needs minor but this does not want to disclose her current address as respondent has moved her at home. Case referred to CDU for psychological services and arrangements for respondent's visits to minor. Complainant has also been advised to apply for legal aid for advice at the Supreme Court.</td>
</tr>
<tr>
<td>23.11.04</td>
<td>Mother had burnt minor's hands for having eaten a small portion of food by her mother instead. Minor had been admitted to Burn Unit. OC spoke to hospital superintendent who agreed to keep minor at hospital until the child got well. OC requested CWU to assess the other sibling's situation. Minor has been admitted at shelter after discharge from hospital. Treatment at hospital still being undertaken. Psychological services arranged.</td>
</tr>
<tr>
<td>Date</td>
<td>Case</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>259</td>
<td>23.11.04</td>
</tr>
<tr>
<td>260</td>
<td>25.11.04</td>
</tr>
<tr>
<td>261</td>
<td>26.11.04</td>
</tr>
<tr>
<td>262</td>
<td>13.12.04</td>
</tr>
<tr>
<td>263</td>
<td>13.12.04</td>
</tr>
<tr>
<td>264</td>
<td>13.12.04</td>
</tr>
<tr>
<td>265</td>
<td>13.12.04</td>
</tr>
<tr>
<td>266</td>
<td>13.12.04</td>
</tr>
<tr>
<td>Date</td>
<td>Case Number</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>13.12.04</td>
<td>268</td>
</tr>
<tr>
<td></td>
<td>NGO school reported that child aged 13 years, suffers from autism. He is also mentally retarded and inaptositive. The mother has passed away, and the father left the house. Minor is presently living with his grandmother who herself does not enjoy a good health. She has financial problems and cannot raise the minor properly. Case was reported to the CPU well before.</td>
</tr>
<tr>
<td>13.12.04</td>
<td>269</td>
</tr>
<tr>
<td></td>
<td>NGO reported that the minor who suffers from autism has been admitted to BSH after the death of his mother as no one from his relatives wanted to take his responsibility. BSH is not the place where such children should be kept. Case was referred to CPU well before.</td>
</tr>
<tr>
<td>Date</td>
<td>Case Number</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td>270</td>
<td></td>
</tr>
<tr>
<td>271</td>
<td>13.12.04</td>
</tr>
<tr>
<td>272</td>
<td>01.12.04</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>273</td>
<td>01.11.04</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>274</td>
<td>01.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>275</td>
<td>02.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>276</td>
<td>02.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>277</td>
<td>02.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>278</td>
<td>02.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>279</td>
<td>02.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>280</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>281</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>282</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>283</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>284</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>285</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>286</td>
<td>03.12.06</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>06.12.94</td>
<td>Minor related to complaints about a best friend that she was being bullied and harassed. According to complainant minor has a secret which she was afraid to disclose. Complainant would like to apply as foster parent for minor.</td>
</tr>
<tr>
<td>07.12.94</td>
<td>OCS officer informed that minor aged 14 years and previously residing at another's place has not been declared yet as mother does not want to do so. From 1999 to 1998, child was committed to shelter and the CDU took the procedure for Torc Pradoclass.</td>
</tr>
<tr>
<td>07.12.94</td>
<td>Complaint against a police officer that minor has made an abuse of her authority and caused irreparable damage in the relationship between her daughter and herself. In fact, complainant was not agreeable to her daughter residing at the place of her father's ex-wife following his exit contract a second marriage.</td>
</tr>
<tr>
<td>04.01.94</td>
<td>Minor attending pre-school, in distress. He was being bullied by his mother who had transported him up during school holidays.</td>
</tr>
<tr>
<td>17.01.94</td>
<td>Minor has no control over 3 children aged 14, 16 and 17 years. They do not attend school and roam during the whole day.</td>
</tr>
<tr>
<td>08.12.94</td>
<td>Minor (foreign origin) abandoned by mother. Letter is a drug victim and proceeds. Complainant has asked after minor since their childhood and has been granted an allowance by Embassy. But after 2 years the allowance has been cut. Complainant divorced, hence she wants financial help to enable her to look after the minor. Complainant is want to enter action in court on guardianship of minors.</td>
</tr>
<tr>
<td>08.12.94</td>
<td>Complaint alleged that minors were being neglected by their parents who are drunkards and are living in repatriation. Minor s beg for food in a neighbour's place. Second complaint in the same that situation had deteriorated and suggested that minors be placed in shelter.</td>
</tr>
</tbody>
</table>
"Défenseur des minor's father who may be in Reunion Island and to mediate with a view that minor may have contact with him.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.12.04</td>
<td>Mother complained that her husband did not have right of visitation, was refusing to give her consent for minors to spend holidays in Canada. She complained to Supreme Court on three previous occasions but at time of complaint, time was running short for booking.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Father complained that his daughter 9 years old was being neglected by her mother, the older sister of foreign origin usually holidays in Montreal. He was very concerned about the safety of his daughter as she spends time unsupervised. The CDU officer called at his place several times.</td>
<td>Case referred to CDU for intervention.</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Father complained that his daughter 9 years old was being neglected by her mother, the older sister of foreign origin usually holidays in Montreal. He was very concerned about the safety of his daughter as she spends time unsupervised. The CDU officer called at his place several times.</td>
<td>CDU advised him to seek a case to the Supreme Court to order father or mother to keep child from leaving country.</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Minor aged 12 not attending school, drinks alcohol, smokes, drinks, glues and litters around with strange persons.</td>
<td>Referred to CDU</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Mother requesting help for minor who has been raped by her father at the age of 10 and had not attended school since perpetrator committed suicide when case was reported to the Police.</td>
<td>Referred to CDU. Referred to MIESP for admission in a special school.</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Parent mediator reports that minor, an 8-year-old girl, is forced to work by her mother. The family has one other child affected by the problem.</td>
<td>Case referred to CDU</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Parent mediator reports that minor, a young boy aged 5, has been sexually abused by a member of his family. The child is suffering from the incident. The minor is suffering from infection in his genital organs.</td>
<td>Case referred to CDU for appropriate action and report requested.</td>
</tr>
<tr>
<td>30.12.04</td>
<td>Parent claims that minor, a 9-year-old boy, was made to work in his straight. He is refusing to go to school and is kept with his father.</td>
<td>Case referred to CDU for appropriate action and report requested.</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>302</td>
<td>14.12.04</td>
<td>Parent mediate reported that minors' mother passed away and the father is a drunkard. Child is presently living with his grandmother. Minor is behaving violently and shows other behavioral problems. The minor is also regularly absent from school.</td>
</tr>
<tr>
<td>303</td>
<td>16.12.04</td>
<td>Minors have been left under the care of paternal grandmother. Minor is not benefiting from child's allowance which is not being used for child's benefit.</td>
</tr>
<tr>
<td>304</td>
<td>17.12.04</td>
<td>Anonymous phone call from neighbour requesting urgent help for minor who had witnessed the death of his friend.</td>
</tr>
<tr>
<td>305</td>
<td>20.12.04</td>
<td>Minor's parents were separated. Complainant, minor's aunt, alleged that one of the minors did not want to go in with the other parents when the latter decided to live together once more.</td>
</tr>
<tr>
<td>307</td>
<td>21.12.04</td>
<td>Parents separated. Minor aged 13 years alleged to be violent, addicted to alcohol and drug consumption. He threatened to beat and kill his mother. He has also come into conflict with a girl of 18 years. Mother seems to have a bad example due to his younger brother. Complainant requested to help her to place minor in a 'Shelter'.</td>
</tr>
<tr>
<td>309</td>
<td>22.12.04</td>
<td>Mother, an outpatient at BSH, complained that her son, aged 12 years, does not go to school and room around all hours at night.</td>
</tr>
<tr>
<td>310</td>
<td>29.12.04</td>
<td>Parents separated. Mother cannot look after her two children, 12 years and 5 years due to financial difficulties. Minor's father left the contiguity of taking all the money for with him, removing all the bulbs, and disrupted the water supply. Minor and mother are living in a poor condition.</td>
</tr>
<tr>
<td>313</td>
<td>03.01.05</td>
<td>Minor complained that father has threatened to prevent him from attending school, in order to make the mother in his back and has instructed them to leave family roof. Eldest daughter was no longer a minor.</td>
</tr>
</tbody>
</table>
pre-primary school was unable to

pre-primary school re
<table>
<thead>
<tr>
<th>Date</th>
<th>Incident Description</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>316</td>
<td>Grandparents complained that minors were being ill-treated by mother. Mother's mother was not consulted. Minor's mother was not concerned about her daughter.</td>
<td>Minor's mother was concerned. Mother promised to send her child regularly to school and visit Ill. visiting the child. The situation has improved. Minor and his mother are settling at grandparents' place. The mother is working with the mother-in-law in the family business. Case solved and filed.</td>
<td>Case solved.</td>
</tr>
<tr>
<td>318</td>
<td>Father complained that minors who are living with mother are at risk. Alcoholics and minors do not attend school.</td>
<td>OC reviewed minors' mother, boyfriend and minor and later father.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>320</td>
<td>Father complained that minors who are living with mother are at risk. Minor's mother is an alcoholic. Minor's boyfriend also drinks. Minor is not attending school.</td>
<td>Case already in court. Complainant advised to contact his lawyer.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>322</td>
<td>Father was denied access to his wife and children by his in-law. Following a dispute, his wife has elected domicile at their place.</td>
<td>Minor referred to CFDU.</td>
<td>Case solved.</td>
</tr>
<tr>
<td>323</td>
<td>Father informed OC by phone that his son died in a fire. They have not received the body yet. They think that CFDU was involved in the death. OC was also informed about a community worker that the other children in the family are neglected and engaged in criminal activities and prostitution.</td>
<td>Both cases referred to CFDU for prompt and appropriate action.</td>
<td>Case solved.</td>
</tr>
<tr>
<td>324</td>
<td>Parents separated. Father granted custody of children. During one visit father noticed bruises on the face of his daughter aged 6 years. He reported the case to the police and the CFDU. Psychological treatment given to child. Mother left the children at father's place. Father asked to transfer children to a school near to his residence.</td>
<td>Mother convinced. Case referred to CFDU for appropriate action and report back.</td>
<td>Case solved.</td>
</tr>
<tr>
<td>325</td>
<td>Parents separated. Father granted provisional custody and father's right of visit and &quot;right to know&quot;. Minor aged 11 years went to spend holidays at father's place and did not return to mother's place. Mother wants minor to come back to school will assume in two days' time.</td>
<td>Investigator contacted CWO of CFDU by phone. Case referred to BPM to verify if minor is attending school. Letter copied to MEBR.</td>
<td>Case solved.</td>
</tr>
<tr>
<td>326</td>
<td>OC started an own motion investigation after reading an article in the press relating to the death of minors and their mother during a house fire.</td>
<td>Requested report from Police. Ministry.</td>
<td>Report from Police obtained. Minors' family was subjected to domestic violence. On several occasions she had requested police assistance and recordeddeclarations reporting violence. Minor's mother called the PSB of the Ministry. She reported a case of assault on her eldest daughter by her husband. She was advised to report the case to the Police. Regarding the violence, she was seen by psychologist, was advised to apply for a Protection Order and offered shelter but she refused both.</td>
</tr>
<tr>
<td>Date</td>
<td>Case Number</td>
<td>Description</td>
<td>Action</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>17.01.05</td>
<td>327</td>
<td>Parents are separated. Minor is living with mother. According to father, minor is not being taken care properly. Minor, his mother as well as the latter's paramour sleep in the same bed. Minor's father wants his custody.</td>
<td>OCO counselled minor's mother. She called at the office and said she had applied for legal aid and entered a case of divorce, custody and alimony. OCO cannot intervene as case is in Court.</td>
</tr>
<tr>
<td>17.01.05</td>
<td>328</td>
<td>Complainant living in separation with minor's mother. Complainant is afraid that latter would accept any sexual abuse to prevent him to have access to minor. Respondent had already entered case in court.</td>
<td>OCO did not intervene, case in Court.</td>
</tr>
<tr>
<td>03.03.05</td>
<td>329</td>
<td>Respondent reported for alleged infanticide. Respondent gave birth to a baby boy. She gave her child to a friend. The latter gave the boy to a couple residing in the area to be adopted.</td>
<td>Case in Court.</td>
</tr>
<tr>
<td>19.01.05</td>
<td>330</td>
<td>Minor 3$	ext{4}$ years has been refused entry to the shelter by the CED because of all treatment by parents. Minor ran away 24 hours later in company of two other minors.</td>
<td>A report was sought from the institution.</td>
</tr>
<tr>
<td>19.01.05</td>
<td>331</td>
<td>Minor ran away from residential institution in company of two other minors. She was refused entry to the institution by the CED as her mother had passed away. Father was untraceable. She had also been sexually abused by her brother.</td>
<td>A report was sought and obtained from the institution.</td>
</tr>
<tr>
<td>19.01.05</td>
<td>332</td>
<td>Child 9 years abandoned needing psychological assistance.</td>
<td>Referred to Psychologist.</td>
</tr>
<tr>
<td>20.01.05</td>
<td>333</td>
<td>Minor is being ill-treated and neglected by mother, who is a drug addict. Minor do not attend school.</td>
<td>Case referred to CED for urgent action.</td>
</tr>
<tr>
<td>20.01.05</td>
<td>334</td>
<td>Minor attending an institution, where she was beaten by her teacher. The latter also used abusive language towards him.</td>
<td>Case referred to MSRP. Director of the institution counselled for more information</td>
</tr>
<tr>
<td>20.01.05</td>
<td>335</td>
<td>Complainant is being denied access to his child by mother. In his religious belief, he would like OCO to mediate.</td>
<td>Mother has been counselled. OCO could not intervene as an action has been entered into Court by mother.</td>
</tr>
<tr>
<td>Page</td>
<td>Date</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>238</td>
<td>20.01.05</td>
<td>Minor has been removed to CYC for a case of attempted child abduction. His parents could not afford to pay his bail. Biological father, who is of Rodriguez origin, would like him to return to Rodriguez. Complainant stated that if nothing is done regarding the bail, minor will be transferred to the Central Prison. Minor's uncle would like to help him. Bail paid by uncle - minor has been released from CYC, is actually working towards his return to Rodriguez. Case filed.</td>
<td></td>
</tr>
<tr>
<td>240</td>
<td>20.01.05</td>
<td>Parents separated. Mother has custody of child. Child verbally abused and humiliated by headteacher at school. Report to MEST. Headteacher denied having used abusive language. Case filed.</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Case Number</td>
<td>Description</td>
<td>Case Status</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>341</td>
<td>26.01.05</td>
<td>Mother's parents separated. Daughters live in Rodrigues Court. Since December 2008, complainant and minor came to Rodrigues. Minor reported to her teacher that they needed to go to school. Case filed.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>344</td>
<td>26.01.05</td>
<td>Complainant states that his wife took children and went abroad. He alleged that she helped her to take children away. Complainant advised to bring document. He took several months to do so. Finally, decided to withdraw his case from OCO.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>345</td>
<td>26.01.05</td>
<td>Complainant left the conjugal roof accompanied by her 3 children, all minors. One of the minors is a boy but father is supposed to be the head of the household. This was due to a family dispute. OCO convened both complainant and respondent and talked to them. They were referred to Family Support Service for counseling and psychological assistance.</td>
<td>Respondent phoned and informed OCO that following their meeting with psychologist, the situation has returned to normal. Wife and 3 minors have returned to family roof. Case solved and closed.</td>
</tr>
<tr>
<td>346</td>
<td>26.01.05</td>
<td>Complainant satisfied with the college allocated by MESSR. Complainant thinks that minor deserves a better college such as a state secondary school given the good results of her daughter. MESSR was contacted to inquire about the matter and find a satisfactory solution.</td>
<td>Complainant phoned and informed OCO that her daughter has been transferred to another school and she was happy. Case solved and closed.</td>
</tr>
<tr>
<td>348</td>
<td>27.01.05</td>
<td>Mother complains that she is being denied access to her children whom she left with her husband. She is living in separation and she does not have a fixed home. She further alleges that her daughter is being bullied by her husband's parents. OCO stated that complaint has been referred to the Supreme Court for legal aid and to make case of &quot;right to visit. Case filed.</td>
<td></td>
</tr>
<tr>
<td>349</td>
<td>27.01.05</td>
<td>Grandmother reported that Minor aged 5 years is ill-treated and forced to perform household chores by the parents. Referred to CDU.</td>
<td>CDU officer informed that minor was removed from the family and is presently living at an orphanage.</td>
</tr>
<tr>
<td>351</td>
<td>27.01.05</td>
<td>Complainant, living with 3 children aged 15 and 6 years, states she was left alone by her husband. She cannot feed the baby and the family as well as she has no money. Her husband is not working. The two other minors attend school. Ask OCO to intervene and find out a solution to his problem. Case referred to CDU for appropriate action.</td>
<td>Temporarily the court-appointed sister took charge of the baby. The mother has the option to look after her baby. Complainant informed OCO by phone that he is working. Situation has returned to normal as aunt accepts to continue looking after the minor. Case filed.</td>
</tr>
<tr>
<td>352</td>
<td>28.01.05</td>
<td>Father complained that he is facing problems with his daughter who played truant, cries money and has a boyfriend. She is being prevented from attending school. Complainant fears that she will repeat the scenario. Minor consulted with her father. Case referred to CDU for psychological and counseling services.</td>
<td>Minor is distressed about the problem between her parents and eldest sister.Visit effected by CDU officer. Situation has improved.</td>
</tr>
<tr>
<td>353</td>
<td>28.01.05</td>
<td>Father complained that minor a young boy aged 10 years was humiliated by his class teacher because he is the brother in a handicapped. The teacher also makes comments on the minor's religion. Mother would like child to be transferred to another school. Case referred to MESSR to facilitate transfer.</td>
<td>Minor was transferred to another primary school. Case filed.</td>
</tr>
</tbody>
</table>
and head teacher. Child does not want to go to school.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02.03.05</td>
<td>359</td>
<td>Complainant is the Director of the primary school making complaint to the Department of Education about the lack of proper attention to children. Complainant submitted some documents to support the complaint.</td>
</tr>
<tr>
<td>02.03.05</td>
<td>360</td>
<td>Father complained that his wife has left the country with their two children. He is very concerned as he had heard rumors that his wife intends to leave the country.</td>
</tr>
<tr>
<td>02.03.05</td>
<td>361</td>
<td>Wife has been referred to the attorney general to file an action in court for divorce. Child custody of children is imminent.</td>
</tr>
</tbody>
</table>
| 02.03.05 | 362 | Minor residing with her grandmother at her maternal grandmother's place is being denied access to her grandmother since her father's death. Citing the need for a hand面积约49.7%||width:99.7%||height:49.7%||align:| center|}

...continued...
<table>
<thead>
<tr>
<th>Date</th>
<th>Action/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>376</td>
<td>31.01.05</td>
</tr>
<tr>
<td></td>
<td>Complaint states that pre-primary teacher beats children at school.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>377</td>
<td>08.02.05</td>
</tr>
<tr>
<td></td>
<td>Mother complains that her daughter is struck at her husband’s place. She alleged the father is ill-treated by her father’s paramour. The complainant would like to have her daughter back as she had been granted custody in the first instance.</td>
</tr>
<tr>
<td></td>
<td>Case referred to CDU.</td>
</tr>
<tr>
<td></td>
<td>Pending report.</td>
</tr>
<tr>
<td>379</td>
<td>04.02.05</td>
</tr>
<tr>
<td></td>
<td>Minor’s mother complained that she is being ill-treated by her husband, as he has an affair with several other women. She wants to live separately but together with her children. She would like O.C. to intervene to have the custody of the children.</td>
</tr>
<tr>
<td></td>
<td>Complainant has been counselled but never turned up. This is a matter for the Supreme Court.</td>
</tr>
<tr>
<td></td>
<td>Case filed.</td>
</tr>
<tr>
<td>381</td>
<td>31.02.05</td>
</tr>
<tr>
<td></td>
<td>This concerns a case of adoption. The lawyer informed the O.C. that the court had asked for a report regarding the mother’s affidavit.</td>
</tr>
<tr>
<td></td>
<td>The O.C. was never contacted by the Court and its case is known in court.</td>
</tr>
<tr>
<td></td>
<td>Case filed.</td>
</tr>
<tr>
<td>382</td>
<td>08.02.05</td>
</tr>
<tr>
<td></td>
<td>Seemis (15 years) was forced to work from morning to night at R.Y.C. Brother of minors complained that minors are struck at R.Y.C.</td>
</tr>
<tr>
<td></td>
<td>O.C. is investigating on R.Y.C. and has already discussed with Minor’s on their need to review R.Y.C. and put more emphasis on rehabilitation.</td>
</tr>
<tr>
<td></td>
<td>Case pending.</td>
</tr>
<tr>
<td>383</td>
<td>03.02.05</td>
</tr>
<tr>
<td></td>
<td>Anonymous phone call reporting the case of a 15-year-old handicapped minor living in deplorable conditions. Apparently the parents have deserted, the door of several institutions for his placement but nobody has helped them set up to now.</td>
</tr>
<tr>
<td></td>
<td>Referred to MEPOL for an assessment of minor’s hands up. Referred to MSF/SCSW/SS and the Support Service Network of the Local Institution.</td>
</tr>
<tr>
<td></td>
<td>Report of MEPOL obtained. Minor has been recommended for basic medical examination and Guru’s Personal Allowance. His father has been considered to make him to the psychiatric hospital for follow-up and treatment. He was prescribed medication by the psychiatrist.</td>
</tr>
<tr>
<td></td>
<td>Case pending.</td>
</tr>
<tr>
<td>384</td>
<td>28.01.05</td>
</tr>
<tr>
<td></td>
<td>Minor takes private tuition with a teacher who uses abusive and rude language against children.</td>
</tr>
<tr>
<td></td>
<td>Minor’s mother stated she will send a collective letter of complaint from other parents also. O.C. phoned her on several occasions re. the petition, latter stated that she is too busy.</td>
</tr>
<tr>
<td></td>
<td>Case pending.</td>
</tr>
<tr>
<td>386</td>
<td>14.02.05</td>
</tr>
<tr>
<td></td>
<td>ONE is reported that since a minor’s mother is dead and the father is in jail, he and his wife propose to look after the child, young boy aged 15 years, until the father’s return. However, they would like to get the social aid of the child so that they can know his expenses. Minor needs to transfer school.</td>
</tr>
<tr>
<td></td>
<td>Child is advised to apply as foster parent. Minor is referred to MSF to facilitate transfer of minor to a nearby school. Referred to CDU to help him to register as foster parent. Minor accepted request from CDU.</td>
</tr>
<tr>
<td></td>
<td>Minor transferred to a nearby school. CDU could not trace back to start the procedure for registration as foster parent. Minor is staying with his grandmother. Avoiding final report.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
</tr>
<tr>
<td>08/02/05</td>
<td>Mother, having custody of minor, requested OCG to intervene as minor experienced behavioural problem, sleeping around and leaving mother's place regularly to reside at her father's place which according to complaint is unsafe.</td>
</tr>
<tr>
<td>16/02/05</td>
<td>Minor handicapped, is unable to attend school due to financial difficulties. Parent has applied for social aid at the MSSESCURI.</td>
</tr>
<tr>
<td>16/02/05</td>
<td>Mother complained that minor, girl 14 years, was sexually active with a 16 year old boy.</td>
</tr>
<tr>
<td>Date</td>
<td>03.02.05</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
</tr>
<tr>
<td>Date</td>
<td>03.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>17.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>03.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>17.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>17.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>21.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>30.04.05</td>
</tr>
<tr>
<td>Date</td>
<td>04.06.05</td>
</tr>
<tr>
<td>Date</td>
<td>23.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>23.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>28.02.05</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
</tr>
<tr>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>28.02.05</td>
<td></td>
</tr>
<tr>
<td>10.02.05</td>
<td></td>
</tr>
<tr>
<td>02.02.05</td>
<td></td>
</tr>
<tr>
<td>02.02.05</td>
<td></td>
</tr>
<tr>
<td>03.02.05</td>
<td></td>
</tr>
<tr>
<td>03.02.05</td>
<td></td>
</tr>
<tr>
<td>03.02.05</td>
<td></td>
</tr>
<tr>
<td>04.02.05</td>
<td></td>
</tr>
<tr>
<td>09.02.05</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10.03.05</td>
<td>Teacher from Roddige reported that a minor was assaulted by the Principal of the college. Case was referred to Police. Principal is alleged by using money and threats to discourage parents to go ahead.</td>
</tr>
<tr>
<td>10.03.05</td>
<td>Student with 29 units of School Certificate not getting admission in Form 5 as refused to CDU for appropriate action. Case referred to the Commission for Education and Training for sympathy and report requested.</td>
</tr>
<tr>
<td>15.03.05</td>
<td>Minor has had problems with his aunt which resulted in a police case. The letter is affected and cannot study. Case referred to Psychologist for the Probation and After Care Service. OC asked father to attempt to return to pass counselling sessions. Minor was advised by psychologist to perform self-assessment and may receive room counselling. Later informed OC that minor has stopped attending his counselling sessions.</td>
</tr>
<tr>
<td>17.03.05</td>
<td>Minor was being bullied by CPE teacher in the school yard and outside. Case referred to CDU for appropriate action. Anti-bullying plan is in place.</td>
</tr>
<tr>
<td>17.03.05</td>
<td>Mother complained that son has problems to deal with the minor, girl aged 9 years. They have no dialogue. Minor not interested in studies. Poor performance at school. Case referred to the Psychologist of the Probation and After Care Services.</td>
</tr>
<tr>
<td>10.03.05</td>
<td>Minor states that she ran away from school to attend a party at her friend's house and returned home late on the same day. She was beaten with a belt by father and beaten by brother too. They threatened that they will stop her from attending school. She wants to continue school. OC talked to parents and both agreed to let her continue school. OC talked to boyfriend too. Letter and minor were counselled to be more responsible. Case filed.</td>
</tr>
<tr>
<td>18.03.05</td>
<td>Complainant requested advice for the school transfer of her child in a private school. Couple is living in separation. Father is a violent person. Complainant has been advised to enter a case in Supreme Court for immediate care and control and custody. Case filed.</td>
</tr>
<tr>
<td>18.03.05</td>
<td>Mother complained that procedures respecting minor's stay declaration started two years ago are still not completed. Case referred to CDU for enquiry and report. Report obtained from CP - Copy of information of both received from hospital. Complainant referred to District Magistrate for legal aid and assistance and MISP for admission at school. Several interventions to trace complainant were unsuccessful. Matter still under consideration. Complainant advised to attend Court respecting legal aid.</td>
</tr>
</tbody>
</table>
Awaiting report.

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>442</td>
<td>21.03.05</td>
<td>Mother complained that she is being subjected to physical violence and threatened by her husband. She has left conjugal roof and has taken refuge at her mother’s place, but she is being denied access to her children by her husband and in-laws. Husband called at the office for mediation in view of a reconciliation.</td>
</tr>
<tr>
<td>444</td>
<td>21.03.05</td>
<td>Elected member requesting help for sexually abused minors to be placed in a shelter at one of the properties beside in the same neighbourhood.</td>
</tr>
</tbody>
</table>

- Magistrate for legal aid and vaccination and MESS for admission at school.
- Several interventions to trace complainant were unfruitful. Matter still under consideration. Complainant advised to attend Court reporting legal aid.
- Referred to Commissioners of Police respecting Protection Order.
- Prosecution order obtained. Complainant refused to reconcile and intends to enter an action in court for divorce and custody of minors. Case filed.
- Request for report from Police. Referred through phone to CDU for urgent action.
- Minor has been placed in a shelter and seen by psychologist.
<table>
<thead>
<tr>
<th>Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.05.05</td>
<td>Minor being ill-treated by mother and relatives. Family faces return to previous living. Minor is drawing social aid which is not used for her benefit. Case already reported to CPD. CPD - Minor's mother complained that she was facing problems with her daughter. Report made on the previous intervention reported. Referred by phone to Family Support Bureau. Awaiting report.</td>
</tr>
<tr>
<td>23.05.05</td>
<td>Anonymous phone call to the effect that two minors were in distress as they had been abandoned by their mother who is a drug addict. Referred to CPD for urgent action. CDU report obtained. Minor has been medically examined by doctor. PAT issue, examination took charge of other minor while the baby has been placed in a home. Baby has also been referred to Trust for placement.</td>
</tr>
<tr>
<td>25.05.05</td>
<td>Mother complained that father is very violent with her and her daughter, especially her older daughter, aged 16 years. Father left the rental house to stay at SOS Femmes. Mother wants to have divorce and protection. Mother advised to seek legal aid at the Supreme Court. Investigator wrote to a constant file for younger daughter. OGO wrote to the Health Center to facilitate transfer of younger daughter. Mother got legal aid. Child transferred to school. Case filed.</td>
</tr>
<tr>
<td>28.05.05</td>
<td>Minor underwent surgical operation on 5 occasions without success. Parents went abroad. Parents would like Professor to come back and operate child or child be sent abroad. OGO asked Ministry of Health and Quality of Life to help and report. Report received. Minor went to Australia and was treated by Professor.</td>
</tr>
<tr>
<td>29.05.05</td>
<td>Court Officer telephoned to refer a brother and her two children, aged 5 years and 7 years respectively. Mother and children were victims of domestic violence. Parents being searched by police for breach of protection order. Mother and children are now living with extended family. Children need to transfer school. Appointment given to mother and complaint recorded. Letter sent to Ministry of Education to facilitate transfer of school for children. Children transferred. Case filed.</td>
</tr>
<tr>
<td>29.05.05</td>
<td>Minor suffers from acute autism and is very noisy. Landlord wants mother and child to go away. Parent requested to get a letter from APEIM and speech therapist. Letters received - case referred to Trust Fund for Vulnerable Group for help. Complaint informed OGO that she has been placed on a priority list to benefit in low cost house. Awaiting Report from Trust Fund.</td>
</tr>
<tr>
<td>29.05.05</td>
<td>Minor reported to OGO as she is being subjected to domestic violence. Perpetrator is an alcoholic and is violent. Complaint would like to have custody of minor. Advised to call at FPU for Protection Order. Advised to go to Supreme Court to apply for legal aid and for custody of minor. Case put away.</td>
</tr>
<tr>
<td>31.05.05</td>
<td>Mother complained that minor, boy aged 16 years, runs around till very late at night after school. He does not respect mother's authority. Father passed away and mother is living with another man. Minor referred to the psychologist of the Protection and After Care Services. Awaiting report.</td>
</tr>
<tr>
<td>Date</td>
<td>Events</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>01.04.05</td>
<td>Mother complained that she is between the minor, boy aged 10 years. Minor has also been under the control of the mother's friend. The other children are affected by the situation.</td>
</tr>
<tr>
<td>04.05.05</td>
<td>Complaint states that minors are being neglected by their mother - they do not attend school and are not living in a proper environment. Minors are having a behavioural problem (drinking and smoking).</td>
</tr>
<tr>
<td>05.04.05</td>
<td>Father complained that he is unsure of his son's whereabouts as his wife has left him and has left the son with him. The other children are affected by the situation.</td>
</tr>
<tr>
<td>06.04.05</td>
<td>Minor is being abused by alcoholic father. While family members have been violent, Father was involved in prior sessions. His uncle was burned with a cigarette. Request OCC to acquire minor as minor is in danger.</td>
</tr>
<tr>
<td>07.04.05</td>
<td>Mother complained that paternal grandmother is violent and treats them both poorly, so she wishes her to stay with her. These children aged 5 years, 3 years and 1 year she deems inferior to water supply. Father requested OCC to mediate with grandparents so that she may have her own mother.</td>
</tr>
<tr>
<td>08.04.05</td>
<td>Complainant would like OCC to help minor to get admission at Govt School. Complainant facing difficulty to have letter from father that he agrees to the transfer of the child.</td>
</tr>
<tr>
<td>13.04.05</td>
<td>Minor had left school and elected domicile at her father's place following a dispute supporting a marriage proposal. He is not attending school.</td>
</tr>
<tr>
<td>13.04.05</td>
<td>Parents have been separated since 6 years. Father has minor with father. In the month of June/July, father took away child on two occasions and asked Rs 5000 and Rs 10,000 respectively to return minor. Child not going to school. Father expecting media.</td>
</tr>
<tr>
<td>13.04.05</td>
<td>Minor's parents are being separated. Mother granted temporary custody of children to father. Father complains that children are not sent to school and they are behaving badly since the separation (one month ago). These are a minor and custody case.</td>
</tr>
<tr>
<td>13.04.05</td>
<td>Complainant living in separate quarters, not has been informed by school teacher that minor had a behavioural problem.</td>
</tr>
</tbody>
</table>
minor's school materials.

occasions and asking Rs 3,000 and Rs 10,000 respectively to return minor. Child not going to school. Father expecting mediation to get child back.

Head teacher submitted report. Both
case in court.

grandmother. Complainant is being denied access to minor by grandmother.
<table>
<thead>
<tr>
<th>Date</th>
<th>OC cannot intervene as case is in court.</th>
<th>Case filed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.04.05</td>
<td>Lady complaining that minor who had been left under her care since she was 12 days old had been taken away by respondent's parents. According to complainant minor is unhappy.</td>
<td>Case referred to CDU for psychological assistance.</td>
</tr>
<tr>
<td>17.04.05</td>
<td>Minor being traumatised by family conflict between complainant and respondent.</td>
<td>OC cannot intervene as case was in court.</td>
</tr>
<tr>
<td>18.04.05</td>
<td>Mother complained that she is facing problems respecting minor. Due to some problems while she was residing in a foreign country. She has been compelled to leave minor under the care of her sister in another country but later refused to return minor.</td>
<td>OC wrote to the Protection Service where minor was residing. Case was referred to CDU for inquiry on the whole family situation and arrangement. OC visited minor and gave her presents from her mother. OC advised complainant to return the services of a...</td>
</tr>
<tr>
<td>19.04.05</td>
<td>Minor born in Seychelles from intimate relationship between two nationals of Seychelles has been recognised as their child. Minor's father who has obtained Mauritian nationality through his father is requesting residential permit to enable him to get married.</td>
<td>OC met both parties and discussed with PMO's Office. Correspondence to Prime Minister for residential permit to be granted pending application to get married.</td>
</tr>
<tr>
<td>19.04.05</td>
<td>Minor has learning difficulties.</td>
<td>Case referred to Probation and After Care Services.</td>
</tr>
<tr>
<td>19.04.05</td>
<td>Minor's mother requested Police assistance as she was being battered by her husband. Case of assault reported against her husband.</td>
<td>Inquiry carried out through phone with FSU and FPU.</td>
</tr>
<tr>
<td>20.04.05</td>
<td>Maternal Grandmother states that Minor 6 years old is very disturbed and behaving very strangely as minor’s father refused to acknowledge her as his son.</td>
<td>Case has been referred to Psychologist of Probation and Aftercare Services.</td>
</tr>
</tbody>
</table>
refused to return minor to her after her return to Mauritius.

services of a lawyer to have the judgement reviewed and to ask for a visa there. OC wrote to Consulate to facilitate the procedures for the visa.

residential permit to enable him to get married failing which his wife will have to return to Seychelles. Minor’s father is now settled in Mauritius where he is employed. Child would be torn between parents.
<table>
<thead>
<tr>
<th>Date</th>
<th>Case Number</th>
<th>Case Description</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.04.05</td>
<td>502</td>
<td>Minor's parents separated since 2003. Mother has been granted custody of minor and father has the &quot;droit d'hébergement&quot;. Minor refused to return to mother's place after her visit at father's place. Father wants psychological support for his daughter.</td>
<td>Case has been referred to CDU. Minor has been referred to psychologist.</td>
<td>Father has been advised to go to the Supreme Court by the CDU. Case filed.</td>
</tr>
<tr>
<td>18.04.05</td>
<td>505</td>
<td>Minor's aged 3-15 years old. They do not attend school. Father has become alcoholic and does not support family.</td>
<td>Awaiting Report</td>
<td></td>
</tr>
<tr>
<td>26.04.05</td>
<td>506</td>
<td>Paternal grandmother reported that her grandson has been subjected to sexual abuse by his mother who has legal custody. Minor's parents are living in separation and minor's father has &quot;droit d'hébergement&quot;. Minor is in care.</td>
<td>Case referred to CDU for urgent intervention and report.</td>
<td>Police case reported. Minor has been placed in a shelter and has been seen by a psychologist. Minor's mother has been arrested and released on bail. Minor's father has applied for a variation of court order for custody of minor. Case has been closed.</td>
</tr>
<tr>
<td>28.04.05</td>
<td>509</td>
<td>Minor (6 children) aged 6 months to 13 years are living in precarious environment and are underfed. Minor's mother facing financial problems for the upbringing and educational needs of her children. She requests for the grant of social aid.</td>
<td>Case has been referred to the MSSNCCWRI to CDU and the Trust Fund for the Social Integration of Vulnerable Groups.</td>
<td>Report received - Minor's mother is drawing Social Aid (Care's Allowance). Case filed.</td>
</tr>
<tr>
<td>28.04.05</td>
<td>510</td>
<td>Minor, 14 years abandoned at a complainant's place at the age of 5. Minor would like to reside with his parents, because of the abandonment he has a behavioral problem.</td>
<td>Case referred to the Probation Office and Aftercare Services.</td>
<td>Minor's mother has agreed to take charge of minor provided that his father pays an alimony. Case pending.</td>
</tr>
<tr>
<td>29.04.05</td>
<td>513</td>
<td>Father complained that his son 21/2 years is being detained in South Africa by his wife through a breach of conditions of a Supreme Court Order.</td>
<td>DC wrote to the CDU, to Ministry of Foreign Affairs, to Solicitor General to ensure that the procedure under the Hague Convention on International Child Abduction would apply to get child back.</td>
<td>The procedure was lengthy but progress was made. Mauritius had to recognise the accession of the foreign country to the convention before starting any procedure for removing the child with the help of that country. The Department of Justice of that country.</td>
</tr>
<tr>
<td>02.05.05</td>
<td>514</td>
<td>Anonymous phone call reporting a case of attempted sexual assault in a shelter perpetrated by one male inmate aged 9 years old on a female 3 year old inmate.</td>
<td>Minor has been placed in an NCC with her sister.</td>
<td></td>
</tr>
</tbody>
</table>

"d'hébergement". Minor refused to
Minor's mother has a paramour and has no fixed place of abode. Has been closed as grandmother has made false allegations. Parents are reunited and minor is residing at parents' place. CDU is maintaining visits and follow-up.

Justice of that country informed the Mauritian authorities that the minor's mother had retained the services of an attorney. Case is still pending.

Case referred to CDU for urgent intervention.
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Action</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>02.05.05</td>
<td>Minor was not attending school as their birth certificate had been lost when they moved from one region to another.</td>
<td>Referred to CDU.</td>
<td>Awaiting report.</td>
</tr>
<tr>
<td>06.05.05</td>
<td>Case of minor had been referred to Probation &amp; Aftercare Service. Minor had a behavioural problem as a result of a previous sexual assault. Minor infested in alcohol and smoking and has family had been advised to admit him in a centre for detolitication. Family not agreeable. Problem respecting birth certificate both brothers do not bear the same surname. Minor's mother is depressive, not stable.</td>
<td>Complainant advised to call at Probation Office - for procedures for minor to be admitted at the Deviation Hostel for Boys. Mother refused that minor be admitted to any institution.</td>
<td>Case put away.</td>
</tr>
<tr>
<td>05.05.05</td>
<td>Mother, having left conjugal roof following a dispute, leaving her children, 5 and 8 year old behind, complains that latter are left on their own when their father works on night shift. She would like to have custody of her children but has financial problems.</td>
<td>Referred to CDU for counselling and appropriate action.</td>
<td>Awaiting report.</td>
</tr>
<tr>
<td>10.05.05</td>
<td>Complainant 3 months pregnant, does not want to live with her paramour who is a drug addict and violent. She has financial problem. She cannot work as she has a medical problem. Her invalidity pension has been discontinued. She has a child with a behaviour problem.</td>
<td>Referred to CDU for psychological service and MSNESCWR.</td>
<td>Complainant is actually living at her father's place. She has been advised to contact MSNESCWR concerning her social aid.</td>
</tr>
<tr>
<td>16.05.05</td>
<td>Complainant stated that her son-in-law ill-treats and uses abusive language against his daughter, 16 years old. Son-in-law does not support his family nor care for the small baby.</td>
<td>Letter of convolution sent, returned stating that address is unknown.</td>
<td>Case pending.</td>
</tr>
<tr>
<td>17.05.05</td>
<td>Grandmother requested OC to intervene as she suspected minor to have been subjected to sexual abuse as a result of her mother's unhealthy life. She has already reported the case to CPU.</td>
<td>Request for report on intervention and referred same.</td>
<td>Case has been reported to the police. Complainant asked OC to intervene.</td>
</tr>
<tr>
<td>24.05.05</td>
<td>Report on a case of sodomy on minor from the Police for OC's information.</td>
<td>Enquiry still under progress</td>
<td></td>
</tr>
<tr>
<td>11.05.05</td>
<td>Following a remark made by a parent on the irregular attendance of the teacher during a Parent Teachers Association, the latter stated harassing and inflicting corporal punishment on minor at school.</td>
<td>Case has been reported to the police. Complainant asked OC to intervene.</td>
<td>Complainant received from the police states that enquiry is still going on, teacher denied the charge levelled against him. Case pending.</td>
</tr>
</tbody>
</table>

& Aftercare Services. Minor had a behavioural
assault. Minor indulge in consuming alcoholic drinks/smoking and his family had been advised to admit him in a centre for detoxification. Family not agreeable. Problem: respecting birth certificate both brothers do not bear the same surname. Minor’s mother is depressive, not stable.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>543 26.05.05</td>
<td>Mother requesting help to have minors placed in a home or convent as they lead an unruly life. Complainant has been granted custody of minors after divorce. Counselling and advised to call at Probation Office. Case filed.</td>
</tr>
<tr>
<td>544 26.05.05</td>
<td>Father is an alcoholic and violent. Latter beats his wife in front of the children who are traumatised. Case referred to CDU. OCO convened respondent to encourage latter to follow a cure of detoxification. Complainant called the OCO to say that her husband has stopped taking alcoholic drinks. But by the end of August 2005, he has started to drink once more. Case pending.</td>
</tr>
<tr>
<td>551 02.06.05</td>
<td>Mother complained that minor has a behavioural problem. She leaves home without informing her parents. Minor even assaulted her mother on several occasions. Minor’s mother requested advice from the OCO. Phone call to complainant respecting minor. Minor has amended herself according to complainant’s wish and situation is better.</td>
</tr>
<tr>
<td>552 08.06.05</td>
<td>Father complains that his children are depressed because his wife left conjugal roof. Both parents convened at CPU, respondent stated that she was depressed because of domestic disputes. Her practitioner has counselled her to rest. Respondent spoke to OCO agreeable that her children be admitted to shelter as her husband cannot look after her children.</td>
</tr>
<tr>
<td>553 03.05.05</td>
<td>Complainant wishing to remain anonymous, complains that her son was being bullied by a school mate. Her son has threatened to commit suicide if situation remains unchanged. Complainant contacted. She stated that she had counselled her son about the situation, about the bullying. Situation has improved and minor is reacting positively to mother’s counselling.</td>
</tr>
<tr>
<td>555 07.06.05</td>
<td>Complainant’s wife committing adultery in front of minors. They are traumatised. Case already referred to CDU for psychological assistance. OCO convened respondent for reconciliation. Complainant advised to enter a case in court regarding divorce and maintenance.</td>
</tr>
</tbody>
</table>
Complainant called the OCO to say that her husband has stopped taking alcoholic drinks. But by the end of August 2005, he has started to drink once more. Case pending.

teacher and class teacher
<table>
<thead>
<tr>
<th>Date</th>
<th>10.06.05</th>
<th>Complainant is being denied access to minor as respondent is requesting more money as alimony than that ordered by Court Order.</th>
<th>Under investigation by OCG.</th>
<th>Minor's mother did not call at the office for arrangements respecting access to minor as agreed with OC. Complainant has been advised to initiate an action in Court respecting right of visit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>07.06.05</td>
<td>Maternal grandparents requested OCG's intervention as minors are being ill-treated at their father's place. They are also being denied access to minors since mother's death.</td>
<td>Referred to CDU.</td>
<td>Awaiting report.</td>
<td></td>
</tr>
<tr>
<td>08.06.05</td>
<td>Child neglected and not being properly nourished. Parents are illiterate.</td>
<td>Case referred to CDU. DC convened with both parents together with minor. They agreed to take good care of minor.</td>
<td>Minor's health has improved considerably according to complainant (minor's uncle). Awaiting report from CDU.</td>
<td></td>
</tr>
<tr>
<td>14.06.05</td>
<td>Father complained that he is unaware of his children's whereabouts. Since three months ago his wife has elected domicile with minors at her mother's place but later denies that they are at her place and refused to give him any information about same.</td>
<td>Referred to CP for investigation and report</td>
<td>Report obtained from CP - Minors' mother had left because of domestic violence - She has rented a house but did not inform her husband of her new address for safety reasons - She is willing to make the necessary arrangements to enable her husband to visit.</td>
<td></td>
</tr>
<tr>
<td>14.06.05</td>
<td>Corporal punishment and moral harassment at primary school.</td>
<td>Case referred to MESS and CDU for psychological assistance.</td>
<td>Report from MESS received. Both teachers deny the charges of which they were accused. Teachers were transfered. Awaiting report from CDU.</td>
<td></td>
</tr>
<tr>
<td>16.06.05</td>
<td>Father living in separation with his wife, requested OC to attempt a mediation so that his children can spend weekends at his place.</td>
<td>Respondent convened. Mediation done.</td>
<td>Respondent is agreeable that minors spend the weekends with their father at their grandparents place. She fears the unsafe environment at father's place. Case filed.</td>
<td></td>
</tr>
</tbody>
</table>

grandparents'
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Case Information</th>
<th>Social and Aid in Kind of Foodstuff Obtained from a Charitable Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.06.05</td>
<td>The OC made an own motion enquiry following a press article relating that minors were at risk at an old grand-mother's place since both parents are in prison.</td>
<td>Case referred to CDU, seeking a report. Verbal reports received from CDU.  1 minor (15 years) was residing at sister's place. Another minor (12 years) is living with grand-mother. Baby (2 years) is living at an aunt's place. Awaiting reports from the CDU.</td>
<td></td>
</tr>
<tr>
<td>29.06.05</td>
<td>Complainant alleged that minor of pre-primary school was being battered by his grandmother.</td>
<td>Referred to CDU. Awaiting report.</td>
<td></td>
</tr>
<tr>
<td>17.06.05</td>
<td>Minor's mother complained that she has been informed that she will receive financial difficulties and her son will have to stop school. Complainant requests the allocation of</td>
<td>Case has been reported to the Ministry of Social Welfare. Social Security Officer informed that minor will benefit from social aid only if the letter attends school.</td>
<td></td>
</tr>
<tr>
<td>24.06.05</td>
<td>Minor of mandatory age are not attending school, they are neglected by their mother, left on their own. Their father is in jail.</td>
<td>Referred to CDU for urgent intervention. Awaiting report.</td>
<td></td>
</tr>
<tr>
<td>23.06.05</td>
<td>Mother accused of having abandoned her newborn baby and is being harassed to give her child for adoption. Baby is in hospital and mother is being denied access to her.</td>
<td>Case referred to CDU. OC suspects child trafficking and has informed all authorities that she is following the child.</td>
<td>Case of abandoning child has been filed against her by authorities. Unfortunately child who was placed in a hospital is still being kept there despite the fact that he has been declared healthy.</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Incidence</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>587</td>
<td>22.06.05</td>
<td>Child found abandoned in orphanage. Child is reported to be beyond control.</td>
<td></td>
</tr>
<tr>
<td>591</td>
<td>24.06.05</td>
<td>Father complained that his daughter, aged 5, is at risk at her mother's place.</td>
<td></td>
</tr>
<tr>
<td>602</td>
<td>01.07.05</td>
<td>Mother phoned to report her son, aged 13, was slapped in front of his friends.</td>
<td></td>
</tr>
<tr>
<td>605</td>
<td>06.07.05</td>
<td>Minor's mother being battered by her husband who is violent and alcoholic.</td>
<td></td>
</tr>
<tr>
<td>607</td>
<td>07.07.05</td>
<td>Minors not attending school. Parents are separated. Minors are living with father who is an alcoholic and is following a treatment at BSH.</td>
<td></td>
</tr>
<tr>
<td>610</td>
<td>08.07.05</td>
<td>Minor being constantly harassed.</td>
<td></td>
</tr>
<tr>
<td>Case</td>
<td>Date</td>
<td>Description</td>
<td>Action</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>610</td>
<td>08.07.05</td>
<td>Minor being constantly harassed and beaten by neighbours.</td>
<td>Case referred to CDU.</td>
</tr>
<tr>
<td>613</td>
<td>13.07.05</td>
<td>Mother complained that she has been abandoned by her husband, a police officer with her three children, two of whom are minors. She is facing financial problems as respondent has closed their joint account. He is retiring soon and has requested his lump sum to be credited to a new account.</td>
<td>Referred to Supreme Court for legal aid to seek custody and alimony to minors.</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Case Status</td>
<td>Notes</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>614</td>
<td>10.07.05 Corporal punishment at primary school. Minor already suffering from a physical handicap on his face.</td>
<td>Case referred to MEHR and the CDU.</td>
<td>Awaiting reports.</td>
</tr>
<tr>
<td>615</td>
<td>10.07.05 Minor being beaten by his father and he is not properly fed.</td>
<td>Case referred to CDU.</td>
<td>CDU reports verbally. Minor is living at aunt's place. Father is giving a sum of money to latter. Minor is being followed by psychologist. Awaiting report from Psychologist.</td>
</tr>
<tr>
<td>616</td>
<td>13.07.05 Minor is being neglected and is not attending school. Both parents are drug addicts. Minor is at risk.</td>
<td>Case referred to CDU for urgent action as child is at risk. Case referred anew to CDU since child is still at risk.</td>
<td>Minor was placed at Albion Shelter but father obtained the right to remove her. Awaiting report.</td>
</tr>
<tr>
<td>638</td>
<td>29.07.05 Minors' father deprived of his right of visit during the weekend. Minors are living with their mother who did not allow her children to meet their father.</td>
<td>Case in court. CCO cannot intervene. Minor's father being advised by CCO to seek help from legal adviser at CDU.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>639</td>
<td>02.08.05 Minor reported to be emotionally disturbed. Father not playing his role.</td>
<td>OCO tried to seek psychologist report from APEIM.</td>
<td>Verbal report received from psychologist of APEIM stating that minor's mother seems to have a problem. She is over protective.</td>
</tr>
<tr>
<td>645</td>
<td>18.08.05 Minor being victim of attempt upon chastity by two friends of his brother at a barber's shop.</td>
<td>Case referred to CDU.</td>
<td>CWO convened minor at office and have fixed a meeting with psychologist. CWO visited minor. Awaiting report.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Action</td>
<td>Notes</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>22.08.05</td>
<td>Minors not attending school.</td>
<td>Case referred to CDU.</td>
<td>Both minors have resumed school after intervention of OCO through phone conversation. Case filed.</td>
</tr>
<tr>
<td>23.08.05</td>
<td>Minor being beaten by step father. Got both arms broken by latter.</td>
<td>Case referred to CDU. Case also reported to Police in June 2005.</td>
<td>Awaiting report from CDU.</td>
</tr>
<tr>
<td>29.08.05</td>
<td>Minor reported by grandmother to be beyond control and was formerly in an institution.</td>
<td>Case referred by phone to CDU, which were aware of the case.</td>
<td>Grandmother phoned OCO to say that minor is attending a special school. Case filed.</td>
</tr>
<tr>
<td>31.08.05</td>
<td>Minor complained that she is being illtreated by her parents who want her to get married to a young man with whom she had had sexual intercourse.</td>
<td>Referred to CDU.</td>
<td>Awaiting report.</td>
</tr>
<tr>
<td>01.09.05</td>
<td>Minor aged 2 years is being illtreated and beaten by mother who is mentally disturbed since her separation.</td>
<td>Case referred to CDU by phone.</td>
<td>Minor is living at her grandparents' place together with her mother. She is alright. Case filed.</td>
</tr>
<tr>
<td>31.08.05</td>
<td>Mother requesting alimony for her children since she is separated with her husband.</td>
<td>Case of divorce already in court. OCO cannot intervene. Complainant advised by OCO to ask for alimony together with her divorce.</td>
<td>Case filed.</td>
</tr>
<tr>
<td>01.09.05</td>
<td>Father complained that his son is reluctant to reside at his mother's place as per Court Order. Minor has confided to his father that his mother's paramour batteries him. Minor is traumatised with this situation.</td>
<td>Referred to CDU.</td>
<td>Awaiting report.</td>
</tr>
<tr>
<td>07.09.05</td>
<td>Minors not attending school and having a negative attitude. They need to attend school.</td>
<td>Case referred to CDU.</td>
<td>Awaiting report from CDU.</td>
</tr>
</tbody>
</table>
Annex I

THE OMBUDSPERSON FOR CHILDREN ACT _ 10 November 2003

Act 41 of 2003

ARRANGEMENT OF SECTIONS

Section

1. Short title

2. Interpretation

3. Establishment of the office of Ombudsperson for Children

4. Appointment of Ombudsperson for Children

5. Objects of the office of the Ombudsperson for Children

6. Powers and functions of the Ombudsperson for Children

7. Investigation

8. Protection of witnesses
An Act

To provide for the establishment of an office of Ombudsperson for Children and for matters related thereto

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the Ombudsperson for Children Act 2003.

2. Interpretation

`child' means a person under the age of 18;

`Minister' means the Minister to whom responsibility for the subject of child development is assigned;

`Ombudsperson for Children' means the Ombudsperson for Children whose office is established under section 3;

`public body' means _

(a) a ministry or government department;

(b) a local authority;

(c) a statutory corporation;

(d) any other company, partnership or other entity of which the Government is, by the holding of shares or some other financial input, or in any other manner, in a position to influence the policy or decision of such body.

3. Establishment of the office of Ombudsperson for Children

(1) There is established for the purposes of this Act the office of Ombudsperson for Children.

(2) The Ombudsperson for Children shall be a person who has a wide knowledge of the issues and the law relating to children in Mauritius.

(3) The Ombudsperson for Children shall take before the President the oath specified in the Schedule before assuming the duties of his office.

4. Appointment of Ombudsperson for Children

(1) The Ombudsperson for Children shall be appointed by the President of the Republic, acting after consultation with the Prime Minister, the Leader of the Opposition, the Minister and such other persons as he considers appropriate.

(2) An appointment under subsection (1) shall be subject to such terms and conditions as
(3) The Ombudsperson for Children shall hold office for 4 years and shall be eligible for reappointment for only a second term of 4 years.

(4) The President may remove the Ombudsperson for Children from office for inability to perform the functions of his office, whether arising from infirmity of body and mind or any other cause, or for misbehaviour.

(5) The Ombudsperson for Children shall not engage in any trade, business, profession or political activity.

5. Objects of the office of the Ombudsperson for Children

The Ombudsperson for Children shall:

(a) ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals.

(b) promote the rights and best interests of children;

(c) promote compliance with the Convention.

6. Powers and functions of the Ombudsperson for Children

In carrying out the duties of his Office, the Ombudsperson for Children shall:

(a) make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of, children;

(b) advise the Minister on public and private residential placement facilities and shelters established for the benefit of children;

(c) advise public bodies and other institutions responsible for providing care and
other

services to children on the protection of the rights of children;
(d) take such steps as he may deem necessary to ensure that children under the care of, or supervision of, a public body are treated fairly, properly and adequately;

(e) propose measures to ensure that the legal rights of children in care are protected and that the placement facilities promote the safety of children and conform with such norms as the Ombudsperson for Children may, from time to time, recommend;
(f) initiate an investigation whenever the Ombudsperson for Children considers that there is, has been or is likely to be, a violation of the rights of a child;

(g) investigate cases relating to the situation of children in the family, in schools and in all other institutions, including private or public bodies, as well as cases of abandoned children or street children;
(h) investigate any suspected or reported case of child labour;

(i) investigate cases concerning a child who is a citizen of Mauritius and who may be abroad at the time of the investigation, or a child who is not a citizen of Mauritius but who is residing in Mauritius;
(j) investigate complaints made by a child, or any other person, in relation to the rights of any child;
(k) advise the Minister 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;

(l) advise the Minister on the creation of partnerships with parents, teachers, non-governmental as well as governmental organisations, local authorities and any other stakeholders committed to the promotion of children's rights.

7. Investigation

(1) Where the Ombudsperson for Children considers, either upon complaint made to him or on his own motion, that it is necessary to investigate a matter relating to the rights of a child, the Ombudsperson for Children shall investigate the complaint in such manner as he considers appropriate.

(2) For the purposes of an investigation under this Act, the Ombudsperson for Children may

(a) request any person, including any public officer, to provide information concerning a child whose rights have been, are being or are likely to be violated;
(b) enter premises where
(i) a child is present, either temporarily or permanently, including an educational or health institution and a place of detention, in order to study the environment of such a place and assess its suitability;
(ii) a child may be in employment;
(iii) there is reasonable ground to believe that the moral and physical safety of a child may be in danger;

(c) request the Commissioner of Police to enquire and report to the Ombudsperson for Children on any allegation relating to the breach of the rights of a child;

(d) enter any licensed premises where the Ombudsperson for Children suspects that alcohol and tobacco may be handled, consumed or purchased by children;
(e) record the statement of any person in connection with an investigation;

(f) request the assistance of the Commissioner of Police and the Officer-in-Charge of any public body or institution, as the case may be, to facilitate any entry and effect, where appropriate, any seizure pursuant to paragraphs (b) and (d).

(g) summon witnesses and examine them on oath;

(h) call for the production of any document or other exhibit; and

(i) obtain such information, file or other record, upon application to the Judge in Chamber whenever necessary under any law, as may be required for the investigation.

(Amended 08/05)

(3) Following an investigation under subsection (1), the Ombudsperson for Children shall_

(a) act as a mediator to resolve any dispute relating to the rights of the child;

(b) make a report to such person or authority as the Ombudsperson for Children considers appropriate;

(c) make proposals of a general nature to the Minister on any matter which may have arisen in the course of the investigation.

(4) The Ombudsperson for Children shall not investigate any case which is pending before any Court but may refer any child involved in such a case to the Ministry for advice, assistance or counselling.

8. Protection of witnesses

Notwithstanding any enactment, no statement made in good faith by any person by
a written complaint, or by the giving in writing of a statement made in the course of an investigation, to the Ombudsperson for Children, or any member of the staff of the Ombudsperson for Children, shall subject the maker of the statement to, or be used against him in, any civil or criminal proceedings.

9. Immunity from legal proceedings

No liability, civil or criminal, shall lie against the Ombudsperson for Children, or any member of the staff of the Ombudsperson for Children, in respect of anything which is done, or purported to be done, in good faith under this Act or in respect of the publication, by or under the authority of the Ombudsperson for Children, of any report, proceedings or other matter under this Act.

10. Staff of the Ombudsperson for Children

The Secretary for Public Service Affairs shall make available to the Ombudsperson for Children such administrative and other staff as the Ombudsperson for Children may require.


(1) The Ombudsperson for Children shall, not later that 30 September in each year, submit a report on its activities during the preceding year, to the President.

(2) Notwithstanding subsection (1), the Ombudsperson for Children may at any other time, submit a special report on any matter which, in his opinion, is of such urgency or importance that it should not be delayed until submission of an annual report to the President.

(3) The President shall cause every report sent to him under this section to be laid before the Assembly within one month of its submission.

11A Offences

(1) A person shall commit an offence _

(a) where he _

(i) fails to attend before the Ombudsperson;
(ii) refuses to take the oath before the Ombudsperson; or

(iii) wilfully refuses to furnish any information or to produce any document, record, file or exhibit,

when required to do so under section 7.

(b) Where he _

(i) refuses to answer to the best of his knowledge any question lawfully put to him by the Ombudsperson; or

(ii) knowingly gives to the Ombudsperson false evidence or evidence which he knows to be misleading,

in connection with an investigation under section 7.

(c) where at any sitting held for the purposes of an investigation under section 7, he _

(i) insults the Ombudsperson; or

(ii) wilfully interrupts the proceedings.

(2) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(Amended 08/05)

12. Regulations

The Minister may _
(a) make such regulations as he thinks fit for the purposes of this Act;

(b) after consultation with the Ombudsperson for Children, make regulations for the purpose of regulating the procedure to be applied for the investigation of complaints by the Ombudsperson for Children.

13. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the National Assembly on the twenty first day of October two thousand and three.

André Pompon

Clerk of the National Assembly

SCHEDULE

(section 3)

I ……………… having been appointed to be the Ombudsperson for Children under the Ombudsperson for Children Act 2003 do swear/solemnly affirm that I shall faithfully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by such appointment and that I shall not, without reasonable cause, disclose any information imparted to me in the performance of such duties.

(S)…………………………………………………. Before me,
Date: ........................................ (S) .................................................................

President of the Republic
The Indian Ocean's Observatory for the Rights of Child

Sub-regional consultation

for the UN Secretary General's Study on Violence against Children

Final Declaration from the participants on the elimination of violence against children

in the Indian Ocean

April 27, 2005

Original: French

We, participants to the Indian Ocean sub-regional consultation on the UN Secretary General's Study on Violence against Children that took place from April 25 to April 27, 2005 in Antananarivo, Madagascar,

Recalling that the Indian Ocean Commission was created in order that the identity of the Indian Ocean be asserted and strengthened, and that cooperation between member countries be encouraged in the fields of social affairs and in the fight against poverty,

Welcoming the creation of an Observatory on the Rights of the Child in the Indian Ocean region within the framework of the Indian Ocean Commission, and in partnership with the University of Mauritius and UNICEF,

Recognizing the urgent need for the universal application to all children of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including: 1. the Universal Declaration of Human Rights, 2. the International Covenant on Civil and Political Rights, 3. the International Covenant on Economic, Social and Cultural Rights, 4. the Convention on the Elimination of all Forms of Discrimination against Women, 5. The Convention for the Rights of Child and its two Optional Protocols, 6. the African Charter on the Rights and Welfare of the Child, and 7. the Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments,
Reminding that these instruments are to serve as a basis for any programming, program, policy and strategy according to the human-rights based approach,

Considering that the Convention on the Rights of Child, that legally binds all the Indian Ocean countries, stipulates that every child has the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, in its article 19, as well as in the following articles: 2, 3, 6, 9, 12, 20, 24(3), 28(2), 32, 34, 35, 36, 37 and 39,

Reaffirming the general principles of the Convention on the Rights of Child, in particular that the best interests of the child shall be a primary consideration in all actions concerning children, and that each child has the right to express his or her own views in all matters affecting the child and that the views of the child being given due weight,

Deeply concerned to notice that violence against children still exists in the Indian Ocean Countries, taking different forms, especially all sexual violence, corporal punishments, violence within families, institutional violence, whether inflicted by parents but also by professionals working with and for children as well as by any other person, which is an obstacle to the full enjoyment by each child of all his/her rights, as well as to the full implementation of the Convention on the Rights of Child,

Reaffirming that violence against children constitutes a fundamental violation of the human

rights and of fundamental freedoms and partially or totally prevents children from enjoying their

rights and freedom, and concerned that these rights and freedoms are not always protected in cases

of violence against children,

Recognizing that some of the forms of violence against children are rooted in the
uses, customs, beliefs or traditions according to which children are considered as a subordinate to adults and not as a full owner of rights,

**Deeply concerned** that some groups of children in certain situations, such as children living in

the street or without families, early married children or children forced to get married, children in conflict with the law and children deprived of their liberty, working children, especially those working as domestic servants or those subject to the worst forms of labor, children living with disabilities, children involved in drug smuggling, as well as girls are particularly vulnerable to violence,

**Bearing in mind** the World Declaration on the Survival, Protection and Development of

Children and the Plan of Action for Implementing the World Declaration adopted by the World

Summit for Children, as well as the Millennium Declaration and its Goals which, inter alia, call

upon strengthening national and international mechanisms for the defence and protection of

children,

**Recalling** the resolution 57/190 of the General Assembly requiring that the UN Secretary General appoints an independent expert to lead an in-depth study on violence against children, as well as the resolution 2002/92 of the Commission on Human Rights,

**Reminding** that violence against children whether perpetrated inside families or within society

is spreading, whatever the income level, the social or cultural background, and that urgent and efficient measures must be taken to eradicate its effects

**Alarmed** that children have very little access to justice or to social and medical services,

**Convinced** that, in the light of the above considerations, there is a need for a clear and comprehensive definition of violence against children, a clear statement of the rights to be applied to ensure the elimination of violence against children in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the regional and international communities at large to the elimination of all forms of violence against children,

**Believing** that the elimination of violence against children will be facilitated by adopting a holistic approach addressing the contributing factors, including under-development, poverty, economic disparities, inequitable socioeconomic structures, dysfunctioning families, lack of education, urban-rural migration, gender
discrimination, irresponsible adult sexual behavior, harmful traditional practices and trafficking of children,

**Recognizing** that efforts to raise public awareness are needed and that it is important to strengthen global partnership among all actors, at all levels, community, national and international, and to improve law enforcement at the national level,

**Taking due account of** the importance of positive traditions and cultural values of each people
for the protection and harmonious development of the child, as well as of the importance of the community,

---

**WE COMMIT OURSELVES TO:**

1. **Report** about this consultation in our respective countries, to our Government, our Parliament and other State institutions, as well as to the population, especially to children, and also to the regional consultation in Johannesburg;

2. **Set up** the Child Rights Protection Network of the Indian Ocean and to make all efforts for

   the network to be a leader of the actions that are carried out for an effective implementation
   of the CRC.

**WE URGE**

**Our Governments to:**

1. **Send**, if they have not done it yet, the answers of the Government to the questionnaire of the UN Study within the shortest period of time

2. **Encourage** the participation of children within the framework of the UN Secretary General's Study by ensuring, among other things, their participation at the regional
consultation in South Africa in June 2005 and its follow-up;
3. **Strengthen** their cooperation for the elaboration of norms and for scientific research on violence against children and related issues, the collect and analysis of data, among others things, through the Indian Ocean's Observatory for the Rights of Child;
4. **Facilitate** the exchanges in the Indian Ocean Region between public partners and the civil society that are involved in the defense and protection of children's rights to reinforce the synergy and the coordination of actions;

5. **Give** the highest priority to the cross-boarder issues that affect children within the Indian Ocean Region, particularly those considered as a form of violence against children, such as drug smuggling, sexual tourism, sale and trafficking of children, child prostitution and child pornography;

6. **Ratify**, in a reasonable period of time, if they have not done it yet, the two optional Protocols to the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments, the ILO Convention No182 on the Elimination of the Worst Forms of Child Labor, the United Nations Convention against Transnational Organized Crime, its Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the African Charter on the Rights and Welfare of the Child, or to accede to them, and to withdraw all reservations if any;

7. **Pursue** legal reforms in the field of child rights and child protection, in accordance with international obligations, by ensuring child friendly procedures that are appropriate to their development, by suppressing death penalty/capital punishment, corporal punishments and forced or early marriage, and by enacting norms for social services;

8. **Ensure** the availability of necessary resources, both human and financial, so that the elimination of violence against children is considered a national and regional priority, especially for the effective law enforcement, awareness campaigns and social care services;
9. **Recognize and strengthen** the roles and the capacities of the civil society for the elimination of violence against children and associate them to the decision making process;

10. **Implement** an effective prevention strategy;

11. **Make sure** that all professionals working for and with children, including senior/high ranked civil servants who make decisions on all issues involving children, receive an appropriate training on children's rights and on social care services for children;

12. **Make sure** that child specialists from different social, legal, medical, or other services have appropriate capacities;

13. **Ensure the access** to justice and to services, as well as provide counseling for children in all legal/judiciary processes, including his/her own defender/lawyer, a social worker, or any other person of the child's choice;

14. **Have independent child protection mechanisms**, such as an ombudsperson for children's rights, in each country;

15. **Strengthen** the data collection and analysis systems, including police records, criminal and judiciary data;

16. **Strengthen** social care services for children, both victims of violence or perpetrators, strengthen the appropriate support for families and communities, and in the same time develop a mid and long term policy leading to free hospital services for victims;

17. **Elaborate** an inter-island program for the rehabilitation/reinsertion of violence perpetrators;

18. **Promote** the adoption, within the Indian Ocean Commission, of a common declaration by the Member States of the Indian Ocean Region that takes the results of the sub regional consultation into account.

**WE REQUEST THAT**

**TheIndianOceanCommission, the Regional and International Organizations and the Specialized Agencies in the Indian Ocean Region**

1. **Set up** an inter-island training program based on the region's peculiar expertise
WE REQUEST

The Indian Ocean's Observatory for the Rights of Child to:

1. **Undertake and spread the result of** a study on violence against children, inter alia by

   collecting existing data and good practices and by doing a comparative analysis of legal texts, while enclosing recommendations for policy, institutional and legal reforms;

2. **Assess** the progress made for the elimination of violence against children in the Indian Ocean countries by 2010.

---

**annexIII**

**16 droits pour les enfants (2005)**

1. Priorité aux enfants (L'intérêt supérieur de l'enfant)
2. La non discrimination (sur la base de la race, la couleur, le sexe, la langue, la religion, l'opinion politique etc.)

3. Le droit à un nom et une nationalité

4. Droit à la participation

(La liberté d'expression

La liberté d'opinion
La liberté d'association)

5. Droit à l'information appropriée/respect de la culture et la langue

6. Le droit à une vie privée

7. Le droit au loisir — (Le droit de jouer)

(Réponse à la violence) (Le droit de rire)

(Le droit de rêver)

(Le droit au repos)

8. Le droit à l'éducation (Education pour tous)

(Education obligatoire _ Education spécialisée)

9. Le droit d'être soigné (Santé pour tous/Soins spéciaux)

10. Le droit à avoir des parents responsables (Le droit d'être aimé/désiré et respecté)

11. Le droit à la survie et au développement (un logement, un environnement sain, des infrastructures appropriées)

12. Le droit à une nourriture équilibrée

13. Non au travail des mineurs et à l'exploitation au travail

14. Non à la violence et à la maltraitance

(Non aux punitions corporelles)

(Non aux agressions physiques, sexuelles au psychologiques)

15. Non à l'exploitation sexuelle (Non à la pornographie, à la prostitution)

16. Non à la drogue/l'alcool/cigarette

Pour chaque droit, les enfants sont encouragés à identifier et à s'exprimer
sur leurs responsabilités.

OMBUDSPERSONFORCHILDREN'SOFFICE

ACRONYMS
AAA — Association of Advertising Agencies

ANFEN — Adolescent Non-Formal Education Network

ANPPCAN — African Network for the Protection and Prevention of Child Abuse and Neglect

AU — African Union

BPM — Brigade pour la Protection des Mineurs

BSH — Brown Sequard Hospital

CC — Criminal Code

CCB — Centre Charles Baudelaire

CDU — Child Development Unit

CEDAW — Convention on the Elimination of all Forms of Violence against Women

CP — Commissioner of Police

Cp — Corporal Punishment

CPA — Child Protection Act

CPE — Certificate of Primary Education
CPU — Child Protection Unit

CSEC — Commercial Sexual Exploitation of Children

CRC — Convention on the Rights of the Child

CWO — Child Welfare Officer

CYC — Correctional Youth Centre

DVIU — Domestic Violence Intervention Unit

ECPAT — End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

ENOC — European Network of Ombudspersons for Children

EPO — Emergency Protection Order

FPU — Family Protection Unit

FSB — Family Support Bureau

GMO — Government Medical Officer

IBA — Independent Broadcasting Authority

ICCPR — International Covenant on Civil & Political Rights

ICESCR — International Convention on Economic, Social and Cultural Rights

IEC — Information Education Communication

ILO — International Labour Organisation

IVTB — Industrial & Vocational Training Board

JOA — Juvenile Offenders Act

LRC — Law Reform Commission
MACOSS — Mauritius Council of Social Services

MBC — Mauritius Broadcasting Corporation

MEHR — Ministry of Education and Human Resources

MESR — Ministry of Education and Scientific Research (Pre July 2005)

MOH — Ministry of Health and Quality of Life

MRC — Mauritius Research Council

MSSNSSCWR — Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions


MYS — Ministry of Youth & Sports

NAC — National Adoption Council

NATRESA — National Agency for the Treatment & Rehabilitation of Substance Abusers

NCC — National Children's Council

NGO's — Non Governmental Organisations

NHRC — National Human Rights Commission
NPA — National Plan of Action

OC — Ombudsperson for Children

OCA — Ombudsperson for Children's Act 2003

OCO — Ombudsperson for Children's Office

OHCHR — Office of the High Commissioner of Human Rights

OP — Optional Protocol

PFPU — Police Family Protection Unit

PMCF — Prime Minister's Children's Fund

PMO — Prime Minister's Office

PSSA — Private Secondary School Authority

RYC — Rehabilitation Youth Centre

SADC — South African Development Community

SLO — State Law Office

UN — United Nations

US — Unites States

USA — United States of America

UNICEF — United Nations Children's Fund

WHO — World Health Organisation

VAC — Violence against Children

WPO — Women Police Officers
Table of Contents

I Introduction ... ... ... ... ... ... ... ... ... ... ... ... ... ... 1

II Protection of Children _ The chain of services ... ... ... ... ... ... ... 5

III Prevention of Violence against Children in Mauritius ... ... ... ... ... 15

IV The Rights and Dignity of Children ... ... ... ... ... ... ... ... ... 31

V Promotion of Rights ... ... ... ... ... ... ... ... ... ... ... ... ... 35

VI National Campaign on Prevention of Violence against Children ... ... ... 36

VII International obligations ... ... ... ... ... ... ... ... ... ... ... ... 39

VIII The Ombudsperson's Report to the United Nations Committee on the Rights of the Child ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... 41

IX International contacts ... ... ... ... ... ... ... ... ... ... ... ... ... 46

X Talks and Seminars ... ... ... ... ... ... ... ... ... ... ... ... ... 49

XI Complaints _ Investigation _ Follow-Up ... ... ... ... ... ... ... ... 53

XII Selected complaints reported ... ... ... ... ... ... ... ... ... ... ... 55
Annual Report

Ombudsperson

for

Children's Office
The Ombudsperson for Children can be contacted by phone or in writing, by post, fax, e-mail or SMS as follows:

Telephone Numbers: 454-3010, 454-3020, 465-9745, 464-4369

Fax: 454-3037

SMS (24 hours): 259-4495, 259-3811, 257-3863

e-mail: ombudschild@mail.gov.mu

ombudsenfants@hotmail.com

Its office is at the following address:
NPF Building

Sholto Douglas Street

Beau Bassin