# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>II. The Role, Powers and Function</td>
<td>5</td>
</tr>
<tr>
<td>III. Protection of the Child – The Chain of Services</td>
<td>11</td>
</tr>
<tr>
<td>IV. International Obligations</td>
<td>34</td>
</tr>
<tr>
<td>V. The Policies relating to Children</td>
<td>38</td>
</tr>
<tr>
<td>VI. Violence against Children in Mauritius</td>
<td>51</td>
</tr>
<tr>
<td>VII. The Participation Rights of Children</td>
<td>84</td>
</tr>
<tr>
<td>VIII. Promotion of Rights</td>
<td>90</td>
</tr>
<tr>
<td>IX. Talks and Seminars</td>
<td>94</td>
</tr>
<tr>
<td>X. Training</td>
<td>100</td>
</tr>
<tr>
<td>XI. Rodrigues</td>
<td>102</td>
</tr>
<tr>
<td>XII. Selected Cases</td>
<td>103</td>
</tr>
<tr>
<td>XIII. Annex 1 - Ombudsperson for Children’s Act 2003</td>
<td></td>
</tr>
<tr>
<td>Annex II - List of Laws pertaining to children</td>
<td></td>
</tr>
<tr>
<td>Annex III - The Concluding Observations of the United Nations Committee on the Rights of the Child</td>
<td></td>
</tr>
<tr>
<td>Annex IV - List of 16 Rights</td>
<td></td>
</tr>
<tr>
<td>Annex V - Appeal made by children on the occasion of the Carnival</td>
<td></td>
</tr>
<tr>
<td>Annex VI - Texts for TV Spots  Budi 1 and Budi II</td>
<td></td>
</tr>
<tr>
<td>Acronyms</td>
<td></td>
</tr>
</tbody>
</table>
Introduction

The Ombudsperson for Children’s Office (OCO) will be celebrating its third anniversary next December. The first Ombudsperson for Children, Ms. Aumeeruddy-Cziffra, was appointed on 10 December, 2003. It was not purely accidental. It coincided with the International Human Rights Day to show the commitment of Mauritius to promote Human Rights.

This new office is a National Human Rights Institution (NHRI). Its specificity is to promote and defend the Rights of the child as per the Convention on the Rights of the Child (CRC) which it is also called upon to promote.


Section 11(1) provides that:

“*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.*”

This is the third report of the Ombudsperson for Children. The two other Reports covering the period of January – September 2004 and September 2004 – September 2005 are already posted up on the Website of the Ombudsperson for Children’s Office which can be accessed at [http://oco.gov.mu](http://oco.gov.mu)

A copy of the Ombudsperson for the Children’s Act 2003 was reproduced in the first Report and a copy of the Ombudsperson for Children’s Act 2003 as amended in August 2005 was reproduced in the second Report. For the sake of facilitating reference the Act, as amended, is also reproduced in this Report as Annex I.

This year the Report deals once more with two major themes which are at the heart of all the work done by the Ombudsperson for Children’s Office. The first one entitled Protection of Children – the chain of services is in continuity with the same kind of analysis made in the first two Reports. It looks at the various issues and topics related to protection but especially at mechanisms and services in place as well as the law. It is an assessment of the situation. It highlights progress achieved and makes proposals to overcome obstacles and meet challenges in order to obtain tangible results. It is immediately followed by a chapter on “Policies relating to Children” which throws light on the different policies adopted with regard to children, to families and to the youth.

The second important theme is Violence Against Children: Under that heading the Ombudsperson for Children looks at physical violence, specially corporal punishment, sexual violence, psychological violence and child neglect.

A kit is in preparation on corporal punishment with a view to proposing to teachers alternative constructive child discipline and showing how corporal punishment can cause irreparable damage to children and be counter productive. This kit can also
be distributed to all those who conduct awareness programmes with adults and children or those who care for children or work with them closely.

The areas of concern, concluding observations and recommendations of the UN Committee on the Rights of the Child are also reproduced.

As at 31 August 2006, 1189 cases have been reported to the Ombudsperson for Children Office since its setting up in December 2003. Out of these 452 complaints were made since the coming out of the second Report (September 2005). This year however the Ombudsperson for Children has decided not to reproduce the table of all cases dealt with at the office but rather concentrate on the cases which need to be analysed more specifically. The reason for this is that many cases take a long time to be definitely solved. The follow up, specially of cases referred, is time consuming. Some of these have been dealt with under specific headings, or under the heading “Selected cases”

However within the next six months a Special Report will be published which would contain cases and data. This would then be available to a more targeted group of people who need to understand this information, process it, and act on it if need be.

Section 11(2) of the Ombudsperson for Children Act 2003 provides that:
“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.”

The collection of data is a very time consuming exercise and even if it is only possible to give trends, the Ombudsperson for Children feels that this exercise should be done on a greater number of cases in order to be meaningful. It would still be only indicative of the kinds of cases reported to the Ombudsperson for Children’s Office and can only show a trend.

In terms of data analysis, the Ombudsperson for Children’s Office has however also tried to go one step further by undertaking a Survey on Violence against Children which gives some interesting findings on the perception of adolescents on the issue. It is also revealing as regards the kinds of violence which have been experienced by some of the youngsters, by whom, how and in what circumstances. The full results of this survey will be made public when it is over. In this Report, the OCO has decided to give some indications of the result of the first part of the survey. This was made public on the 1 September 2006.

The report also contains information on the awareness efforts done this year specially through a Carnival on Non-Violence organised in April 2006 as well as the 16 Days 16 Rights Campaign, which is a regular feature now. Light is also placed on the TV spots and especially the second BUDI spot on Sexual Violence launched on the 1st June 2006 on International Children’s Day.

This year has also been important in terms of training for the staff and other stakeholders as well as sharing of knowledge and experience with others. The Ombudsperson for Children places a lot of importance on training of all those
working with children as there are ever-growing challenges in this field. The Report also gives details on talks given and participation in workshops and seminars. The report contains much information on all these different activities which are at the heart of the outside-of-office work of the OCO. Despite limited resources the Office tries to be on several fronts while also carrying out investigations.
The role, powers and function of the Ombudsperson for Children

| The Ombudsperson for Children is the spokesperson and defender of children. |
| She advises all stakeholders |
| Makes proposals to the Minister |
| Investigates violations of the Rights of a child |
| Mediates with different parties |
| Advocates for Children’s Rights |

The mandate of the Ombudsperson for Children is specified in the Ombudsperson for Children’s Act 2003 which provides that

“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.”

The rights, needs and interests of children

The Ombudsperson for Children is therefore called upon to define the rights, needs and interests of children. As far as the rights are concerned, it is easy to use the Convention on the Rights of the Child as a main international instrument which sets out the basic rights of the child for all member States of the United Nations. Of course other major Human Rights Instruments are also useful reference documents specially those signed and ratified by Mauritius.

The United Nations has specific Treaty bodies to monitor the progress made by each member state which has acceded to or ratified these important Conventions and Covenants. Reference to the Concluding Observations and
Recommendations of such Committees are therefore useful to enable National Human Rights Institutions (NHRIs), including the Ombudsperson for Children’s Office, to fulfill their duties within the Human Rights standards and parameters.

This year was particularly interesting since Mauritius had to depone before the United Nations Committee on the Convention on the Rights of the Child in January. In this context the Ombudsperson for Children prepared an alternative report which was communicated to the said Committee in September 2005. The Ombudsperson for Children was invited to reply to the questions of the Committee during the Pre-sessional Meeting of October 2005. This is further developed later in the Report.

The needs and interests of children can also be based on the Convention on the Rights of the Child. Over and above, the Ombudsperson for Children is obviously also invited to define the specific needs and interests of children of Mauritius or even of specific areas and territories of the Republic, or specific groups of children. For example some children may have specific learning needs because they suffer from a physical, mental, psychological and/or social handicap.

Needless to say that this is an exercise which should be based on various criteria, some of which have now been developed by years of research worldwide.

The Ombudsperson for Children can also draw from her own experience and consult other stakeholders to gather a wide range of ideas. It is important to be as objective as possible in determining in each given case what would in fact constitute the need of a given child or group of children and what amounts to the best interest of such a child or group of children.

Ever since 2004, the Ombudsperson for Children has, for example, advocated for the extension of free transport to children who are not in mainstream schools like those who dropped out of primary schooling and have been enrolled in various schools falling under the umbrella organisation ANFEN (Adolescent Non-formal Education Network). The Network itself and many journalists and other partners have also advocated for this. The rationale was that, the fact that these children were from poor families, this privilege was in fact more important for them. Poverty is a known factor for school drop out or absenteeism. The ANFEN had shown that it had developed a specialized approach for these children who had made a lot of progress. The cabinet just approved the decision to extend the privilege to these children too.

The exercise of determining the best interest of the child is carried out by magistrates and judges in specific cases like adoption or custody. Indeed the principle of the best interest of the child is nowadays very much at the heart of most litigation involving children.

**How does the Ombudsperson for Children carry out her duty?**

The Ombudsperson for Children must ensure that everyone gives full consideration to the rights, needs and interests of children. She must also
promote the rights and best interests of children. In carrying out her duty she must draw the attention of all those concerned on any instance whereby there is the violation of the rights of a child or whenever the needs and interests of a child are not being given full consideration.

In order to do that, section 6 of the Ombudsperson for Children’s Act 2003 defines, in great detail, how the Ombudsperson for Children functions and what are her powers.

The Ombudsperson for Children can make proposals to the Minister of Women’s Rights, Child Development, Family Welfare and Consumer Protection (MWRCDFWCP) on legislation, policies and practices regarding services to, or the rights of, children. These proposals are made in writing and developed directly with the Minister and/or the specialised staff.

She can also advise the Minister on specific issues and advise public bodies and other institutions responsible for providing the rights of children. This means that she can advise other Ministers and other public or even private institutions. Proposals have been made to several Ministers and also to the Commissioner of Police and are further detailed later in the Report.

**Investigations**

The Ombudsperson for Children can also investigate cases regarding violation of the rights of a child. These can be done when a complaint is made, including a complaint by a child. But she can also start an investigation on her own motion. For example she may hear about a case through the media or be briefed by an informant who chooses to remain anonymous.

Complaints are received in writing or through the phone specially the green line 177. But many complainants just turn up at the office and the general principle is to at least start a pre-enquiry for each case.

Following such investigation, she can act as a mediator to resolve any dispute, make a report to such person or authority as she considers appropriate. She can also make proposals of a general nature to the Minister on any matter which may have arisen in the course of the investigation.

However the Ombudsperson for Children cannot 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. In fact many complainants fail to understand this important principle and insist as they cannot understand that the Ombudsperson for Children cannot influence a judgement or substitute herself for a judge. A lot of patience is needed to explain that it is only after a final judgement has been pronounced that the Ombudsperson for Children could intervene, for example to mediate between parties so that they respect the judgement. Failing this the parties have to either appeal or start new legal proceedings.
Promoting the rights and best interest of a child

Promotion of rights and best interest of the child can be done in many ways. The Ombudsperson for Children’s Office has organised awareness campaigns, seminars and meetings and participates in talks in schools, institutions and other private meetings as well as on radio and television. She also replies to the written and electronic media extensively on various aspects of the rights of the child. She even writes columns in newspapers. The Ombudsperson for Children’s office also publishes a lot of material for distribution. This is more amply described later in the report. The term promotion is here understood to mean promote knowledge, to sensitisise. But the Ombudsperson for Children cannot just content herself with this aspect. She therefore advocates for the Rights of the Child publicly or privately, depending on the different issues at stake.

Promoting compliance with the Convention on the Rights of the Child

Promoting the Convention is ongoing as explained above. Promoting compliance with the Convention means drawing the attention of all stakeholders to specific matters that come to the attention of the Ombudsperson for Children whereby there may be violation of the rights of a child as per the CRC. “Rights” in fact does not mean legal rights except when the law so specifies like in section 6c of the Ombudsperson for Children’s Act which refers to the legal rights of children “in care”. Throughout this report proposals made in relation to the Convention are listed. It will be noted that some proposals are taken on board while others are still not dealt with, one way or the other.

Ideally, when the Ombudsperson for Children makes a proposal, it is expected that the Ministry or other public or private body concerned will give its views to show why, for example, the proposal cannot be accepted. This can be done in writing or verbally. Some authorities do react immediately, even if the proposal cannot be accepted fully or partly.

But it is obvious that the Ombudsperson for Children’s Act 2003 does not give the Ombudsperson for Children any further power to impose any proposal to the authorities which must assume full responsibility for their own decisions. The Ombudsperson for Children can only draw the attention of authorities, make proposals, advocate. But the decision naturally remains with the members of the Executive who make policy and adopt strategies. They are accountable to the people.

On the other hand, concerning private organizations, NGO’s and individuals, if they have violated the Convention, a report will be made to the authorities. If they have violated the laws of Mauritius, the Ombudsperson for Children may also refer the matter directly to the Police requesting the Commissioner of Police to start an investigation, or to any appropriate authority to take action. One good example of this is allegations of corporal punishment at school. If a child is ill-treated in a private preprimary school for example, the Ombudsperson for Children will refer the case to the Pre School Trust Fund. Complainants are also advised to give declarations to the Police whenever there is a criminal offence. If a child is at risk
in his own family, the case is referred to the Child Development Unit. If there is a sexual offence, the case is also referred to the CDU and to the police who act in concert. The full procedure adopted in the last cases is fully explained later in the Report.

**Independence of the Ombudsperson for Children**

In October 1996, point 25 of the Concluding Observations of the Committee on the Rights of the Child stated as follows:

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

In 2006, the Committee showed its appreciation of the fact that Mauritius had created such an office and requested that it should be appropriately staffed and funded so that it does not depend on other government departments and can freely carry out its duties.

The Ombudsperson for Children is an independent Office like any National Human Rights Institutions. Being independent means being at arm's length with the Executive and all other stakeholders that is not too close and not too far either. Although it was originally dependent on the Ministry for Women’s Rights Child Development and Family Welfare for its budget and staff, since July 2004 it has its own budget and is at par with other similar independent institutions like the National Human Rights Commission and the Office of the Ombudsman.

Being independent means that the Ombudsperson for Children must not be given orders regarding her actions and stand on any particular matter. It is important to respect this principle otherwise the whole purpose of having an independent institution is defeated.

On the other hand, of course, the Ombudsperson for Children cannot be manipulated or be involved in the agendas, open or hidden, of other persons or institutions or organizations. Freedom has a price. It cannot be bargained. An independent Institution which respects itself does not act out of fear or favour. Otherwise democracy would be a vain term.

**Protection of witnesses**

Since all those who make statements during an investigation initiated by the Ombudsperson for Children are protected from any civil or criminal proceedings, the Ombudsperson for Children has the choice to start or not to start an enquiry depending on the objective which is seen to be the most in the interest of any child concerned. For example, if there is a case of child sexual abuse the matter will immediately be referred to the police and no statements will be taken from anyone concerned. In such cases the Ombudsperson for Children will not get involved in the criminal aspect of the case but will ensure that all those concerned with the proceedings are in fact respecting the Rights of the Child, that is: the CDU, the police, the doctors and health personnel of hospitals and even the journalists who report on the case.
In order to protect those persons who do give statements to the Ombudsperson for Children during her investigation, no such statement is ever communicated to any other party or the party having given the statement. That party of course may decide to reveal that he/she has contacted the Ombudsperson for Children. Sometimes this causes a lot of harm as matters are reported to the press by parties themselves and the investigation is often “spoilt” as the parties cannot then benefit from the serenity of a mediation done by the Ombudsperson for Children. But that is impossible to control. Some journalists fail to appreciate the harm that can be caused when they report on a case which is still under investigation. They may want to do their job well, but the best interests of the child involved may not be fully respected. The Ombudsperson for Children has, on several occasions, had to write to Editors in chief and Directors of both the written and electronic media to appeal to them to respect guidelines which have been developed by UNICEF, the World Health Organisation (WHO), Save the Children International and the International Federation of Journalists. The Ombudsperson for Children has even asked them to define their own Code of Ethics on this aspect amongst others. With the recent setting up of the new Association of Journalists in Mauritius, this appeal will be reiterated.

**Proposals made to Ministries and other stakeholders**

Section 6 of the Ombudsperson for Children’s Act 2003 hereafter referred to as the OCA 2003 provides that the Ombudsperson for children shall: “make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of, children.” She is also called upon “to advise public bodies and other institutions responsible for providing care and other services to children on the protection of the rights of children.”

Proposals made to Ministries, the Commissioner of Police, Editors in chief and Directors of newspapers, of private radios and of the MBC are described throughout this report under relevant chapters and paragraphs.
Protection of the Child: The Chain of Services

- Children must be loved, cared for, respected and protected.

- Parents have the first duty of care and protection of their own children.

- The State has the duty to provide efficient services to help parents fulfill their duty properly.

- The State must also protect children who are at risk of harm. It must do so efficiently and in the best interest of each child.

In each Annual Report we have analysed the chain of services available regarding the protection of the child in Mauritius. Our objective is to identify the gaps and loopholes and propose new policies and strategies.

We are keeping a similar format to facilitate cross-referencing. Each time, under each item, we highlight the obstacles, the proposals made, the progress achieved as well as the challenges which still remain.

This year has unfortunately been very “dark” in terms of high profile cases which have been numerous and shocking. There were many horrible homicides committed by parents or different forms of abuse resulting from an environment which presupposes that there has been child neglect. These cases caught the attention of the media and of the public in general. The matters were naturally raised in the National Assembly.

The positive side to this very sad string of child abuse cases is that it has raised the consciousness of those who were not quite aware of the harm that can be caused to very young and innocent children. The public awareness has also led to new policies and new strategies being devised. These will hopefully address some of the gaps that have been identified in the Protection Chain up to now.

The Challenge

Government and other stakeholders all have the duty to make an appraisal of the condition of children in Mauritius to assess how far the rights are being protected, using the Convention on the Rights of the Child (CRC) as a benchmark. The task
is in fact made easy as this year the Mauritian Government deponed before the Committee on the Rights of the Child in January. Its Report was in itself an evaluation of the situation for the past 10 years. The Concluding Observations of the UN Committee on the Rights of the Child, as well as its Recommendations, are reproduced later in this Report. They constitute an important document which can be used by all stakeholders, including the MWRCDFWCP, to review policies and adapt strategies that will in fact make the difference. In fact there is a duty on the State to make these widely known to the public. The Ombudsperson for Children has already posted the document on her website. She has also largely commented on it in the Press. Hopefully in the near future there will be a mechanism set up for follow up, which will give yet another chance to make the contents better known to the public and to the specialized sector.

Last year we wrote that the new strategy to protect the Mauritian child should rest on eight basic principles:

1) To improve the system of detection 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;
8) To ensure that resources are optimized and that protection is sustainable

The challenges are still the same but some progress has been made on the above and we want to highlight them in this analysis, under each heading. Definitely progress is being made on the first three points.

The law

The Child Protection Act 1994 (hereinafter referred to as CPA 1994), provides for Emergency Protection Orders (EPOs) to remove children at risk of harm and Committal Orders to place children who have been removed from their families. It also covers several other issues concerning children and has now been amended to combat child trafficking more efficiently. We deal more extensively on this aspect under the Chapter “Violence against Children.”

This is particularly important as we have also decided to move on with a comprehensive policy on adoption and it includes the offence of selling children for the purposes of adoption as a child trafficking offence.

The Minister has informed the UN Committee on the Rights of the Child that she will be presenting a Child Act which will integrate the provisions of the CRC and constitute a comprehensive legislation on most matters pertaining to the Mauritian child. The core Act would have to be the CPA itself. Some laws could remain part of the other laws for example, one presumes that the innumerable provisions dealing with the child in the Civil Code would not be removed. Most of the offences under the Criminal Code would also remain there as there must be harmony in these major Codes. However all matters that are specific to the child
only, and not in relation to other matters that are either in the Civil or in the Criminal Code, could certainly be integrated to the CPA as we go along and when time permits it would be easy to convert the amended CPA into a more comprehensive piece of legislation.

Otherwise the rewriting of the Child Act will be a very huge task. A group of experts should be set up to make this become a reality. In the meantime presumably the Child Protection Act 1994 will need to be amended again with new policies which are being designed.

It is a matter for debate as to whether one should do piecemeal legislation or not. Ideally of course it is preferable to undertake a global legislative approach. However, in view of the urgency of some matters, it is important to be able to back up new policies by legal amendments so that children need not wait for years to be better protected. As an example, the Children’s Act 1989 of the United Kingdom has been amended several times, which is normal because as time goes by, there are new challenges. Further the field of child rights and specifically child protection cannot in any case be compared to the field of property rights, for example, because time is of the essence. Postponing legislation may amount to allowing harm to be caused to a child or group of children.

Other laws also need to be amended, like for example the Civil Status Act and we mention them all along with this Report under appropriate headings. A list of laws pertaining to children is printed as annex II.

**Human Resources and Coordination**

When the CDU was set up in 1995 after the Child Protection Act had been voted and proclaimed, the number of cases of children in need of protection was not really known. It is with experience that, during the past ten years, the new mechanism has been seen to be working at a pace which is well beyond its capacities.

In 2000, Dr. Terence Peter Murphy, a consultant from the United Kingdom, did an evaluation with the aim of “developing in Mauritius a modern multidisciplinary Child Protection Service, sensitive to the Mauritius context but utilizing the latest available and appropriate clinical advances.” He proposed a team of 40 trained social work staff and the creation of a “post of a Senior Child Welfare Officer to assist the Head of the CDU with the supervision of Child protection casework issues”.

The CDU was then equipped with a small staff. As time went by, its staff was in fact reduced gradually for various reasons. At the time of the drafting of the report those who actually intervene in the field amount to 5. They work as a team with a police officer constituting the Child Protection Unit. The Ministry will be recruiting many officers in this financial year. 22 of them will be doing specific child work but they will need a specific training.

In view of the difficulty in meeting its legal obligations, the Ministry had decided to merge the services at decentralised level, the Family Support Bureau and CDU
working together. There are 6 regional offices known as the Family Support Bureaux (FSB) which provide the following services: family, psychological and legal counselling. They provide assistance to adult victims of domestic violence. The officers of CDU provide assistance to children victims of abuse. In addition, six Police Family Protection Units (PFPU) which are run by Women Police Constables, are operational in the following regions: Abercrombie, Piton, Moka, Rose Belle, Rose Hill and Eau Coulée.

The close collaboration between the FSB and the CDU of course has its advantages and disadvantages. But, in view of the fact that the Convention lays emphasis on the fact that a child should not be separated from his family, unless it is no longer in his best interest to remain there, one can also see the pertinence of this reform.

It is however important to continue to bear in mind that the best interest of the child, and not of either parent or other person or institution, should prevail in dealing with each case which concerns a child.

We would be in favour of a policy which would consider several options for the child and at the same time rehabilitate and strengthen families so that the child could either remain in his family or eventually be returned to his family when it is considered that it would be advisable to return him. Of course there should be proper follow up in each case.

This is why the Ministry needs to reinforce its protection units: the CDU, the Family Unit and the Women’s Unit. Coordination is essential between the units and also with other stakeholders.

To come back to Dr Murphy’s proposals, regarding the fact that the Head of CDU needs to be supported by someone who could take the responsibility of casework, nothing could make more sense. But we would like to go one step further. The CDU is also concerned with Child Development and not just with Child Protection. The Head of the CDU should keep her head well above the waves and be able to deal with policy making and adoption of strategies which will bring positive change to decrease the amount of protection work now needed. The ideal situation would have been to have an independent agency, under the supervision of the Ministry, to deal with Protection services. Normally Ministries are not service providers. The Ministry of Health does not cure patients and the Ministry of Education does not teach. They have an organizational structure which permits them to deal with hospitals, health centres and schools respectively. But they do not fire-fight themselves. They can also monitor, evaluate the work of the units which are not so closely linked to them that it would amount to evaluating themselves, which is more difficult.

The difficulty of the MWRCDFWCP is that originally it was created to be a coordinating Ministry to work with other Ministries in order to mainstream all issues on gender, children and family. This was to be done through multidisciplinary committees composed of officers from the other main social and even other ministries. Such a team had in fact already been set up at the very beginning. But as the World Leaders placed women, children and family very high
on their agenda and developed various Conventions and World Plans of Action, the Ministry had to grow to keep pace. Being a new Ministry it had no choice than to do everything. In the meantime the United Nations has been discussing on organizational structures which would be efficient. This has been thoroughly discussed at the Beijing Plus 5 meeting in New York in year 2000. It is still a very important issue in such forums, including those that deal with children’s rights.

But next year the Ministry will be a quarter of a century old. In this new era, it would be appropriate to reassess the fantastic progress made and look towards the future with new eyes.

**Brigade pour la protection des mineurs**

During a meeting with the Commissioner of Police (Hereafter referred to as CP) in January 2004, he presented his project to set up the BPM to the OC. The Ombudsperson for Children has proposed that the Brigade be strengthened as announced. 30 police officers have been trained and they are functioning in the police stations and, as soon as cars will be available for them, they will be fully operational on the spots where they will be most needed. This is an extremely important measure as these trained officers can react more rapidly in specific cases. They work in close collaboration with the CDU and the OCO. They have the advantage of being in the police force with a specific kind of training which permits them to go to the most difficult areas. But at the same time they know how to speak to children and how to mediate with parents. They can also link up with their other colleagues in police stations all over the island. The next important step now is to look at the needs of a such a service in Rodrigues.

**The protection chain**

The Ombudsperson for Children has been proposing a protection chain which is based on the following:

1. Parental education, rehabilitation and support;
2. Child family mentoring for children who are not removed;
3. Placement of children with their next of kin or member of their family;
4. Placement in a foster family or institution with proper monitoring of these “places of safety”;
5. An adoption policy which would cater for abandoned children and cover local adoptions;
6. A proper monitoring of international adoption;
7. An improvement of the procedure for tardy declaration;
8. Empowerment of children targeting different age groups.
The Chain of Protection

- Rehabilitation of parents & mentoring of child in vulnerable family
-Placement in foster family
-Placement with a member of extended family
-Placement in institution
-Local and international adoption

In all cases a proper monitoring of the situation is essential by the appropriate authorities.
Data

As in most countries of Africa and Asia, very little data is available. The Central Statistical Office (CSO) does not provide information which can be used for child protection. Hopefully the Observatoire des droits de l’enfant de la région Océan Indien (ODEROI) will be able to fill this gap. It is worth noting that the ODEROI has already finalised a list of indicators in the fields of education, health and protection to facilitate the collection and analysis of data. Its work will be validated by the CSO.

The Minister has also decided that Mauritius, like the other member States of the Indian Ocean Commission, must also create its network to work with the ODEROI. This will be a major step forward, as partners will be able to input important data and benefit from the analysis on various subjects of interest.

Mauritius has a leading role to play in this region as this Observatory which is supported by UNICEF, The Indian Ocean Commission and the University of Mauritius is based at the seat of the latter at le Réduit. Child protection is an issue which has been considered as a priority for all five countries of the Indian Ocean. Cooperation in this field is far from being a luxury as it is by protecting and empowering children that we can hope to make progress in the next three decades.

Declaration of birth

The question of declaration of newborn babies should remain as one of our top priorities. The Convention on the Rights of the Child states very clearly that the child has a right to a name and an identity.

Article 7 provides that:

“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

A child who has not been declared, has a negative departure. Until he is declared most formalities cannot be done and legally he has no identity and no existence. He cannot therefore be fully protected. As soon as a child is declared it means that he has a legal personality and becomes “visible” and only then can he exercise his rights under the Convention and the law. A child who is not registered is inevitably victim of discrimination at birth. He may disappear and would not be accounted for. He will definitely feel rejected when he grows up. An identity is extremely important for proper psychological development. Yet this is the case of many children in Mauritius.

The procedure for the tardy declaration was so lengthy that some children were only declared years after. This was due to a complex and cumbersome system
whereby there should be a police enquiry and the *Ministère Public* should give its favourable report.

In the case of parents who are still alive and who need legal aid, they had to go through a social enquiry as to their means as only those who earn less than Rs 5000 are entitled to legal aid.

The Ombudsperson for Children has written to all stakeholders to request that each one should work with due diligence in order to speed up the procedures as clearly this constituted a form of institutional abuse of each innocent child concerned.

In 2005 the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection and the Attorney General managed to find a solution to declare 30 babies within a very short period of time. But there was still a back log. Now it seems that 271 births have been declared during our reporting period. 148 cases have not yet been registered but in 28 cases the procedure has been completed, so presumably they will be declared quite soon. 36 cases have already been lodged in court and 24 cases have been referred to the attorney for preparation of the affidavit.

However, according to information received, 55 cases, cannot be processed because of various reasons like lack of information, clients cannot be traced out to give an address or parents who have been traced are uncooperative. These are the sad cases which deserve our attention as children cannot remain without a birth certificate for the negligence or irresponsibility of adults who were supposed to care for them.

The law must be amended to ensure that children’s rights and their best interests are better respected. Through discussion with different stakeholders, it seems that there could be a consensus to amend the Civil Status Act to impose a duty on all institutions, including health institutions and private doctors or midwives, to report the birth of a child. It is also considered that it is not sufficient for the Permanent Secretary of the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection to declare some children whose parents have not given any sign but these children must be declared as being abandoned and become wards of Court or “*Pupilles de la Nation*” with clear rights. There is no point waiting for several years to do that and to give these children full rights.

For the moment, for example, some children who are placed in foster families or in institutions and who need to undergo a surgical operation or to travel are not able to do so unless there has been an application to the judge in chambers. One can imagine how this lengthy procedure can affect a child in an irreversible manner both physically and psychologically.

**Reporting**

Last year we drew the attention of everyone to the fact that the duty to report is only legally imposed on “persons exercising a medical or paramedical profession
or a member of the staff of a school” Section 11 of the Child Protection Act provides that such a person “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”

This year the homicide of some very small children, presumably following severe corporal punishment by close relatives, has brought the question of duty to report in the limelight. We had already written on the fact that our Criminal Code does not include the crime of “non assistance à personne en danger.” This proposal has been reiterated in the National Assembly but the Attorney General has drawn the attention of the House to the fact that the implications are far reaching.

The Ombudsperson for Children is producing a guide for teachers to recognise the signs of any form of abuse. The guide will of course be useful to all those working with children and every citizen including children who have attained a certain degree of maturity. Indeed some children are themselves contributing to the preparation of the guide.

The Ombudsperson for Children has also proposed to the Ministry to extend the duty to report to other professionals pending an amendment of the Criminal Code.

Green lines and hot lines are available for those who wish to report anonymously.

The network of youngsters, Budi’s Friends, is a link between children and the Ombudsperson for Children and regularly cases are reported by members of the network.

Some volunteers and NGOs working at grassroots level are also very good at reporting cases of abuse.

The problem which remains crucial however is the capacity of the authorities to respond efficiently each time a case is reported. The Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection will now be reinforced after recruiting new staff. But one can hope that, if the new officers are committed, and learn the approach which must be used from their senior counterparts, they will definitely help the Ministry to respond better as cases are ever increasing and are more and more complex.

Temporary shelter

The Ombudsperson for Children has made a detailed report on the situation prevailing in the only Government shelter since 5 May 2005. She has proposed a better monitoring of the shelter and of all residential homes with no success whatsoever up to now.

There seems to be a small hope that change will come. But, in the meantime, those children who are in fact placed there can often be victims of more harm than if they were immediately committed to a proper institution where there are carers
who are trained and committed. Anyone who visits these institutions can see the difference. But if a child remains too long in the shelter, when he is committed, the rehabilitation becomes more difficult.

The Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection has announced that the Shelter of Albion will be closed and that children placed there will be moved to Pointe aux Sables. The Ombudsperson for Children has drawn the attention of the Ministry on the urgency to finalise norms and standards. In view of the fact that Government has identified a plot of land for a shelter to be built, these norms will have to be finalised before the construction of the shelter. The Minister has assured the Ombudsperson for Children on the fact that lessons have been drawn on the negative aspects detected at Albion. It seems that the new terms of reference which will be finalized for the tender to find a new subcontractor to run the shelter will be much wider than the previous one. That is indeed a good decision.

However the Ombudsperson for Children still feels that some of the negative aspects did not only concern the NGO running the shelter. For example, the high number of children sent sometimes doubled the capacity of the shelter thus rendering the overall work more difficult. It is also a fact that children with different problems and handicaps were all mixed together whereas they need specific attention and they can create problems amongst each other. Children who have been sexually abused cannot be placed with children who have been victims of child neglect.

Further some women, victims of domestic violence, are also placed there with their children on a temporary basis. During our investigation, it was clear that this disturbs the other children. Special care should therefore be taken to keep these women and children in distress separate from the other children who are victims of child abuse.

At the time of finalisation of this report, according to information received, there were 53 inmates at the Albion Shelter. Of these there were 6 women victim of domestic violence and 27 boys and 20 girls. Six of the boys were between 11 and 18 years, whereas originally only very young boys were to be admitted to the Shelter.

Let us hope that the new building will be appropriate and take all these needs into consideration. Let us also hope that the new carers will have some basic training and that a proper further training will be organised, with regular retraining.

Further there must be a monitoring to ensure that the children placed there are not worse off than if they had remained in their families. Indeed there should be a Monitoring Committee for all institutions which are considered as places of safety under the definition of the Child Protection Act 1994. Presumably if such a Committee has not been set up, it is because the Ministry feels that there is a problem of resources. But that should not be a problem. This Monitoring Committee should comprise of persons well versed in alternative care for children. We know that there are specialists in Mauritius who would be willing to sit on such a Committee just out of their sheer commitment to the cause of children. The
Committee should be chaired by someone from the Ministry, preferably at high level. This is a must if we want to show our resolve to act in the best interest of children, specially those who are victims of abuse. The Government shelter should set the example for other Institutions.

**Alternative Care**

Article 20 of the CRC provides that:

“The State is obliged to provide special protection for a child deprived of a family.”

We have looked at the problems of running a temporary shelter. Now let us examine the question of alternative residential care for children.

National laws must provide for alternative family care or institutional placement if available. In Mauritius children who are orphans or abandoned are placed in charitable institutions. Those who are removed by the CDU under the CPA 1994 are placed in a government shelter temporarily and are later committed to an alternative residential institution like CEDEM, SOS Children’s Village, Terre de Paix or the Shelter for Women and Children in Distress in Forest Side. Some are placed in foster families.

It is a matter of regret that children remain in the “shelter” for great lengths of time as the carers are neither trained nor able through experience or otherwise to rehabilitate these children. If there is no other solution than to place a child in an Institution, the child should only be in the shelter during the time that the social enquiry establishes that the child cannot be returned to his parent’s place or to the place of another member of his extended family.

In cases of sexual abuse by a member of the family, it would be high time to think of removing the perpetrator from the family roof rather than the victim. Of course each case must be examined on its own merits. But one can think of solutions when the presumed perpetrator will have been arrested and be severely warned not to approach the presumed victim as one condition of being released on bail. This has in fact been possible recently in some cases. If the perpetrator is the father and the mother is an accomplice or is unable to resist her husband, the child should not be under her exclusive custody, but preferably be under the care of other next of kin who are willing and able to look after him.

**Separation from family and family contact**

Article 9 of the Convention provides that:

1. “States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in particular case such as one involving abuse or neglect of the
child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.”

This essentially means, that it is only if it is in the child’s best interest that he should be separated from his parents.

One very important point is that if he is separated, for example for his own protection, as far as possible and unless it is not in his best interest, he must see his parents on a regular basis.

It is a matter of regret that when children are placed in a “temporary shelter” they do not see their parents. Because of lack of resources such visits are still not possible on a regular basis. Occasionally a child will be taken away from the shelter for a family visit. There are no arrangements for family visits within the shelter for security reasons. It would be a good thing to set up a proper child friendly meeting place where these visits could take place.

The Ombudsperson for Children has proposed that Women’s Centres be used. The Bell Village CPU could also be a good meeting place specially as, if the shelter is moved to Pointe aux Sables as announced by the Minister, Bell Village is easily accessible. Efforts must be made to organise such visits on a regular basis say once a month, the more so as 22 officers will be recruited soon.

At the RYC, we are told that visits are allowed on every Sunday and Public holidays. When the inmate is reaching the end of the internment, he is allowed to spend week-ends with his family to prepare smoothly for his return. As regards the CYC, visits are allowed everyday.

**Broken families**

The Convention clearly states that both parents have a common responsibility for the child. This is provided for in the Civil Code. When parents are married, they share parental authority.

Article 18 (1) provides that:

“States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.”

When parents are unmarried, if both parents have declared the child, they also share common responsibilities. Otherwise the parent who has declared the child is responsible for the child. That parent can enter a case of recherche de paternité or recherche de maternité against the person who is the presumed father or mother of the child. Usually these cases are entered to obtain alimony. Unfortunately there is a delay of two years for such cases which is considered too
short. The child, once he is no longer a minor, can also enter the case in his own name.

Further with the possibility of DNA tests, proof is simple. But DNA is still not available in Mauritius and any request for such a test would be entertained but have to be made at the expense of the party requesting the test.

When the laws are amended in the context of wider amendments in the field of family law, these amendments can be brought in.

In terms of protection, when the CDU deals with a broken family, the enquiry to place the child should of course start with the other parent who can be advised to seek immediate care and control, provisional custody and finally custody. However in view of the numerous cases of child abuse that take place where there are stepmothers or stepfathers, special attention is needed in such cases.

The most important aspect that need to retain our attention when making policy on such issues is essentially linked to the procedural aspect. What is the role of the CDU in such private matters between parents? Should the judge not seek reports systematically from the authorities, through the Ministère public? Do we need a probation report or a CDU report? Is it not high time that such reports be accompanied by a report from a psychologist? Some parents do seek reports from private psychologists. But many cannot afford such reports. If the psychologist of the CDU does give a report, is he/she prepared to be questioned and cross examined on the report?

Under this heading it is also important to draw the attention of the authorities on the need to amend the Civil Code to include a right of visit and lodging for grand parents in appropriate cases. We feel very strongly on the need for the child to keep strong ties with the members of the extended family. In our tradition grand parents have played an important role in the upbringing of grand children and also to support parents. Of course we are fully aware of the possibilities of conflict that may exist between in laws and the married couple. In all these matters, the best interest of the child should be the guiding principle.

**Foster care**

The Foster Care Advisory Committee has been reconstituted. Over 40 families are presently registered. 50 children have been placed in foster care since the setting up of the system in 2003. 8 Children have been adopted by the families caring for them. Some children who have not adapted have been placed in Institutions. At present there are 30 children who are placed in 23 families which means that there are still some possibilities of placement in foster care.

The Ministry has recently taken the decision not to register families who only care for one child, sometimes placed by a member of a family. This is logical. This needs therefore to be taken care of in a different manner as these persons cannot benefit from the allocation given to foster parents who take in several children on a short time basis.
The Ombudsperson for Children has to stress once more that she is not in favour of foster parents adopting children placed with them as the relations developed is different. What if the parent has emotionally invested a lot with the child and the adoption does not finally take place. Further what about the discrimination between children adopted and the others.

It would be better if foster families were told, as from the time of the registration, that they will not be able to adopt a child placed with them.

Mentoring

The Minister has shown that she is very committed to keeping children in their families as much as possible and to help and support these families by involving the community around. The family child mentoring project proposed is now being developed in the context of a community involvement which is of course a very laudable initiative. Previous attempts have failed in the area of community watch and lessons must be drawn so that the scheme works properly. Judging form the increasing number of cases of families which are dysfunctional, it is clear to all those working at grassroots, and in the protection sector, that the Mauritian family must be empowered to play its role fully. The family child mentor would also be a member of the community who would act as a “friend” to a given child on a one to one basis, to morally support the child, become his confidant and help him develop despite the difficult family situation in which he may be. Each mentor would be screened and given a basic training. There must of course be a proper monitoring of such mentors who should always remain in contact with the Ministry.

Many cases are referred to the OCO where it appears that a mentor would have been appropriate. For example a young boy of 8 yrs has difficulty going to school. When questioned he explained that he cannot do his homework as he has no father, his mother is remarried and he lives at his grandmother’s place where no one is literate. He could very well have been paired with a mentor who lives in his village and would have helped him overcome his problems and become self confident. The mentor could also get him to be enrolled in a youth organization like the Scouts movement or in a cultural or sports club.

Family support and education

It is important to study further the obvious disruption of the social fabric to understand the root causes of the disintegration of the family unit and its incapacity to hold its members together through thick or through thin. There have been several attempts at analysing various aspects of this issue. The Ministry itself, being responsible for women’s Rights, Child Development and Family Welfare has undertaken several studies in the past.

Recently a Family Policy Paper was launched and it again recommends family education and support (see more on this later under the chapter on Policies relating to Children).
The Ombudsperson for Children has written to the Ministry to draw its attention to the fact that the Convention provides clearly for the placement of a child in his own immediate family if his parents cannot look after him. This, according to the Ombudsperson for Children, should be a priority before placing a child either in foster care or in an institution.

She has therefore proposed an amendment of section 2 of the CPA so that the definition of the term “place of safety” should include “the home of a next of kin or other member of the family of the minor”. Another amendment proposed concerns the urgent enquiry ordered by the magistrate, under section 8(2) b, before he pronounces the Committal Order. This enquiry should also extend to the family where the child is to be placed, whenever this is appropriate.

In such cases the Ministry should follow up the child who is placed as normally it should follow up the child who is placed anywhere.

**Adoption**

Every year the Ombudsperson for Children has written about the fact that there is no proper policy on adoption of children who have been abandoned. Such children are still not registered as being abandoned and adoptable. Yet the CRC clearly says that adoption is also another form of alternative care.

Article 21 of the CRC provides that:

“States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and 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;”

In Mauritius the only clear policy on adoption concerns inter-country adoption. The National Adoption Council Act provides that “no non citizen shall make an application to the Judge in Chambers unless he is authorized in writing to do so by the Council.”

The law was amended to provide that there should be an attempt to find a local “adoptor” before considering inter-country adoptions. “Where the council is satisfied, having regard to all the circumstances surrounding a demand, that possibilities for placement of the child have been given due consideration and that the demand will be in the interest of the child, the Council shall authorize the application for adoption to be made to the Judge in Chambers.”
Recently two judgements have been given to impress upon the Council the fact that it does not have the power of deciding the adoption issue but merely to ensure that the application can be made. Basically it does the groundwork, check the *agrément* of the applicants and looks at the general circumstances.

Mauritius having acceded to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, it is now imperative to adapt its policy to respect the provisions of that Convention.

At long last, there seems to be hope that a proper policy will be devised to deal with the question of adoption as a whole. The Prime Minister’s office has taken the lead in setting up a Committee of various stakeholders to thrash out the various issues involved. Let us hope that this laudable initiative will be properly followed up and that a new legislation will be proposed soon.

The OCO has produced a simple diagram to explain this issue clearly (See next page)
Adoption: Proposal for a new policy

- Abandoned children
  - Tardy Declaration
  - Guardians ad-litem appointed

- Orphans
  - Guardians are appointed

- Children whose parents consent to adoption

Children may be registered as adoptable

All “adoptors” to be screened and given an agrément by the appropriate agency under the supervision of the State.

Foreign adoptors to present agrément obtained from authorised agency in their country.

Pairing to be done by agency under supervision of the State. Case to be entered before judge in Chambers.
Half-way Homes

We have raised the problem of children placed who turn 18 and have nowhere to go to. There is a great need for half-way homes where children could be placed as from 17 years old, to prepare them for a smooth integration into adulthood. The SOS Children’s Village has such a project and the Foyer Duponcel also has a similar philosophy.

It seems to us that each Institution where children are placed should either have a project for those between 18 and 21, or at least be financially supported so that the children do not become homeless overnight.

In the case of Terre de Paix, the philosophy is to “bring stability in the child’s emotional state and provide him with some insight on his vision of his world.” Reunification with their birth relatives has sometimes been possible, because of the commitment of those responsible for the Institution who have worked with the said relatives. This approach seems to be a good one in the circumstances. It favours rehabilitation of the children and accompanying members of his family who will be able to take responsibility for the follow up needed after he leaves the Institution. We learn that 9 such children have been reunited with their families during the past four years. Only one young man aged over 18 is still at the Institution.

At present, most Institutions have to find solutions on a case to case basis. Some youngsters remain in the Institution, at the latter’s costs, until such a solution is found including marriage. The problem is not just financial, but it implies that some youngsters may need more time before they can become autonomous. The other problem is one of space which is needed for more and more children.

We fear that some of the youngsters who are thus “thrown out”, as is also the case for the Probation hostels or the Rehabilitation Youth Centres, may end up in bad company or become homeless and fall prey to all sorts of people who indulge in drugs or prostitution. The Probation Service has informed the Ombudsperson for Children that it does accompany ex inmates for a certain period.

At the Centre d’éducation et de développement pour les enfants Mauriciens (CEDEM), there are at present 5 girls who are between 18 and 24. One of them will be getting married soon. Some youngsters in the past have also been keeping in touch with their parents and been reunited.

For those who are not ready or able to be so reunited, there needs to be a solution. The Government does not pay for any inmate who is over 18 years since the time when responsibility has been transferred from the Ministry of Social Security to the Ministry responsible for Child Development. Any new solution found should include funding the stay and rehabilitation of the youngster at an Alternative Residential Care Centre and, if appropriate, his training. Eventually help will be needed for his work placement, or occupation which will make him become self sufficient or at least participate in his upkeep.
When we talk of prevention, this is one area where prevention is absolutely imperative. Otherwise we know how the vicious circle works. A young girl falls into a trap, gets pregnant and ill treats or abandons her newborn who then becomes a burden to the State.

Surely there is an urgent need to find a good solution to this kind of problem. Either children are adopted when abandoned or if they stay and grow up, they cannot just be “dumped” and have no support. All the time and energy spent for their rehabilitation will have been lost if they are not supported until they can fend for themselves.

Rehabilitation Youth Centre (RYC) and Probation home and hostels.

We have been informed that an Action Plan is being finalised for the RYC to provide, inter alia:

“The establishment of a proper programme to rehabilitate the inmates, including daily schooling, and the setting up of parenting classes to encourage parents to play an important role in the upbringing of their children.”

In 2006 we understand that a special training had been given to Prison Officers posted at RYC Boys to enable them to give better service. But we note from the press, what we have learnt throughout the past two years, that someone specific is responsible for lack of progress being made in applying new rehabilitative methods in this establishment. This also concerns the CYC where boys are often running away. This is a matter of concern.

We were also very concerned by the mutinies that occurred at the RYC girls. Unfortunately girls with different kinds of problems are all kept in the RYC which is the only institution of detention for girls. Some are considered “out of control”. We know from experience that this means that they have behavioural problems, probably because they have been victims of some kind of abuse or neglect or because their parents are not taking full responsibility for them. On the other hand others have committed criminal offences and there is no CYC for girls. This unfortunate mixture is possibly at the root of the difficulty to run this establishment. Now we learn that there will be separate units for “inmates with heavy social problems”.

We have also learnt that now case conferencing takes place regarding all cases that have been introduced at the level of the Probation and aftercare service. Monthly talks are given on a burning issue to the Probation home for girls and Probation Hostel for boys. Recreational activities are also organised by the 10 regional probation officers on a roster basis. A psychologist has also given talks on sexual abuse.

This year 117 boys and 11 girls who have committed minor offences are being rehabilitated and they are under the supervision of the Probation Officers instead of being committed. This is a good move as in fact placing children who are in conflict with the law in Institutions should be done as a last resort.
In the field of juvenile justice, in January this year, the Committee on the Rights of the Child expressed its concern about “the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.” For the Committee’s recommendations on this issue see later in the Report. A cabinet decision has been taken to create a Ministerial Committee to “review the juvenile legal system in Mauritius with a view to bringing it in line with the UN Convention on the Rights of the Child”. This is a good initiative and must cover the legal and judicial aspects as well as the sanctions and method of rehabilitation of minors who are in conflict with the law.

Street Children

This year has seen the disbanding of the group of social workers known as *educateurs de rue* who used to work under the aegis of the Ministry of Social Security, National Solidarity, Senior Citizens Welfare and Reform Institutions (MSSNSSCWRI).

After having gone through a period of uncertainty, their group has formed an NGO and they hope to get the support of three Ministries, i.e. The Attorney General’s Office, the MWRCDFWCP and their previous Ministry as well as private and corporate donors. We learn that the MSSNSSCWRI has given office space to them as well as access to Internet. It has also promised to give them all the equipment that they had previously and to facilitate funding by the NGO Trust Fund. The Attorney General has promised to also give some space to the new NGO in the Human Rights Centre when it is set up.

The Ombudsperson for Children rejoices as the *educateurs de rue* were trained and have been doing a great job since their setting up. They have been given a building at Baie du Tombeau, at the Docker’s Village to be used as a drop in centre. She has congratulated the new group called SAFIRE which was officially launched on 17 August 2006. During that ceremony several children, some of whom are now adults, came out in the open to explain how they had been rehabilitated. Some are now married and are working.

It is one good example that, no matter how difficult a situation a child may find himself in, there is always hope, specially if there are committed people who know how to deal with the particular child and give him hope and self confidence.

The Minister has declared to the press that she will include the *éducateurs de rue* in her Mentoring project. We will need to understand how this will be done. But the specificity of those *éducateurs* should not be diverted to a programme which is different in its conception. Their role in the Community project which will include Mentoring must be carefully worked out.
Regional and International Cooperation

The issues raised with regard to children victims of all forms of abuse and the debate on the best practices for prevention, protection and rehabilitation is one which is ongoing worldwide. It is important for us to link up with those who are working on these issues not just in our own country but also at regional and international level. It is important to remember that to-day we are in an era of globalization. Most problems that are identified in our country are also known in other countries, sometimes in a higher degree. Fortunately problems often have solutions. Years of research by experts, by UNICEF, and other UN organs like UNESCO, WHO, UNFPA, UNAIDS and ILO have given us hope that there are possibilities of setting up programmes to better protect children.

Sometimes aid is also available to help countries to design and implement such programmes. True it is that UNICEF has left Mauritius because our State has in fact done quite a lot in this field and we are now considered to be too developed for aid. But there are still some avenues for tapping aid on specific issues.

It must also be remembered that are some cross-frontier problems which could only be solved by close cooperation with others, for example AIDS, pornography on the internet or child trafficking.

Mauritius must also remember that it is a member of different circles of cooperation. To start with there is the Indian Ocean Region. In this case it is important to remember that child protection is a priority for Indian Ocean Commission and that it had set up the Indian Ocean Child Rights Observatory (ODEROI) which aims at monitoring child rights in the five member states of the IOC.

Further we belong to SADC and to the African Union. The latter has a Committee on the Rights and Welfare of the Child, which also specializes in this important field.

By cooperating with all those who are already involved in the same issue, surely we can reinforce each other and will not need to reinvent the wheel all the time.

The commitment of non-state actors

Section 6(l) of the OCA 2003 provides that the OC shall “advise the Minister on the creation of partnerships with parents, teachers, non governmental as well as governmental organizations, local authorities and any other stakeholders committed to the promotion of children’s rights”.

The OC has often advised the Ministry to work in collaboration with other stakeholders. Many meetings and consultations have taken place. The last and most promising one being the workshop on Early Childhood Development. It is however important to state that many non-governmental organizations are doing a fantastic job in this sector. Organisations are nothing if they are not run by committed leaders who have vision, experience and expertise. Moreover, team
building within organizations and building partnership with others, is an approach which will in fact make the difference in this complex world, where the social sector is forever being relegated in terms of priorities.

Mauritius is going through hard economic times. Sponsorship of organizations is no longer exempt from tax. This means less funds for NGOs. They now need to rely on their own capacities.

The OC has been pleased to learn about some federating initiatives. Experts working with handicapped children have teamed together in Inclusion Mauritius which federates 16 associations as follows:

Association de parents d’enfants Inadaptés de l’Ile Maurice (APEIM), Southern Handicapped Association, Amour sans Frontières, Mauritius Mental Health Association, Fondation Georges Charles, Centre d'éducation et de développement pour les enfants mauriciens (CEDEM), Association des parents d'enfants aux besoins spéciaux (APEBS), Anou Grandi, Century Day Care Centre, Association des parents pour la réhabilitation des infirmes moteurs (APRIM), Rêve et espoir, Centre pour L’éducation et le progrès des enfants handicapés (CEPEH), Special Educational Needs Society (SENS), (EWAD), Centre joie de vivre, the Way to Light and Centre d’éducation spécialisée.

A group of NGOs working in the field of protection of the child have created “Priorité enfants”. The objectives of this new team are:

« se structurer pour un fonctionnement efficace et solide.
agir selon un code éthique et avec efficacité.
mettre en commun les ressources et se soutenir pour mieux servir la cause des enfants.
parler d’une seule voix et agir collectivement. »

The following organizations are members of “Priorité enfants”

- Organisation mondiale pour l’éducation préscolaire – (OMEP)
- Centre d’éducation et de développement pour les enfants mauriciens – CEDEM
- Association de parents d’enfants inadaptés de l’Ile Maurice – APEIM
- Young Men's Christian Association (YMCA)
- Mouvement pour le progrès de Roche-Bois (MPRB)
- SOS Children’s Village
- Girl Guides Association

This is an excellent initiative as associations and persons are working partnership. They can share information and best practices. They can team up with different persons having different expertise to work on specific projects.

The initiative is all the more important as it is a hands-on project with people working in the field, in difficult areas of intervention. But it has a formidable
leadership capable of conceptualising and strategising, rather than just intervene here and there.

The UN committee on the Rights of the Child recognised this but stated that Government should not abdicate its own responsibilities because of the commitment of the NGO sector. The close collaboration of both the state and non-state actors is recognized as crucial in all sectors nowadays. The Private Sector also has its social responsibility. Some corporate firms like Beachcomber, Rogers, Ciel, the Mauritius Union, the MCB, Barclays, for example, are all engaged in the social sector.

The OCO has undertaken to present a special document on the role of non-state actors to prevent violence. This will be made public to mark the launching of the UN Secretary General’s Study on violence against Children.

Conclusion

The question of protection of the child is a very complex one. It demands a lot of courage to tackle it.

Parents have the prime duty to bring up their children properly, to give him love and affection, to give him all the basic necessities but also to protect him.

But the CRC provides that the State has an overall duty to support parents who cannot assume this responsibility fully. Mauritius has already done a lot over the years, specially after having been one of the first countries to have signed and ratified the Convention in July 1990. In the meantime however the problem of child abuse has become more acute, due to many factors, some of them exogenous.

It is by having a strong holistic approach that we can now hope to deal with the issue with some amount of success. Fire fighting is NOT enough. A lot of money is being used in this sector, but not necessarily with good and sustainable results. The Ombudsperson for Children had asked for a social audit last year. She now renews this proposal as she strongly believes that this is absolutely essential to rationalise services through a new social policy.
International Obligations

In last year’s report we explained extensively the obligations of States regarding Human Rights including Children’s Rights. We also gave a list of all Human Rights instruments signed and ratified or acceded to by Mauritius which have a direct bearing on the Rights of Children. Anyone interested in this aspect can access our website to read the Report. This year we will just say that unfortunately there has been no progress regarding ratification or accession specially with regard to the two Optional Protocols (OP) to the CRC. Mauritius may consider that it is not concerned with the first Optional Protocol which is on armed conflict. But it is definitely concerned by the second OP which is on the sale of children, child prostitution and child pornography.

We also note that the OP to the Convention on the elimination of all forms of discrimination against women (CEDAW) has not been ratified. This concerns the rights of citizens who may consider that their rights under the CEDAW have been violated and who can send a communication to the CEDAW committee. As Women’s Rights and Children’s Rights are closely knit, we need to note this and advocate for the adoption of the three Optional Protocols.

Child Trafficking

Last year the US Trafficking in Persons Report had downgraded Mauritius from Tier I to Tier 2 watchlist. In the meantime the Child Protection Act has been amended, as explained later, and Mauritius is no longer on the watchlist.

The Report states that:

“The Government of Mauritius does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. To enhance its anti-trafficking efforts, the government should advance comprehensive anti-trafficking legislation, provide additional police training in detecting and responding to instances of trafficking in persons, and expand public awareness-raising efforts on the dangers of children engaging in prostitution”.

The Report also mentions that the Minors Brigade has been strengthened but says that:

“Despite these additional resources and more vigorous investigations, law enforcement experienced difficulty arresting traffickers.”

Mauritius is no longer on a watchlist but it is considered that it is still “a source country for children internally trafficked for the purposes of sexual exploitation”. This is further developed under the chapter on violence against children.
Convention on the Rights of the Child

In January 2006 Mauritius presented its second Report on the Convention on the Rights of the Child to the United Nations Treaty Body on the Rights of the Child sitting in Geneva. Originally this report covered the period 1995 to 2000. But the said Treaty Body (Committee on the Rights of the Child), according to its procedure, put questions to the Government on the present situation. It is also interesting to note that a group of 9 Mauritians being trained by the UN Office of the High Commissioner for Human Rights also attended the meeting as observers.

The Ombudsperson for Children presented a parallel report to the CRC Committee in September 2005. She was invited to depone before the Committee in October 2005 at the Preseasonal meeting of the Committee. An NGO also deponed and others sent their reports. The representatives of UNICEF based in Madagascar were also invited to comment on the Reports.

It must be remembered that one of the objectives of the Ombudsperson for Children's Office is, according to Section 5c of the Ombudsperson for Children's Act 2003, to “promote compliance with the Convention”.

The Ombudsperson for Children concentrated on the areas of concern, and recommendations of the Committee made in 1996. In last year’s Annual Report the Concluding Observations were published. In this year’s Report the new Concluding Observations are being reproduced again (with a view to) giving wide publicity to this democratic exercise. (See Annex III)

The Ombudsperson for Children has proposed to the Prime Minister the setting up of an inter-Ministerial Committee to follow up the proposals and look at the gaps and obstacles with regard to the CRC in order to ensure compliance in the years to come.

Ombudsperson for Children’s Office contribution to the Mauritian Report on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Since her nomination in December 2003, the Ombudsperson for Children has received many complaints of cases of violence against children. The most common one is Corporal Punishment and degrading treatment at school. Under the Education Regulations of 1957, Corporal Punishment is prohibited in schools. However, it is not explicitly forbidden by law in the family and in other settings, including detention centres and alternative residential care institutions.

Corporal Punishment is not defined in our laws. However, in the Child Protection Act of 1994, under section 2, there is a definition of ‘harm’ which includes physical, sexual, psychological, emotional or moral injury, neglect, ill-treatment,
impairment of health or development, Section 13 (1) of the same act states that ‘Any person who ill-treats a child or otherwise exposes a child to harm shall commit an offence’.

As the number of complaints regarding Corporal Punishment is increasing, the Ombudsperson for Children made several proposals to the Government in her last annual report. These are:

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 sensitize 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 to 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.

The Ombudsperson is actively advocating for the complete ban of corporal punishment and degrading treatment in all settings. The Ombudsperson for Children and the Investigators have been delivering talks to Headteachers, teachers and parents to explain the negative effects of Corporal Punishment. They have also participated in Radio and TV programmes. The Ombudsperson for Children’s Office is presently working on two kits, one for teachers and the other one for parents. They aim at empowering parents and teachers on the
negative effects of Corporal Punishment and propose to them alternative forms of
discipline which are more constructive.

Conclusion
It must be emphasised that the UN does not expect any country to achieve the
standards laid by its Conventions at one go. But it does attach importance to
regular progress made. With regard to economic and social rights specially this
progress is measured according to the means and resources available.

The UN also makes expertise available to States in order to help them with
implementation and monitoring. In Mauritius unfortunately UNICEF is no longer
present to help with such implementation but the United Nations Development
Fund (UNDP) has been working closely with the Attorney General to define a
National Human Rights Strategy with a proper plan of action which is time-framed.
It is hoped that in this context such monitoring will be possible to cover Civil and
Political Rights, Children’s Rights and Women’s Rights. Mauritius has indeed
been examined on all three specific Conventions.

Further the Office of the High Commissioner for Human Rights has organised a
series of training sessions in Mauritius, in Geneva and in Nairobi for
representatives of all stakeholders i.e. Government, NHRIs, NGOs and the written
Media. A closing workshop is due to take place in Mauritius soon to follow up on
the reporting and monitoring procedure. The Ombudsperson for Children
attended these workshops and has proposed the organisation of a workshop with
all stakeholders for the monitoring of the recommendations of the Committee on
the Rights of the Child. The concluding Observations and Recommendations are
reproduced as annex III.
Policies relating to Children

Policies relating to children must be:

- Based on the Convention on the Rights of the Child.
- Formulated by adopting a holistic approach.
- Designed on the basis of sound scientific research on the situation and condition of children.
- Monitored, evaluated and updated.
- Implemented by an appropriate team of professionals.

It is the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection which is mandated to deal with child development and child protection. However other Ministries also have, as part of their mandate the responsibility of specific aspects of child policy. In the last chapter we looked more particularly at the situation with regard to child protection. Under this chapter we decided to look at the different policies pertaining to children directly or indirectly, to see how far these policies are adequate, implementable and/or implemented. This gives us an overview to see the way that policies overlap and how different government departments need to work together to ensure a good implementation with measurable results.

We look first at the National Children's Policy and Plan of Action as well as the Plan of Action on Commercial Sexual Exploitation of Children (CSEC). Then we move on to the new Family Policy Paper. Both policies fall under the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection. We also decided to go back to the National Youth Policy to see how far it can be useful for the purposes of collaborative work between Ministries. This chapter also deals with the excellent work being done by the various stakeholders, mainly the Ministry of Education & Human Resources, the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection, the National Children’s Council, the Ombudsperson for Children’s Office and the NGOs on the Early Childhood Development Sector.

The National Children’s Policy

In 1989, the Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly. A year later, world leaders present at the World Summit for Children in New York committed themselves to a World Declaration on the Survival, Protection and Development of children and adopted
a Plan of Action that included specific goals, relating to children’s survival, health, nutrition, education and protection. Mauritius signed and ratified the CRC in July 1990.

In 2002, at the United Nations General Assembly Special Session on Children, the Heads of State and Government and or their representatives expressed their determination to change the world for and with children. They reaffirmed their obligation to take action to promote and protect the rights of each child, to respect the dignity and to secure the well-being of all children. They stressed their commitment to create “a world fit for children” in which sustainable human development, taking into account the best interests of the child, is founded on principles of democracy, equality, non-discrimination, peace and social justice and the universality, indivisibility, interdependence and interrelatedness of all human rights, including the right to development.

In pursuance of the implementation of the rights of the child, the Child Protection Act (1994) has been passed to make enhanced provision for the protection of the Mauritian child. Several other amendments to Mauritian law have been made in 1998 with a view to harmonising these with the provisions of the CRC. In 1996, the Committee on the Rights of the Child had recommended that the Convention be an integral part of national laws of Mauritius. This was reiterated again in 2006 and the Minister promised to come up with a Child Act.

In 2003 a National Children’s Policy was adopted. It is a holistic guideline for ensuring the survival, development, education and protection of Mauritian children. The National Children’s Policy is based on: a vision for the Mauritian child, strategic orientations and guiding principles drawn from the CRC principles and stakeholder consultations, a “Whole Child” approach, seven core policy areas, and five strategic action areas.

The Objectives of the NCP are:

- “to guide action of the State and of Civil Society towards ensuring respect of the rights of the child through the establishment of priority policy areas and integrated strategic orientations that pave the way to achieving a “Republic Fit for Children”.

- to galvanize partnership around a common vision for children;

- to increase investment in children through the promotion and stimulation of plans and programmes;

- to encourage the participation of children in decision-making on matters concerning them, both within the family and the wider community, and in line with their evolving capacities.
The mission of the NCP is:

- to serve as an orientation framework for each and every one of the initiatives in favour of children and adolescents;
- to generate institutional structures for children, adolescents and family,
- to promote mechanisms and means to guarantee the respect and fulfillment of child rights, and
- to promote and stimulate development of plans and programmes which ensure the integrated development of children.

These four statements are central to the policy.


Children of today are the future citizens of Mauritius on whom the responsibility lies for ensuring economic prosperity and social harmony. By placing the child at the centre of development, the vision of the Mauritian child will be understood as the vision of the country for a better future. Having ratified the Convention, the Government of Mauritius has the obligation to ensure that the “best interests of the child” is the principle that guides all decisions taken and to promote a child friendly environment where child rights are high on the agenda.

The NCP will have to be updated. The Ministry has already conducted a workshop and embarked on a series of consultations in the field of early childhood development. The outcome of the workshop is a direct result of the NCP and will have to be incorporated in an updated Plan of Action.

As the number of cases of sexual abuse are on the increase and reported cases are more and more based on one or several types of violence, a whole chapter should be devoted to that issue and form part of the core policy.

THE PLAN OF ACTION OF THE NATIONAL CHILDREN’S POLICY

The NCP’s plan of action provides for a network, defining the participation of stakeholders, elaborates on the mechanism which will have to be put in place for monitoring purposes and following up of the implementation process in a concerted way. The network must meet regularly if results are to be obtained. The partners have already been identified to work together.
This document raises the crucial question of implementation and offers structural network, defining the challenges and the participation of stakeholders which includes the following:

(a) "The Ministry of Women’s Rights, Child Development & Family Welfare, as the leading Ministry in this National Plan of Action must, be adequately resourced to deal in a focused manner with the effective implementation of the National Children’s Policy towards full realisation of the Vision by 2015;

(b) The strategic partners in action – Ministries (especially Education, Health, Social Security and Youth & Sports), NGOs, employing organisations, and the mass media, be confined into a convergent system of firm, resolute shouldering of responsibilities towards children;

(c) The existing public, parastatal and private institutions, together with NGOs be empowered to deal with issues relating to children.

(d) The awareness and sensitisation of all citizens of Mauritius on issues relating to children be strengthened and sustained over time.

(e) A High-Level Steering Committee of Government Senior Officers at Management level and other Senior Officers from relevant partner institutions, presided over by the Minister of Women’s Rights, Child Development & Family Welfare, be set up to monitor progress on a quarterly basis and to follow up the implementation process on an ongoing interactive basis."

Unfortunately point (e) has never really been in action though meetings started to take place. The formula needs to be reviewed to make the Committee work and produce results. It has to be stressed upon that there should be specific time frames for the implementation process and all stakeholders will have to shoulder their responsibilities towards children.

(2) The National Plan of Action of Commercial Sexual Exploitation of Children (CSEC)

A National plan of Action has been prepared in order to prevent and eliminate the commercial sexual exploitation of children, protect victims as well as ensure their integration in society. While preparing the NPA, an integrated and holistic approach has been adopted for the implementation of activities on protection of children. It has a broad scope, geared towards the overall protection of children from any form of abuse, including commercial sexual exploitation in line with existing legislation and the provisions of the CRC.

The objective of the National Plan of Action is to ensure the protection of our children from any form of abuse and the creation of a conducive environment within the family and the civil society. The National Plan of Action also aims at developing strategies and activities to be implemented by all stakeholders
including government institutions, the private sector, the NGOs, the community and the family for the best interests of the child.

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

(i) Coordination and Cooperation;  
(ii) Prevention;  
(iii) Protection; and  
(iv) Recovery and Reintegration.

A High Level Steering Committee has set up to monitor the implementation of the National Action Plan.

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.

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.

PROTECTION

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).

The 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.

**RECOVERY AND REINTEGRATION**

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 its conversion into a residential centre because if children need to be removed from the prostitution network, it is a must to provide residential care for them. Otherwise all the work done with them may be undone when they go back home.

In January 2006, the CPA 1994 was amended to introduce the offence of Child Trafficking.

Section 13A provides that:

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(1) Any person who willfully and unlawfully recruits, transports, transfers, harbours or receives a child for the purpose of exploitation shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

(2) Any person who willfully and unlawfully recruits, transports, transfers, harbours or receives a child –

   (a) outside Mauritius for the purpose of exploitation in Mauritius;
   (b) in Mauritius for the purpose of exploitation outside Mauritius,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

(1) Any person, who, in any place outside Mauritius, does an act preparatory to, or in furtherance of, the commission of an offence under subsection (1), shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

(2) (a) Any person who takes part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child in return for any valuable consideration shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

   (b) Any person who, without lawful authority or reasonable excuse, harbours or has in his possession, custody or control of any child in respect of whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by
any other person in or outside Mauritius, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years”.

This is a very wide indeed and “exploitation” in the definition section “includes the exploitation of the prostitution of children or other forms of sexual exploitation”

Further section 13 A 5a provides that press report of any court proceedings relating to child trafficking should not “include particulars calculated to lead to the identification of any child who is the victim of that offence, nor shall any photograph or picture be published in any newspaper or broadcast as being or including a photograph or picture of that child”.

Anyone who contravenes the above subsection is liable to a fine not exceeding Rs. 100,000 and to a maximum of one year imprisonment.

(3) National Policy Paper on the Family

The Ministry of Women’s Rights, Child Development, Family Welfare & Consumer Protection launched the National Policy Paper on the family on 15 May 2006. The Ombudsperson for Children commends this initiative specially as the preparation of the said policy paper was a lengthy process.

The Policy Paper takes into consideration developments which impacted on the family for example the ageing of the population, the change in the status and role of women, the evolving family structure, consumerism and globalization etc. It lays emphasis on the need to have strong families, which are necessary for bringing up children. The family unit is after all the fundamental base of a society where there is cohesion and stability.

The strong family “may be identified as a household unit which is characterized by marriage as the foundation for family formation, ability of the adults to meet the needs of its members in a sustained environment of love, harmony, positive role models, practice of health promoting, eating habits and behaviour, encouragement, communication, promotion of learning, spending time together, provision of safety for its members and commitment to family well-being in harmony with wider community and society”. (sic)

The basic objective of the Family Policy Paper is to strengthen and support families in the social and developmental functions. It states the need amongst others to identify problem areas and remedy obstacles to proper family functioning, protect the family institution, prevent the function of unstable family, promote knowledge and understanding of family life including parental responsibilities through family life education, render family institution safe and secure for children, ensure that they have the required resources and that they are helped to alleviate poverty. The family is found to be essential to contribute
towards peace and sustainable living, maintain health of its members and have access to health care and make them more aware of their social responsibility.

The paper states that Rodrigues has similar needs and requirements for the enhancement of family living but has also its specificities that has to be addressed e.g.

(a) “All Rodriguans are related to each other in some way. The family policy must not only protect this common identity but has to strengthen it”
(b) “Rodriguans want to preserve and promote the extended family”
(c) Rodrigues does not compare favourably with Mauritius with respect to leisure activities
(d) Single parenthood and teenage mothers are prominent in Rodrigues
(e) The strengthening of the role of fathers in the family is also crucial.

The National Family Policy will apply to the Republic of Mauritius, which includes Rodrigues and Agalega. Family policy will emphasise and give focal attention to the specific needs, such as, but not limited to, the need for preserving extended family living in Rodrigues, the agricultural nature of life on the island and the focus on the prevention of teenage motherhood and alcoholism.

The fact that the Minister launched the paper can be interpreted as an adoption of the paper as the family policy of the Ministry, though this was not clear. Appropriate mechanism for the implementation and monitoring of the family policy is a must as pointed out in the policy document itself. The operationalisation of the Family Policy through the development of an Action Plan with specific time frames in collaboration with all stakeholders is strongly recommended. It is also essential to prioritise.

Children who will be the adults of tomorrow are very important elements in the family structure. All strategies and implementation programmes that will be put in place should ‘put children first’ as this was one of the pledges of Heads of State and Government in their Declaration to make the “World fit for children” when they met at the special session of the General Assembly of the United Nations in May 2002.

Further Article 3(1) of the Convention on the Rights of the Child emphasises that “government and public and private bodies must ascertain the impact on children of their action and that the best interest of the child are a primary consideration, giving proper priority to children and building child friendly societies”.

The Ombudsperson for Children also took note of the fact that various elements of the National Children’s Policy of the Ministry have been included in the NPPF.
The Family Unit has informed the Ombudsperson for Children that at present, its main programmes are:

- The Men as Partners programme which includes educational and medical sessions and individual and couple counselling, targeting men so that they can play a responsible role within their family and the community.
- The pre marital Counselling Programme.
- The marriage enrichment programme.

The last two programmes aim at counselling fiancés and married couples respectively on responsible family life.

What would be interesting to find out is whether there is regular evaluation of these programmes to find out whether they are in fact giving results. That will give an indication for further policy making.

The OC has proposed to the Ministry to liaise with the Ministry of Education and Human Resources to discuss the possibility of widening the mandate of ZEP Parent Mediators and Liaison Officers to include the empowerment of families.

She has also proposed targeting women-headed households or single-headed household for further empowerment programmes and, in view of the high incidence of child neglect and teenage pregnancy, she has also proposed that more emphasis be laid on Family Planning Programmes specially in rural areas and in town suburbs.

(4) Early Childhood Development

The UN Committee on the Rights of the Child in its concluding observations dated January 2006 stated the following:

I The Committee notes with appreciation the process of reviewing the Children’s Policy as well as the National Plan of Action (NPA) proposed in 2003 and 2004 with focus on Early Childhood Care and Development and Parental Empowerment Programme. The Committee also notes that the NPA will include an effective monitoring mechanism on the provisions of the Convention.

II The Committee recommends that the State party implement a comprehensive National Plan of Action (NPA), covering all areas of the Convention and incorporating the objectives and goals of “A world fit for children”, the outcome document of the special session of the General Assembly on children in 2002. In this regard, the Committee recommends that the State party involve the Ombudsperson for Children’s Office and civil society in the revision and implementation of this NPA”.

On 27 – 28 July 2006, the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection in collaboration with the Ministry of Education & Human Resources organized a National workshop on Early Childhood Care, Development and Education at the Burrenchobay Lecture Theatre, University of
Mauritius, Réduit. The Ombudsperson for Children’s Office was invited to participate. The aims and objectives of the workshop were:

(i) To revise and update policies and strategies
(ii) To revise and update programming tools
(iii) To establish monitoring and evaluation processes
(iv) To review legal framework

The expected outputs are:

(i) Revised and updated policy papers, strategies and plan of action – a clearer Vision and a new set of priority actions;
(ii) Efficient and effective Programming with tools – guidelines, booklet on norms and standards, checklists and folios – to be included in a manual of procedures to harmonize new approach for inter-sectorality and reinforced partnership;
(iii) Document on monitoring and evaluation processes – production of a set of indicators and methods to monitor and evaluate programs and build up the data banking processes in line with the ODEROI;
(iv) Revised legal framework to bring about inter-sector collaboration and reinforce partnership with civil society;
(v) Review the existing supportive services to help children, parents and educators in need of support and guidance.

Four working groups were set up to revisit and make proposals on:

1. The legal framework regarding ECD
2. Policies and strategies in the ECD sector
3. The programming tools and processes

Two Investigators, Mr. Bawamia and Mrs. Thomas attended the two day workshop. During the opening ceremony the Ombudsperson for Children made her input to the workshop. The two Investigators are now actively working on their working groups to prepare the main recommendations which will be presented to the Permanent Secretary of different Ministries on the 14 September next. Mr. Bawamia is the Secretary of the group working on programming tools and processes whereas Mrs. Thomas is a member of the group on Data Collection, Monitoring and Evaluation. The Ombudsperson for Children is awaiting the recommendations from the different groups and will advocate for these to be implemented the soonest possible in the best interest of our children aged 0 to 8 years.
National Youth Policy (NYP)

Whereas the term child refers to anyone between 0 – 18, the term youth refers to those between 14 and 29. There is therefore an overlapping between two Ministries for adolescents between 14 and 18.


As pointed out in the document itself, the National Youth Policy needs to be reviewed every five years. This policy document has to be revisited and updated and a proper assessment has to be done on progress made.

It is however interesting to note that the policy recognized that “youth empowerment requires the development of a sustainable culture of human rights in the Republic of Mauritius, so that young men and women are able to enjoy their rights, while assuming their responsibilities. Human rights are those rights that are inherent in all human beings, like for example, the right of life and security of the person. They are universal, interrelated, indivisible and inalienable.”

The policy recognizes that basic rights of youth should be protected without distinction as to race, sex, language, religion or any form of discrimination. Young people need to be made aware of the need to respect each other, to accept and understand each one’s differences and to respect the fundamental rights and freedom of all people. Every decision, policy and programme has to be seen from the human rights’ perspective before and during its implementation” and also that “Gender equity and the empowerment of young women including the handicapped are central to social and economic development of the country. It is also crucial to develop harmonious gender relations in our society.”

The Policy recognizes that any discrimination against young men and women on the basis of sex violates human rights. It therefore stands for elimination of gender discrimination in every sphere of life.

The policy further enunciated that:

- There will be no discrimination against young women.
- Negative cultural attitudes and practices against women will be eliminated.
- Young women should have equal rights and access to education, skill development, training and health services.
- Every form of exploitation and violence against girls and women will be eliminated.
- Women’s rights will be promoted as human rights.
The Policy recognised that “economic deprivation and poverty constitute serious impediments to the empowerment of young men and women. The existence of poverty, especially in the deprived areas, hinders the full and effective enjoyment of human rights by young people.

One of the most basic social rights is the right to a decent quality of life, and more particularly to adequate food, clothing and housing, proper medical services and social security especially for invalids and destitute persons. The right of youth to education and work are also most critical in the empowering process.

Therefore, there is the need to understand the impact of any policy on all segments of young men and women and propose mainstreaming measures that include positive discrimination and promote human rights, gender balance and social justice.”

It also listed the priority target groups as follows: In school and out of school youth, unemployed youth, unprivileged youth, youth at risk and handicapped youth.

The Ministry has engaged itself in the training of the young specially to equip them with the requisite knowledge and skills to play a greater role in decision making and empower them to exercise their participation rights.

True it is that it is mostly through Sports that the Ministry of Youth and Sports touches the vast majority of the youth of Mauritius.

The Ombudsperson for Children’s Office feels that there should be greater linkages between the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection and the Ministry of Youth and Sports regarding the policy on adolescence which is a crucial and difficult period in the development of the personality and also physical development of the child. It would be wise to concentrate on adolescence in the coming months just after finalising the ECD policy. This could be an occasion of greater interaction between various stakeholders too, and the challenge is huge. Alcohol and drug abuse, violence by and against children, prostitution, pornography, fugues, school drop out, street children, teenage marriage, and teenage pregnancy are some of the hot issues that cannot be ignored any longer.

(5) HIV/AIDS

The Ministry of Social Security, National Solidarity, Senior Citizens Welfare & Reform Institutions has been assigned the task of developing a strategic plan for HIV prevention among injecting drug users, prison inmates and commercial sex workers. A multisectorial national task force composed of representatives of key ministries, the civil society and representatives of the UN system has been set up. A consultant recruited by the United Nations has submitted his draft plan. At the time our Report was going to be printed, a validation workshop was being organized.
In the meantime a new draft Bill on the HIV and AIDS Preventive Measures Bill, has been circulated for comments. Its object is:

(a) making available HIV testing facilities;
(b) the registration of those facilities;
(c) the testing of donated blood;
(d) the counselling of persons affected with HIV and AIDS;
(e) a system of syringe and needle exchange.

The Ombudsperson for Children had previously made proposals to the Ministry of Health as follows:

“The Bill should provide for:

1. The possibility for a minor to seek a test in full confidence, even if he is not accompanied by his parents;
2. For full anonymity when there is a test, even concerning children, even if he is HIV negative;
3. No institution, where children are committed, after an application to the District Magistrate can refuse:
   (i) to accommodate a minor who is HIV positive.
   (ii) to ensure that the minor is following an appropriate treatment under the supervision of the Aids Unit of the Ministry of Health;
   (iii) to inform the said unit of any medical problem that might be identified while the minor is under the care of the said institution.
   [“Institution” to be properly defined in the definition section]

4. Any person under whose care and custody a child has been placed, including a foster parent, a responsible officer of an institution, has a duty to report any suspected risky medical condition of any child to the appropriate medical authorities and, if need be, to the Aids Unit Ministry of the Health.

5. Failure to respect any of the above provisions must of course be sanctioned in an appropriate manner in the section on “offences”.
Violence against children in Mauritius

- Violence is harmful and child victims need protection.
- Violence is often predictable and preventable.
- The State must prevent, detect and respond to violence.
- Victims must be treated and rehabilitated.
- All forms of violence must be banned legally.

The National Campaign on violence against children launched by the Ombudsperson for Children is ongoing since 19 November 2004. This campaign is done in the context of the UN Secretary General’s in-depth Study on Violence against Children in the world. The Ombudsperson for Children who sits on the Editorial Board of the UN Study cannot at this stage reveal the content of the Report as it has been finalised and communicated to Mr Kofi Annan. The Report will be discussed at the General Assembly of the UN and will be made public thereafter, almost at the same time that this present Report will also be presented to the public.

The UN Secretary General’s Study on Violence against Children

This study has been going on for two years and will be launched on 11 October 2006 at the third committee of the General Assembly of the United Nations. It comprises important elements gathered from replies to a questionnaire sent to member States as well as innumerable sources, like the important contributions made at the Regional meetings including by children themselves. The study also relies on various studies and data already existing.

Everything that was discussed during the period of regional consultation can be accessed already. The consultations have given the impetus needed on the ground for activities which have preceded the official launching and prepared for the follow up of the recommendations at national, regional and sub-regional level. For Mauritius, the fact that a meeting was held in Antananarivo for the five member States of the Indian Ocean Commission, makes the follow up more concrete. It is the Observatoire des droits de l’enfant de la region océan indien, which has been mandated by the participants to undertake a specific study for this region and prepare proposals for follow up.
At national level, at this stage there has been no coordinating body set up to ensure follow up of the Study like there is yet no Committee set up to follow up the CRC. This is due to many factors, not least of which the fact that the Ministry entrusted with the mandate of following up on Children’s Rights is overwhelmed with the amount of intervention it has to do to protect children. There is a problem of lack of resources. See the chapter on Policies relating to Children.

In view of these difficulties, the Ombudsperson for Children has tried at least to take over the question of awareness and she keeps on making proposals. She has recently set up a Committee on Child Sexual Abuse with a view to making proposals to the Prime Minister, who has said very strongly that he wants to deal with this issue. As soon as this exercise will be advanced enough to make first proposals, the Committee will deal with the question of child abuse and child neglect and physical and psychological violence. The Ombudsperson for Children however continues to work on these issues.

**Different types of violence**

The UN study looks at physical, psychological and sexual violence as well as child neglect and child abuse. The WHO Report on Violence and Health had given a good definition of violence which, it is felt, should be reproduced to guide all those who have a keen interest in the subject. “The intentional use of physical force or power, threatened or actual, against oneself, another person, or a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment and deprivation.”

In Mauritius, despite all the sensitization done by the Ombudsperson for Children’s Office, Ministries and NGO’s, the number of reported cases of Violence against Children keeps on increasing. There may be many other such cases which are not reported. The most common cases concern physical violence, corporal punishment, verbal abuse and humiliation, child neglect and sexual abuse. Emotional and psychological violence are also reported but most of the
time it is perpetrated with the other forms of violence. The main settings where these violence were perpetrated are in the family, and at school. However the Ombudsperson for Children’s Office also received cases of violence against children perpetrated in institutions and in the workplace.

**PHYSICAL VIOLENCE**

Physical violence includes any violent act aiming at physically hurting or wounding a person or killing him. Beating, caning, whipping, burning, assault and murder are some forms of physical violence.

**Settings:** Physical violence is perpetrated in almost all settings. The main one is in the home which is usually considered, by almost everybody, to be the safest place for children. Parents have the responsibility to protect and care for their children. However during the year, the Ombudsperson for Children’s office has received cases of physical violence perpetrated in the family setting, some of them having even led to the death of the child. Many of these extremely violent cases have been reported in the press.

**Physical violence leading to death**

*The press reported that a Young girl, aged 3 years and her brother, aged 5 years, are allegedly regularly beaten by their mother and their stepfather. One day, the young girl was so badly beaten that she lost her life.*

The school also is a place which should be safe for children. However, this is not always the case. Physical violence like gang violence, bullying and even beating of children have been reported to the Ombudsperson for Children’s Office.
Case of bullying:

A boy, a Form I pupil, is victim of physical violence perpetrated by pupils of upper classes. When the child reported the case to the Rector, the latter asked the Usher to deal with the case. The child was further humiliated by the Usher and the perpetrators are still harassing him.

Case of peer violence at school

A young child from a primary school and who already had psychological and legal problems is regularly harassed and beaten by his classmates who are supported by the school caretaker. The child was so affected that he wanted to commit suicide (see selected cases).

Table 1: Types and examples of Violence against Children in the family

<table>
<thead>
<tr>
<th>Type</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical violence</td>
<td>Father beats children when he is drunk or because he is jealous of his wife who is committing adultery.</td>
</tr>
<tr>
<td>Corporal punishment</td>
<td>Parents beat up children who do not behave, who make noise.</td>
</tr>
<tr>
<td>Gender violence</td>
<td>Parents threatened to stop sending their daughter to school as the latter has a boyfriend.</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>A very young daughter is being asked by her father to perform some sexual acts for his satisfaction.</td>
</tr>
<tr>
<td>Neglect</td>
<td>Children are kept in unhygienic conditions and are not fed properly.</td>
</tr>
<tr>
<td>Verbal aggression and humiliation</td>
<td>Parents use abusive language and treat children in such a way so as to belittle them.</td>
</tr>
<tr>
<td>Child beyond control</td>
<td>A child who cannot be controlled by parents, perpetrates violence against other children of the family.</td>
</tr>
<tr>
<td>Psychological and emotional violence</td>
<td>Father fights and bad mouth mother in front of a child regularly. He tried to brainwash the children against their mother.</td>
</tr>
</tbody>
</table>

CORPORAL PUNISHMENT

Definition: Corporal punishment is defined as physical violence inflicted to a person in view of controlling or disciplining him. It is important to distinguish corporal punishment and physical violence as corporal punishment is inflicted with a purpose and is considered by its perpetrators as a remedy to correct undesired behaviour of the victims.

Settings: Corporal punishment is inflicted by parents, grandparents and other adults in the family, by headteachers, teachers and caretakers in schools, by the carers and other adults working in institutions and by employers on the workplace. All these persons mentioned above are expected to protect and ensure the welfare of children but they normally and as a matter of routine inflict punishment, going as far as to convince themselves that this is for the good of the children under their care and responsibility.
Cases of Corporal punishment at school

Case 1
A teacher reported that one of his colleagues is very violent towards the pupils. He regularly beats them to discipline them as he feels that they should obey him. Once a child was eating a chewing gum in the class. The teacher took it and stuck it in the child’s hair. Then he banged the back of minor’s head against the blackboard.

Case 2
A rector was reported to have inflicted Corporal Punishment to a pupil of Form II. The parents had to transfer the child to another school as the latter was so traumatised. When the officials of the Ministry of Education and Human Resources questioned him, he justified his act on the ground that the school was a very difficult one and that he is doing what he can to discipline the pupils. The official of the Ministry of Education and Human Resources seems to agree with him. As the victim has already been transferred, the Ministry of Education and Human Resources did not want the case to go any further.

Cases of Corporal punishment in the family

Minor, aged 16 years old, ran away from home as he was beaten by his mother. The latter alleged that minor is disobedient and goes out with his friends regularly. The child went to live at his sister’s place.

Case of Corporal punishment at the workplace

A mother reported that her daughter, aged 16 years, and working as salesgirl in a shop, was beaten and humiliated by her employer as she broke an article accidentally.

Case of Corporal punishment in a foster family

The OCO was informed by phone that a minor who has been left in the custody of a couple by her mother is victim of corporal punishment perpetrated by the couple. The latter had applied as foster parent for the child and their application is presently being processed.
Table 2: Types of Violence against Children in the educational setting

<table>
<thead>
<tr>
<th>Type of Violence</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical</td>
<td>Caretaker beats pupils of standard five with a broom and forced them to put the bins in all classes.</td>
</tr>
<tr>
<td>Corporal punishment</td>
<td>Boy, aged 5 years, was asked by teacher to bend down and hold the border of the blackboard, before he started hitting him on the backside.</td>
</tr>
<tr>
<td>Gender Violence</td>
<td>Boy of standard I tried to insert a ruler in the sex of a girl who is in his class</td>
</tr>
<tr>
<td>Bullying and fear violence</td>
<td>Attempt of sodomy on a Form I boy, in the toilet, by older boys</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>Teacher caressing the private parts of girls during tuition and at school</td>
</tr>
<tr>
<td>Gang violence</td>
<td>Minor, reported as beyond control, formed his own gang at school and perpetrated violence against other pupils</td>
</tr>
<tr>
<td>Verbal abuse and humiliation</td>
<td>Headteacher treated a pupil of standard I of all sort of humiliating animal names and asked the parents to send him to the Brown Sequard Psychiatric Hospital</td>
</tr>
<tr>
<td>Psychological and Emotional Violence</td>
<td>Teacher refused to take a pupil on educational tour along with classmates as according to him, the pupil is beyond control</td>
</tr>
</tbody>
</table>

In last year’s report, the issue of corporal punishment was discussed in depth. The Ombudsperson for Children made the following 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 to 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.

However, apart from sensitization campaigns carried out by Ombudsperson for Children's Office and some NGO's, the bulk of these recommendations needs to be implemented. The Ombudsperson for Children's Office, is actively advocating for the ban of corporal punishment in all settings. The Ombudsperson for Children and the Investigators delivered talks to Headteachers, teachers, parents and children. For the coming year the Ombudsperson for Children is recommending the following:

1. that the proposals made last year be implemented the soonest possible.

2. that the content of teacher training be reviewed and include modules on:
   (a) dealing with children having behavioural problems
   (b) skills to listen to children and to detect child abuse
   (c) the referral procedure in case of child abuse.

The Ombudsperson for Children Office is presently working on two kits on child abuse which would include corporal punishment. The first one would target teachers and the second one parents. These kits aim at empowering teachers and parents on protecting children and on methods of constructive child discipline.
Table 3. **Seven principles for constructive child discipline**

<table>
<thead>
<tr>
<th></th>
<th>Principle</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Respect the child’s dignity</strong></td>
</tr>
<tr>
<td></td>
<td>• Protection of physical, psychological, social and oral integrity of each child</td>
</tr>
<tr>
<td></td>
<td>• Correction of behaviour should be educative</td>
</tr>
<tr>
<td></td>
<td>• Adults are protectors, guides and supporters of the child’s rights and quality of life</td>
</tr>
<tr>
<td>2</td>
<td><strong>Develop pro-social behaviour, self-discipline and character.</strong></td>
</tr>
<tr>
<td></td>
<td>• Education should lead to personal integrity, self-discipline and character formation</td>
</tr>
<tr>
<td></td>
<td>• Pro-social values should be adopted</td>
</tr>
<tr>
<td></td>
<td>• Respect of choice-making, compassion, justice and fairness should be encouraged</td>
</tr>
<tr>
<td></td>
<td>• Education should foster e.g. values assimilation, construction and internalization, pro-social skills, problem-solving, empathy</td>
</tr>
<tr>
<td>3</td>
<td><strong>Maximize the child’s active participation.</strong></td>
</tr>
<tr>
<td></td>
<td>• The child is a partner with adults and peers in developmentally appropriate ways</td>
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<tr>
<td></td>
<td>• Participation of the child is necessary to promote pro-social values, self-efficacy and respect for child’s dignity</td>
</tr>
<tr>
<td>4</td>
<td><strong>Respect the child’s development needs and quality of life.</strong></td>
</tr>
<tr>
<td></td>
<td>• Procedures to resolve issues and problems should be created and healthy and full development should be fostered</td>
</tr>
<tr>
<td></td>
<td>• Problems should be reframed as challenges and opportunities for learning</td>
</tr>
<tr>
<td></td>
<td>• Optimism should be promoted all the time</td>
</tr>
<tr>
<td>5</td>
<td><strong>Respect the child’s motivation and life views.</strong></td>
</tr>
<tr>
<td></td>
<td>• Behaviour should be understood in terms of efforts to meet human needs</td>
</tr>
<tr>
<td></td>
<td>• Behaviour is an expression of a person’s unique combination of temperament, talents, values, perspectives etc..</td>
</tr>
<tr>
<td></td>
<td>• Belief in human capacity development throughout the lifespan and a foundation and a point of departure when resolving issues and promoting constructive practices.</td>
</tr>
<tr>
<td>6</td>
<td><strong>Assure fairness and transformative justice</strong></td>
</tr>
<tr>
<td></td>
<td>• Respect for the rule of law through assuring equity, non discrimination, logical and natural consequences etc.</td>
</tr>
<tr>
<td></td>
<td>• Restorative and rehabilitative interventions should fit offences and their negative impact.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Promote solidarity</strong></td>
</tr>
<tr>
<td></td>
<td>• Diverse and shared motivation, values and perspectives of others should be respected.</td>
</tr>
<tr>
<td></td>
<td>• Promotion of membership in an expanding circle of persons who value and respect one another.</td>
</tr>
<tr>
<td></td>
<td>• Influences of peer relations and cultures should be respected and incorporated in practices, where applicable.</td>
</tr>
<tr>
<td></td>
<td>• Partnerships between and among children and adults activated.</td>
</tr>
<tr>
<td></td>
<td>• Respect for personal dignity and the rights of each person promoted, taught and lived</td>
</tr>
<tr>
<td></td>
<td>• Conditions supportive of constructive child-rearing principles and care established in families, schools and communities.</td>
</tr>
</tbody>
</table>
CHILD SEXUAL ABUSE

Article 19 of the Convention of the Rights of the Child states that:

“The child should be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child”.

Child sexual abuse has been portrayed in several cases reported at the Ombudsperson for Children’s Office as well as in the press.

Betrayal of trust

Several cases of sexual abuse of children of tender age have been reported recently. These cases show that these children are abused by someone known to them i.e. father, grandfather, uncle, teacher in other words, persons who are supposed to care for and protect them.

Case 1

The case of a minor 8 years old who has been raped by her father and prevented from attending school has been reported to the OCO

Betrayal by the boyfriend

Case 2

Case of collective rape

Minor 14 years old, residing with her mother reported to the OCO that she had been blackmailed by her boyfriend to have sex with his friends failing which he would break off the relationship.

Analysis of the case above

Traumatic sexualisation

Minor is confused and has acquired misconceptions about sexual behavior and sexual morality. She used her sexual behavior to manipulate her boyfriend to have her needs met i.e. maintaining the relationship with him without realizing that she is also being manipulated.
Betrayal

She discovered that someone whom she loved and is dependent upon emotionally has caused her harm.

Stigmatization

The stigmatization comes from the moral judgment around her, i.e. her mother’s concubine considers that she is bad, which strengthens her belief that she is ‘damaged good’.

Powerlessness

She is powerless as she is experiencing violence, having her wishes, her sense of self ownership overruled, she is entrapped and is vulnerable.

The attention of the OC was drawn to the fact that the minor could be indulging in prostitution but she did not seem to be aware whether there was a financial transaction going on between the boyfriend and his friends. The inducement or coercion of the minor to engage in unlawful sexual activity as well as her sexual exploitation is clearly demonstrated in this case.

Consequence of the disclosure of sexual abuse

Most of the time, the disclosure of a sexual abuse is followed by feelings of guilt, shame, fear or anxiety.

Case 3
The case of an 11 year old minor deeply traumatized by the death of her father has been recorded at this office. Minor had been subjected to sexual abuse by her father since she was eight years old. Her father committed suicide when the case was reported. She went through a very painful and difficult period. Minor was engulfed in a deep feeling of betrayal and guilt: In her mind had she not disclosed the abuse, her father would not have been dead. The minor was urgently referred to the psychologist and follow-up is being maintained.

Consequence of incest

Through a press article regarding the case of a 10 year old pregnant minor, the attention of the Ombudsperson for Children was drawn to another aspect of sexual abuse: the result of the abuse.

Case 4
A 10 year old minor had been victim of incest by her father. In addition to being betrayed by her father the minor will have to live with an unwanted child, and later have to face the trauma of revealing to her child the truth about his birth. Proper psychological services will have to be provided to the minor before and after delivery.
Young persons sexually abusing children of tender age

Unfortunately there are also several cases of minors who have themselves perpetrated sexual abuse on younger children.

<table>
<thead>
<tr>
<th>Case 5</th>
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</thead>
<tbody>
<tr>
<td>The case of the three-year old girl who was raped, sodomised and murdered by an adolescent and an adult was given wide publicity in the Press.</td>
</tr>
</tbody>
</table>

Many cases of adolescents sexually abusing children of tender age have been published in the newspaper recently. Some cases have been reported to our office regarding sexual abuse between pupils at school.

As this type of abuse can start at an early age, such behaviour should be taken seriously at all ages and not be dismissed as sexual experimenting. The young person who sexually abuses should be viewed as a young person who has committed a sexual offence not as a sex offender who happens to be a child. He should be held responsible for his behaviour and considered as a ‘child in need’. Research has proved that the young person who abuses has the potential to change if he is given the appropriate therapeutic help in time as young persons who abuse are more likely to grow into the behaviour.

Sexual abuse by close relative

A child or an adolescent who has become the victim of a sexual perpetrator, for example, the father or boyfriend, it may take time before the victim understands that the abuse is a false relationship.

Children are taught to trust and obey adults. It is difficult for the child of tender age to distinguish where the parental love ends and where the lust starts. Children must be educated from a very tender age to understand that their body belongs to them and what is permissible even with trusted adults.

A distressed mother reported that her 5 year old minor was subjected to sexual abuse while she was under the custody of her father.

<table>
<thead>
<tr>
<th>Case 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>The case of a 5 year old minor being subjected to sexual abuse while she was under the custody of her father was reported to the office by a distressed mother. The complainant had been granted custody of the minor while her husband had been granted a right of visit. While the minor's mother was abroad to contract a second marriage, the father obtained provisional custody of the child. During one of her visits at her grandfather's place, the minor had specific sexual behaviour towards her maternal grandfather. When the child was questioned by her mother, she told the latter that her father had on several occasions asked her to do such acts. The complainant was very distressed about the alleged sexual abuse specially in view of the outcome of the second custody case as she fears for the safety of the minor, being given that she is often abroad.</td>
</tr>
</tbody>
</table>
Sexual abuse and tourism

Para (6) (i) of the Ombudsperson for Children’s Act 2003 reads:

‘The Ombudsperson shall 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’.

Case 7

A 15 year old minor, of foreign origin has been sexually abused by an employee of the hotel where he was residing. The perpetrator started by establishing a friendly relationship with the minor, playing cards with him, and becoming his confidant. He even showed affection to the minor before abusing him.

This case shows the grooming of the minor by the alleged perpetrator i.e. making friends, building trust with the minor and finally sexually abusing him. The betrayal of trust of the minor was so devastating that the minor had no desire to live anymore. It also shows that the minor did not have any knowledge of the consequences of the abuse, contrary to the alleged perpetrator to whom the act was purely sexual.

With regards to para 6(i) of the OCA 2003, as several cases of sexual abuse on minors of foreign origin by personnel of hotel establishments have been reported in the press as well, the Ombudsperson for Children has made several proposals to the Minister of Tourism:

1. more sensitive screening of employees
2. sensitisation of security officers, masseurs, physical instructors, cleaners etc.

The Ombudsperson for Children stressed on the fact that the sensitization should be wide enough to enroll everyone not just to be responsible, but also be vigilant and report such cases.

The Ombudsperson also mentioned that though her main concern was the protection of children, such cases of sexual abuse would be detrimental to the image of the country as a safe destination.

Sexual abuse by school bus drivers

The issue of sexual abuse by school bus drivers is another cause of concern to the Ombudsperson for Children as several cases of sexual abuse of minors and children of tender age by school bus drivers have been reported to the office as well as in the press.
Case 8

During one of her visits to Rodrigues, she received information concerning a case of sexual intercourse with a female under 16, committed by a school bus driver on a 14 year old minor. The Police enquiry was under progress but the alleged perpetrator was still operating as a school bus driver.

In view of the high rate of sexual offences, the OC has set up a consultative committee with experts and practitioners in order to formulate proposals to the Government respecting the issue, including sanctions for adults and children perpetrators of abuse as well as the rehabilitation of both the victims and perpetrators.

A training programme has been set up by the MWRCDFWCP on child protection. Its objective is to provide the Child Welfare Officers, Police Officers, NGOs as well as officers from different Ministries dealing with child’s issue tools to ensure better communication and offer better service to victims of abuse. This was spread out over several years with different batches of participants.

Some NGOs have developed training materials for trainers. In July 2005, an NGO launched anti-prostitution programmes in schools, targeting girls who may be exploited in prostitution as a result of consumerism. There is a proposal from the MWRCDFWCP for the setting up of a CSEC Board to implement the National Plan of Action on CSEC but no decision has been reached yet regarding this Board.

The Ombudsperson for Children and the investigators have repeatedly talked on this issue during awareness sessions. A clip of BUDI has been made specifically on this subject and has been broadcast on the MBC very often.

Children and adolescents are being informed through ongoing campaigns. However there is a need for more concerted action in order to obtain tangible results.

CHILD NEGLECT

In the preamble of the Universal Declaration of Human Rights and in that of the Convention of the Rights of the Child it is clearly stated that “childhood is entitled to special care and assistance” and that the family, as the fundamental group of society, should provide the necessary protection and assistance to the children.

According to article 19 of the Convention of the Rights of the Child provides for the protection of children who are neglected or victim of negligent treatment while in the care of their parents, legal guardians or carers–

“a child should be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including
sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

In the preamble of the CRC it is stated that:

“the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

Many couples nowadays are faced with various family problems. Other causes, such as poverty, unemployment, extra conjugal life, infidelity, alcoholism and substance abuse or even illness, often aggravate the vulnerable living conditions. In certain cases, it leads to serious disruption in the family and one of the two partners leaves the conjugal roof. Most often in our society, it is the man who deserts and leaves the mother as well as the children. If both partners leave the roof, then the children are normally left in the custody of the grandparents or any other next of kin, unless one of the partners can take them in a new home.

It is of course, the children who are the first victims in such cases. Occasionally, there is a child who is better off with his parents living separately and not fighting each other anymore and he will see both at agreed intervals. In some extremely rare cases a child in a famille recomposée may really be much happier than in his original family. That is really exceptional. Most of the time, they are neglected and they feel abandoned. Judging from cases reported at the Ombudsperson for Children’s Office, they are illtreated, battered, undernourished, victims of sexual abuse or prevented from attending school.

### Case 1

A minor of 6 years old was considered to be at risk. The child’s mother was detained for a case of serious wounds and blows. Minor’s father was very affected and was consuming alcohol. The minor was neglected. He was underfed and was living in very unhygienic condition. The child was not attending school and was roaming about. The case was reported to the Ombudsperson for Children’s Office which alerted the officers of the Child Development Unit and Brigade pour la protection des mineurs, who visited the child. It was considered most appropriate for the child to be taken away from his present place of abode. The father found himself in a dilemma, he did not want his child to be taken away from him. He promised to stop consuming alcohol. He made a formal request before the District Magistrate to take his responsibilities. The child was eventually taken care of by the father and the minor attended school regularly.
Article 27 provides that:

“the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development”. But in many vulnerable families, children are living in very precarious conditions under the care of irresponsible parents.

Child neglect and maltreatment are becoming more and more a subject of concern and this takes place mainly in broken families. Recently, we have witnessed several such cases. A mother lost her child as a result of her negligence. A four years old child was left, unattended and she was roaming in the street without any parental supervision. The child was kidnapped, sexually abused and murdered.

**Case 2**

*A minor, 14 years old, has been abandoned by her father. The latter is alcoholic and can no longer support his family. Minor’s mother who is supposed to look after her is also alcoholic and often beats and illtreats the child. Though minor was offered a seat at the prevocational department of a state school, the child did not attend school and roamed all day in the streets. Most of the time, she did not live with her mother and moved from one household to the other. Minor was taken to a party where she was sexually abused. An association which helps street children reported this case to our office. The case was immediately reported to the Child Development Unit for appropriate action and assistance. At first, as the child did not stay at a fixed place, it was very difficult to get hold of her. She was finally found at a friend’s place but minor was very reluctant to talk to the CDU Officers. Minor is being closely followed and psychological assistance is being provided to her. The child is at present living at her father’s place as her mother can no longer take care her. The father was counselled to send the minor to school and to take proper care of her. At present the child is attending school.*

Various cases have been reported to our office where the father no longer provided financial support to his children. In such a situation, the child is deprived of several of his rights. The family cannot provide the child with the basic necessities. The female partner, who has lost the financial support of the male partner has to look for a means of living so as to support the family.
**Case 3**

*A minor’s* father left the conjugal roof and went to live with another woman. His mother was pregnant at the time of separation and gave birth to him. The father was untraceable and the mother was facing financial difficulties for the upbringing of the child. The case which was reported to our office, was referred to the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions for assistance. Claimant was immediately provided with social aid to relieve her from her destitute state.

Several grandparents come to our office to report that they are living in very precarious conditions and they are in need of financial and psychological assistance. When the children are left under the care of the grandparents, they find it very difficult to support these children financially. They are themselves most of the time retired persons or pensioners.

**Case 4**

*After the separation of his* parents, a minor was abandoned by both parents. At first, the minor was taken care of by his paternal grandmother. But as she could no longer take his responsibility, she asked for the child to be placed in an institution.

This office has received various anonymous telephone calls relating to cases of children being neglected and illtreated. Some of the children choose to leave home and become street children. They are then at risk of the various ills of society: substance abuse or prostitution.

It happens that a woman who has been deserted by a man goes to live with another man. The latter can have his own children and may not be working. In such circumstances, the woman who is already overburdened, has to face more problems regarding her living conditions. The fact that she is living with another man denies her of the rights to any social aid to which she has been eligible before. It would be advisable in such cases for the Ministry to undertake a full-fledged enquiry on the vulnerability of the family on a case to case basis before deciding to stop giving the social aid, bearing in mind the best interest of the child.
Case 5

Before her marriage, a woman already had two children. Afterwards, she got married civilly and from that marriage four children were born. The minors’ father is alcoholic and works only for a few days in a week. It is very difficult to support the family with his meagre salary. Most of the time the family is indebted. Instead of going to school, some of the children were working. The others attended school without any food. When the case was referred to the office, various visits were made to the family by officers of the Child Development Unit after a referral. A request was made to an association, which responded and offered help for the schooling of the children. The minors’ father was counselled and made aware of his responsibilities towards his children. As he remained irresponsible, the minors’ mother was referred to the social security office for social aid.

In some cases, the children are deprived of their right to a name. After separation, it often happens that the father refuses to give his name to his child. Such deprivation causes much emotional harm to a child and he will have to be declared by the mother. When the child is old enough and learns about the attitude of his father towards him, the minor often feels resentment towards him.

Case 6

A case reported to our office relates how the acknowledgement of a child by her father has impacted negatively on the behaviour of the child. After marriage, a couple got separated. The wife who was pregnant, gave birth to a child. At first, the father refused to declare the child and the latter was declared by the mother. A few years later, the father without having consulted his wife, declared the child and gave her his name. The child who was always neglected and illtreated by her father since her birth, dislikes to bear her father’s name and prefers to have mother’s name.

It may happen that a child is not acknowledged and is rejected by one of the parents and this of course, causes great emotional harm to the child.
Case 7

The minor’s maternal grandmother came to the Ombudsperson for Children’s Office to report that the minor is very disturbed and was behaving very strangely. The child did not want to go to school and even if he attended school, he behaved abnormally. The child was emotionally disturbed. His father refuses to recognise him as his son and never exercises his rights of visit that was granted to him by the court.

The father and the child were referred to a psychologist for counselling. The father’s behaviour towards the minor changed. He showed more interest in his child. Psychological assistance and follow-up is still taking place for both the father and the child.

Child neglect has a negative psychological and emotional impact on a child. In order to prevent such a situation, parents should assume their responsibility vis à vis their children. In any case of family disruption, the best interest of the child should prevail. The family as the bedrock of society should at all costs prevent any form of violence against children and protect them. Neglect is now considered as a form of violence.

TEENAGE PREGNANCY

We include teenage pregnancy under this chapter as it involves some kind of violence, either sexual or at least psychological.

In the past, girls were normally married at the age of 14-15 and, at times, earlier. It was natural for them to conceive around the age of 16. Research has proved that a teenager is not prepared psychologically and physically to conceive a child. Should she conceive, her life and that of the child can be in danger. Teenage pregnancy is unfortunately still very common nowadays. Girls at this age are very naïve and can easily be exploited by adults or peers. Teenage pregnancy can be a result of sexual abuse, rape, incest, or a very fragile sexual relationship. Most girls have their menstruation at the age of twelve or earlier. Many of them are in search of sexual experience and sometimes, due to lack of sexual education at school and proper guidance by parents, they are caught in the web of pregnancy.

Teenage pregnancy is causing much harm to young girls. It even leads to an interruption or discontinuation in their academic life. Some go back to school afterwards while others have no other alternative than to dedicate themselves to the newborn, when they are themselves a child. These teenagers are unable to cope with all the challenges of life. As teenage pregnancy is most of the time unwanted, these young girls may have recourse to abortion. Such act put in danger the lives of the teenagers. Many cases of desperate teenagers who commit abortion or get rid
of their baby have been reported in the press. Recently, we have all heard of the case of a young girl who threw away a 6 months old foetus while she was in hospital. There was also the case of a baby found in a rubbish bin as well as the case of a girl who gave her newborn to a couple who declared the child and were heartbroken when the parents of the teenager finally urged her to get custody of the child.

Various such cases have been reported to the Ombudsperson for Children’s Office. The minors come to the office in search of financial or psychological help and counselling or because they are not quite sure that they want to keep their child.

**Case 1**

*A minor, 17 years old came to our office for help and counselling. At the age of 14, she fell in love with someone. She became pregnant at the age of 16. She was emotionally upset but with the support of her parents she has been able to continue her studies until she was six months pregnant. She had to interrupt her studies to give birth to the baby. The teenager stated that it was thanks to the support of her parents, teachers and the head of the school that she has been able to continue her schooling.*

*When the baby was 6 months old, the father started to shy away from his responsibilities and no longer provided the emotional and financial support he used to. This situation caused much disturbance in the life of the teenager and she could no longer concentrate on her studies. She approached the office for her partner to be counselled about his responsibilities. The latter was convened and made aware of his responsibilities towards the minor and the mother, particularly as the teenager was going to take part in the Cambridge School Certificate examination. The minor’s father informed the office that he was being deprived of his rights to take his son for one hour daily and would appreciate if he could be granted this right. The teenager was informed about her rights as mother but also on the rights of the father regarding the minor.*

*After counselling, the attitude and behaviour of the father changed. He started to exercise his duties in a more responsible manner. The relationship between the two partners improved for the better. The teenager reported that with the assistance of her parents, teachers, her partner and the support of the Ombudsperson for Children’s Office, she will be able to face the future with much more confidence.*

Such cases are common not just in Mauritius but also in Rodrigues. All cases are not reported to the authorities, specially as often the minor’s mother or other relative may help her to deal with her pregnancy or child rearing. But, when the minor is herself not properly cared for by her parents she is at a loss.
Case 2

A teenager who was living in Rodrigues and became pregnant at the age of 14, was battered and illtreated by her partner. The Authority in Rodrigues alerted the Ombudsperson for Children’s Office regarding the minor’s situation and appropriate action was eventually undertaken for the teenager to be brought to Mauritius and placed in a shelter. The teenager who was an orphan, had had a very miserable childhood. She had been sleeping under the bridge and begging to earn her living.

After giving birth to her baby, the teenager was unable to cope with the situation. She illtreated the baby. Bruises were seen on the baby’s back. As her behaviour was very strange, psychological assistance was given to her. It was considered most appropriate for the teenager to be placed in an institution while the baby was taken care of by the Ministry, and was placed in a crèche.

Some young girls are not even really aware that they are pregnant. They hardly understand the meaning of sexual relations and the consequences of indulging too early in sexual play. Moreover most of the time the male partner does not take his responsibility.

Case 3

A minor of 13 years old, who was attending school, had missed her menstruation for several consecutive months. She was taken to be examined at the hospital by her grandmother, who was 70 years old, as she was complaining of ache. She was found to be 4 months pregnant. As her mother and father were separated, they did not show any sign of interest in the child. Minor was left in the care of her paternal grandmother.

The grandmother approached the office as she feared that she would not be able to take care of the minor and the baby. She proposed that the newborn baby be placed in an institution after the delivery. The minor herself, besides being unaware of how she could have been pregnant, felt that she would not be able to cope with a baby. The Ombudsperson for Children’s Office arranged for her to be placed in a convent for the crucial period and approached the Ministry of Social Security, National Solidarity, and Senior Citizens Welfare & Reform Institutions for financial support to be provided to the family. After delivery, the teenager changed her mind. She proposed to look after the baby with the support of her grandmother and other relatives. She was able to attend school anew.
Data

During the last three years, the number of cases of teenage pregnancy reported to the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection has increased. In year 2003, the number of cases reported was 53. In year 2004, the number has more than doubled (112). In year 2005, it was 119.

According to data available at the Ministry of Health & Quality of Life, the number of deliveries in government hospitals agewise for the year 2004 is as follows:-

<table>
<thead>
<tr>
<th>Age of mother (in years)</th>
<th>No. of deliveries</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>14</td>
<td>26</td>
</tr>
<tr>
<td>15</td>
<td>79</td>
</tr>
<tr>
<td>16</td>
<td>187</td>
</tr>
<tr>
<td>17</td>
<td>318</td>
</tr>
</tbody>
</table>

As teenage pregnancy is causing much harm to the youth in our society, it is high time for this issue to be addressed. Sex should no longer be treated as a taboo. Youngsters should be sensitised on the issue. They must be provided with relevant information and guidance, as youngsters nowadays are exposed to a panoply of pornographic matters via different sources, i.e., internet, newspapers, videos etc..... If they have been explained the implications of sexuality, its richness and the dangers that are however omnipresent, they will know how to deal with such information.

The Ombudsperson for Children noted with satisfaction that the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions had launched a training of trainers workshop in the field of sex education.

Recommendations of the Ombudsperson for Children.

- The inclusion of compulsory sexual education at school, with emphasis on the human aspect of sexuality rather than on its technicity.
- Specialised teachers should be trained on how to approach and deal with this particular subject.
- Parents should sensitise their children on their sexuality mainly after the age of puberty.
- The appropriate ministries should consult and produce relevant teaching materials for teachers, parents and pupils.
• Protective and Preventive measures should be taught to children over the age of 10.
• It is strongly recommended that the Ministry of Health & Quality of Life reports the cases of teenage pregnancies to the Ministry of Women’s Rights, Child Development Family Welfare and Consumer Protection for appropriate assistance and counselling to be provided to these teenagers, who need strong moral support.

ALCOHOL AND DRUGS

The epidemics of alcohol use, tobacco smoking and illicit drugs are affecting our society. Although the CPA 1994 makes it illegal for any person to ‘sell any liquor, rum or compounded spirits to a child’ or to have access to ‘licensed premises except a restaurant or hotel’, yet these products appear to be very accessible and many adolescents buy their cigarettes and alcoholic drinks from shops and supermarkets.

Adolescence is a crucial period and is often the time when experimentation with tobacco, alcohol and illicit drugs begin. School children who have been allowed great freedom of movement, and who are under the influence of negative peers are often more inclined to fall in the traps of consumerism including that of dangerous substances. Consideration should also be given to the consumption of alcohol within the family settings. Children tend to adopt parents as role models. They may thus copy the behaviours of parents. Those youngsters who are most vulnerable get easily caught and they are more prone to use other more dangerous drugs later.

Case 1:

Minor’s mother was victim of domestic violence. Her husband who was an alcoholic, had no fixed job and was often illtreating her. The child was being neglected by both parents. The minor was traumatized by the behaviour of the father. He became very disobedient, started to consume alcoholic drinks and did not want to attend school.

The case was reported to the Ombudsperson for Children’s Office by the mother. The case was referred to the Child Development Unit and the Brigade pour la protection des mineurs. The parents who were living separately, were counselled. They were informed of the negative impact of their attitude on the child. Psychological assistance was given to the minor.

Drug abuse among parents have a negative impact on children, they are morally affected. Some children may become orphan as a result of overdose consumption by their parents, these children who are often stigmatised and excluded are more
likely to have recourse to drugs to be able to face life. Parents who are alcoholic, turn out to be very violent. Parents under the influence of alcohol cause much emotional as well as physical harm to their children. Some parents are so affected that they can no longer assume their responsibilities. The children are either cared for by their relatives and, if they are found to be at risk, they are taken away from parents and placed in an institution.

Various cases of child abuse by alcoholic parents have been reported to the Ombudsperson for Children’s Office.

**Case 2**

After giving birth to two children, minors’ mother started to earn her living as a sex worker and neglected her children. The relationship between the husband and the wife deteriorated and they separated. The mother showed no interest in her children and left the conjugal roof. The children were left in the care of their father and their paternal grandmother.

The minors’ father, on his side, became addicted to alcohol and drugs. He illtreated and neglected his two children. He was even sent to prison on account of drugs. The children were emotionally affected. They behaved in a very abnormal manner. The grandmother who was caring after the minors reported to the Ombudsperson for Children’s Office that she could no longer take the responsibility of the minors. Because of their behaviour, it was very difficult to exercise parental responsibility.

Following a case of child beyond control, the children were placed in an institution pending a court judgement.

As the minors were of a very tender age, the court recommended that a chance be given to them to redress their behaviour. The minors were ordered to stay with their grandmother. They were enrolled in a school near their grandmother’s place. The officers of the CDU and the BPM were closely following up the minors and the grandmother through regular visits and meetings. The children were provided with psychological assistance. Arrangements were also made for a psychologist to accompany minors when the latter visited their father in prison.

The attitude and behaviour of the minors improved and they were able to attend school regularly and perform well.

The Ombudsperson for Children’s Office, in its campaign on violence against children, has strongly condemned the easy access of alcohol to youngsters. In this context, several recommendations were made to the different ministries concerned: the formal interdiction to sell alcoholic drinks together with other drinks and
foodstuffs but rather place them in controlled areas of supermarkets or in specialised shops which would permit greater control on sale. It is obvious that, despite the law interdicting sale of alcohol to minors, there is no systematic check. Also a lot of awareness campaigns is needed through school, clubs, community-based organisations or through the press.

In May 2005, the Centre for Applied Social Research of the University of Mauritius presented publicly a survey carried out on “Smoking, Drinking and illicit Drug Use among Secondary School Students in Mauritius” Its aims were to find out the causes of such behaviour among boys and in co-educational schools as well as establishing a programme for helping them.

A similar study was made on “Factors influencing Substance Abuse among Youth (8-18 years) in Housing Estates in Mauritius”.

The objectives of both studies were to determine the prevalence of substance abuse among youth and the main findings were as follows:

1. It was found out that substance abuse is more prevalent among boys and in co-educational schools.
2. Cigarettes and alcohol were available and acquired from shops, though it is illegal.
3. 46% admitted that their school was not drug free.
4. Poly-use of drugs was common among youth aged eight to eighteen years. Almost all youth drug abusers used cigarette and alcohol concurrently with other drugs.
5. Cigarette was most heavily used followed by alcohol, marijuana and heroin, amongst others.
6. Under-age use of drugs was common among inhalant users followed by cigarette users. 4% of youth aged between eight and thirteen years used both inhalants and cigarettes.

The authorities, aware of the negative impact of alcohol on youngsters, have recommended that advertisement of such products on billboards be banned. This is already a good move as well as the decision for stricter control of drivers and earlier closing hours for “taverns”. In the same context, it would be advisable to launch a robust campaign among the youngsters to deter them from indulging in illicit drugs. Children of today will be adults of tomorrow. It has become imperative to inform and educate them about the ill-effects of substance abuse since a very young age. Once informed, children will know how to react to such ills. Otherwise, substance abuse may be considered by them to be only an experiment among others, but once caught into this practice, it is very difficult for a child to get out.
Social workers working with children in the street are screening children at risk, mainly those who are sniffing glue. They are providing them with proper assistance.

School should also perform its role by making children more responsible and aware of the dangers of using illicit drugs.

The Authorities are concerned about the dangers of alcohol and illicit drugs on the child even before birth. In this context, the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions had organized a workshop on “Preventing the ill-effects of Alcohol on the Foetus” on the 17 February 2006 at Le Saint Georges Hotel, Port Louis.

The workshop was an initiative of Reunisaf- Reseau de Prevention du Syndrome d’Alcoolisation foetale and the said ministry.

Two officers from the Ombudsperson for Children’s Office participated in the workshop whose objectives was to sensitise pregnant women on the negative consequences of alcohol intake.

The Academy of medicine stressed on the fact that alcohol consumption during pregnancy represent the major cause of mental deficiency, retardation and social maladjustment.

It also pointed out that the amount of alcohol consumed by a foetus will be equivalent to that consumed by the mother. The effect of alcohol lasts during the whole period of pregnancy.

In view of this major information the Ombudsperson for Children is of the view that it is important to give wide publicity to the lessons learnt.

**Lessons learnt**

*The brain is the organ which is most vulnerable and most likely to be affected*

**EFFECTS OF ALCOHOL ON THE FOETUS**

- Malformation of the foetus
- Reduction of good neuron during the developmental period of the foetus.
- The syndrome can affect the size of the foetus.
EFFECTS OF ALCOHOL AFTER BIRTH

- Premature birth
- Difficulties to adapt to new environment
- Weaning syndrome
- Sleeping difficulties
- Hyperactivity
- Hypersensitive to least noise
- The children are normally late developers
- They have behavioural problems

EFFECTS OF ALCOHOL DURING SCHOOL PERIOD

- Difficult to adapt to the school environment. They are usually low learners and have problems of language.
- Due to abnormality in their physical appearance, these children feel frustrated and are often bullied and harassed by their friends leading to absenteeism.
- Find themselves physically and mentally exhausted in any activity they undertake.
- Difficult for them to understand, to memorise and foresee any problems.

It was pointed out that alcohol taken in any amount can be harmful to the foetus and also the presence of alcohol in any consumable food is considered to be harmful to the foetus too.

Recommendations

Pregnant women were thus counselled to restrain themselves from alcohol intake for the well being of their kids, families and society at large. The syndrome of alcohol has huge financial implications not only on the family but also to the government.

It was recommended that the authorities should ensure that a label be attached to any alcoholic drink forbidding formally the consumption of alcohol to pregnant women.

The Ombudsperson for Children has made several proposals to the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions and copied same to the Ministry of Women’s Rights, Child Development, Family Welfare & Consumer Protection, Ministry of Health & Quality of Life, Ministry of Commerce & Industry namely:
She has asked that a full fledged campaign be done on this information by using the Mass Media but also more specifically in health centres, prenatal clinics and the hospital. An appeal can also be made to private medical practitioners.

The Ombudsperson for Children’s Office uses the 16 Days 16 Rights Campaign to create greater awareness amongst children on these issues, In fact, many artworks reveal that children have been discussing these issues with their teachers already.

The Prime Minister has personally made very strong statements on the scourge of alcohol, drugs and HIV/AIDS.

**THE SURVEY ON VIOLENCE AGAINST CHILDREN**

The Ombudsperson for Children’s Office (OCO) has carried out a survey to measure the perception of violence against children in Mauritius. The aim of the study was to understand how Mauritian children themselves perceive violence against them. This study will also be a baseline for further research in the field of violence against children. The general objective of the study is to identify the types of violence that children are more likely to be exposed to, and to identify the types of violence that exist the most in different settings.

240 pupils aged 11-16 were interviewed; 120 boys and 120 girls. The questionnaire method was used for data collection and the interviewers explained each question properly. Geographically the survey has covered the island of Mauritius with a balance of rural and urban areas. The target population was pupils of form 1 to form 5 in State Secondary Schools, Private Secondary Schools, Pre-Vocational Schools and Non-Mainstream Schools like those falling under the aegis of Adolescents Non-Formal Education Network (ANFEN).

**Key findings of the Survey**

**Have you ever been victim of violence?**
If yes, which type of violence?

<table>
<thead>
<tr>
<th>Title</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical violence</td>
<td>75</td>
</tr>
<tr>
<td>Bullying</td>
<td>27</td>
</tr>
<tr>
<td>Verbal violence</td>
<td>11</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>3</td>
</tr>
</tbody>
</table>

Note: Respondents were allowed to give more than one answer

Who committed the act of violence?

<table>
<thead>
<tr>
<th>Title</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father</td>
<td>32</td>
</tr>
<tr>
<td>Mother</td>
<td>39</td>
</tr>
<tr>
<td>Boyfriend/Girlfriend</td>
<td>14</td>
</tr>
<tr>
<td>Teacher</td>
<td>18</td>
</tr>
<tr>
<td>Strangers</td>
<td>12</td>
</tr>
<tr>
<td>Step-father</td>
<td>3</td>
</tr>
<tr>
<td>Friend</td>
<td>9</td>
</tr>
<tr>
<td>Others</td>
<td>1</td>
</tr>
</tbody>
</table>

Note: Respondents were allowed to give more than one answer
According to you, why he/she has been violent?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desobedience</td>
<td>64%</td>
</tr>
<tr>
<td>return home late</td>
<td>28%</td>
</tr>
<tr>
<td>preventing from going out with friends</td>
<td>4%</td>
</tr>
<tr>
<td>talk in class</td>
<td>2%</td>
</tr>
<tr>
<td>others</td>
<td>2%</td>
</tr>
</tbody>
</table>

What did you experience after having been abused?

<table>
<thead>
<tr>
<th>Title</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anger</td>
<td>60%</td>
</tr>
<tr>
<td>Sad</td>
<td>30%</td>
</tr>
<tr>
<td>Scared</td>
<td>31%</td>
</tr>
</tbody>
</table>

Note: Respondents were allowed to give more than one answer

Have you reported the incident to someone?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>53%</td>
<td>47%</td>
</tr>
</tbody>
</table>
If YES, with whom?

- Friend: 30%
- Cousin: 13%
- Parent: 8%
- Brother/sister: 7%
- Teacher: 26%
- Others: 16%

If NO, why?

- Fear: 25%
- Shame: 26%
- Guilty: 8%
- Personal: 17%
- Others: 24%
The table 1 and chart 1 show in figures and as percentage, all the answers of those who consider the situation violent. The table and chart have been labelled in French as questionnaire was set in that language.

**Table 1. Cette situation vous semble violente ou non ?**

<table>
<thead>
<tr>
<th>Titre</th>
<th>Oui</th>
<th>Non</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donner des coups de rotin à un enfant s’il désobeit</td>
<td>142</td>
<td>98</td>
</tr>
<tr>
<td>Un enseignant tape sur les doigts d’un enfant qui n’a pas appris sa leçon</td>
<td>142</td>
<td>98</td>
</tr>
<tr>
<td>Un enseignant demande à un enfant de mimer une chaise pendant plusieurs minutes</td>
<td>179</td>
<td>61</td>
</tr>
<tr>
<td>Repousser un enfant qui vient demander un “gâter”</td>
<td>197</td>
<td>43</td>
</tr>
<tr>
<td>Demander à l’enfant d’être sage sinon les parents ne vont pas retourner , vont partir et le laisser</td>
<td>154</td>
<td>86</td>
</tr>
<tr>
<td>Secouer un bébé, ou un enfant qui ne vous écoute pas</td>
<td>198</td>
<td>42</td>
</tr>
<tr>
<td>Un enfant assiste aux disputes des ses parents qui crient très fort</td>
<td>218</td>
<td>22</td>
</tr>
<tr>
<td>Un enfant oblige un enfant plus jeune de lui donner son pain</td>
<td>207</td>
<td>33</td>
</tr>
<tr>
<td>Un parent force son enfant qui n’aime pas manger, à manger tout ce qu’il y a dans son assiette à tous les repas</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>Dire à un enfant qu’il ne vaut rien</td>
<td>191</td>
<td>49</td>
</tr>
<tr>
<td>Teendating (un garçon /une fille oblige sa copine/son copain à avoir des relations sexuelles ou un petit ami donne une claque à sa copine).</td>
<td>219</td>
<td>21</td>
</tr>
<tr>
<td>Inceste (un parent fait des attouchements sur son enfant)</td>
<td>240</td>
<td>0</td>
</tr>
</tbody>
</table>

* Note: Teendating violence is like domestic violence, but it occurs among youngsters when they are going out.
Cette situation vous semble violente ou non?

<table>
<thead>
<tr>
<th>Situation</th>
<th>OUI</th>
<th>NON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donner des coups de rotin à un enfant s'il désobeit</td>
<td>40.9</td>
<td>59.1</td>
</tr>
<tr>
<td>Un enseignant tape sur les doigts d'un enfant qui n'a pas appris sa leçon</td>
<td>40.9</td>
<td>59.1</td>
</tr>
<tr>
<td>Un enseignant demande à un enfant de mimer une chaise pendant plusieurs minutes</td>
<td>25.4</td>
<td>74.6</td>
</tr>
<tr>
<td>Repousser un enfant qui vient demander un &quot;gâter&quot;</td>
<td>18</td>
<td>82</td>
</tr>
<tr>
<td>Demander à l'enfant d'être sage sinon les parents ne vont pas retourner, vont partir et le laisser</td>
<td>35.8</td>
<td>64.2</td>
</tr>
<tr>
<td>Secouer un bébé, ou un enfant qui ne vous écoute pas</td>
<td>18</td>
<td>82</td>
</tr>
<tr>
<td>Un enfant assiste aux disputes de ses parents qui crient très fort</td>
<td>9.2</td>
<td>90.8</td>
</tr>
<tr>
<td>Un enfant oblige un enfant plus jeune de lui donner son pain</td>
<td>13.7</td>
<td>86.3</td>
</tr>
<tr>
<td>Un parent force son enfant qui n'aime pas manger, à manger tout ce qu'il y a dans son assiette à tous les repas</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Dire à un enfant qu'il ne vaut rien</td>
<td>20.5</td>
<td>79.5</td>
</tr>
<tr>
<td>Teending</td>
<td>8.7</td>
<td>91.3</td>
</tr>
<tr>
<td>Incéste</td>
<td>100</td>
<td>0</td>
</tr>
</tbody>
</table>
240 Respondents were asked what exactly violence means to them. This was an open question and respondents were allowed up to 3 answers. Hence the findings are as follows:

Table 2. Perception of violence among adolescents

<table>
<thead>
<tr>
<th>Types of violence</th>
<th>number</th>
<th>percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td>140</td>
<td>58</td>
</tr>
<tr>
<td>Hit brutally</td>
<td>146</td>
<td>61</td>
</tr>
<tr>
<td>Murder</td>
<td>60</td>
<td>25</td>
</tr>
<tr>
<td>Neglect</td>
<td>55</td>
<td>23</td>
</tr>
<tr>
<td>Verbal violence</td>
<td>55</td>
<td>23</td>
</tr>
<tr>
<td>Punishment</td>
<td>34</td>
<td>14</td>
</tr>
<tr>
<td>Street fight/fight between parents</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Bullying</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Unwanted touch/attempt upon chastity</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Battered women</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Theft</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Sodomy</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Prostitution</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Humiliation</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Police brutality</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Porno films in colleges</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Throw old people out of the house</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Lack of affection</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Force to smoke</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Teendating violence</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Discrimination in colleges</td>
<td>2</td>
<td>0.8</td>
</tr>
<tr>
<td>Menace</td>
<td>1</td>
<td>0.4</td>
</tr>
</tbody>
</table>

The Participation Rights of the Child

Children have the right:

- to form their own opinions
- to receive and impart information
The Convention does not specifically provide for Child Participation. But, of late, the idea has been developed by reading several provisions of the CRC together.

Basically it means that adults should listen to children and consult them on all issues concerning them directly or indirectly.

**Family dialogue**

Democracy starts at home and there must be respect for the rights of all members of the family and constant dialogue to deal with conflicts. During such dialogues children must be able to say how they feel and express their ideas and desires.

This has been interpreted to mean a consultation of even small children, depending on their age and maturity, and the subject in question, especially on matters that are important for them in their daily lives. Etienne Chomé has trained the personnel of the OCO as well as some as other public officers and NGO representatives working with children on Conflict Management. His lessons need to be taught to many more others as it is the beginning of prevention against various forms of violence. Mr Chomé proposes that each family should establish clear rules and appropriate sanctions for the violation of the rules. These rules should of course apply to children and adults alike. And the sanctions should be constructive rather than mere punishment.

One can think of hundreds of example of positive dialogue between member of a family, like discuss with children on the school they will go to, the subjects that they will study, the other activities in the field of a culture, sports or leisure in which they want to participate etc.

In most families which are not dysfunctional, children are consulted on some issues. But even in such families there may be some resistance, for example, regarding the dress code or the hairstyle etc…

Sometimes this leads to conflict in the family, specially when adolescents want to be “free to choose”.

Parents should learn to negotiate with their children while always keeping clear rules. Participation does not mean that parents should stop guiding their children or give in to all their whims and caprices.

Article 5 of the CRC provides that:

“every child has the right to parental guidance. Parents or other members of the extended family must provide appropriate direction and guidance to the child in a manner consistent with the capacity of evolution of the child”.

- to join others in peaceful association
- to express themselves on all questions concerning them directly or indirectly.
Parents are there to guide not to oppress and punish blindly. On the other hand, too much “liberty” may prove to be wrong for children. “L’enfant roi” who dictates to his parents, and is given all sorts of expensive clothes or gadgets, or who never hear the word no from his parents mouth, will be a spoilt child. He will lack the capacity to desire much since he is not given a chance to struggle to get something he wants. Children need strong but just rules to be able to structure their personality. Children also need to rebel. At adolescence this is done by a form of ‘rejection’ of parents or questioning of parental authority. Some parents find this very hard to accept. It is important therefore that, in all sensitisation or education programmes for parents, they be made aware that this is a normal phase of development.

Apart from the right to form an opinion and to express oneself freely, guaranteed by the CRC, the child must be taught that, in society, there are rules. That is why it is important to have rules at home. The best system is to discuss the rules beforehand with them.

Free speech is accepted as long as there is respect for the opinion of others. In fact, the Ombudsperson for Children, and investigators often talk to children of all ages and they invariably say that they understand that they have rights and some responsibilities towards others. During the 16 Days 16 Rights campaign this is at the heart of the Campaign.

The right to be consulted in judicial and administrative proceedings.

Article 12 provides that:

“1. State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For the purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”.

This is an important aspect of the Right of Participation. In Mauritius, Judges have to consult children who are 10 years old and over for any case of custody, right of visit and lodging when parents are separated or divorced. Concerning adoption, they consult children aged 15 years. No other legal provision exists for consultation of children in any other instances. It would be advisable to include this general principle as well as those of non discrimination and the best interest of children in the forthcoming Child Act. They are the most fundamental principles of the CRC and make the other rights become a reality.

The right to participate in the public debate
The most challenging part of the Right to Participation is the one which gives the child a chance to express himself on public issues of interest to him.

This right, though recognized by child experts, is not always popular with adults in positions of responsibility who may feel threatened. Youngsters usually speak from their heart. They do not know how to be diplomatic and they do not usually pay lip service to any cause. They are for or against. They hardly even nuance their ideas as they have not learnt to do so yet.

They need to be trained to take part in the public debate. But they must not be manipulated.

In fact, in countries where there are Youth Parliaments and similar organisations, many ideas come forward and can even be adopted and realised by the authorities. This is the case in France where children meet at regional level regularly and at national level once a year. They prepare these meetings and make proposals on questions which are close to their heart.

In Mauritius in the eighties, there have been Municipal Youth Councils which have been quite efficient. It is a matter of regret that they have stopped functioning.

The Ministry of Women’s Rights, Child Development, Family Welfare & Consumer Protection has also made several attempts to organise public debates by youngsters, namely on the eve of the passing of the Child Protection Act in 1994.

The National Children’s Council Act provides for the NCC to create a National Children’s Committee but unfortunately this has never been set up, for reasons which are difficult to understand.

The Attorney General was very keen to set up a Children’s Parliament. Several stakeholders including the OCO have met, but the project is still pending.

The Ombudsperson for Children has set up since 2004 a network of youngsters aged 12 to 18 called Budi’s Friends. They have been trained on child abuse and on violence and participated in debates and on radio and T.V programmes. They act as a link between youngsters of their age and the OCO.

**Participation of Children in public demonstrations**

Recently children have been participating in different kinds of demonstrations. The most typical demonstration of youngsters take place in schools, when they are faced with a particular problem. In such cases, they often demonstrate because they have tried to negotiate with those responsible and have not been heard. Sometimes they ring the alarm bell about an issue and they are ignored. Recently such a demonstration took place for several days before the problem was resolved. In such cases, even when the Ombudsperson for Children intervenes and draws the attention of the authorities, the latter may take too long to avoid the deterioration of the situation.

But children are showing that they can defend their own best interests.
We have also noted that many children have been participating in public demonstrations alongside adults.

The Ombudsperson for Children just wants to state that, in such cases, adults should not manipulate children who are too young to understand the stakes involved. They should not be placed in danger and should respect the law. The Right of Participation must be exercised by the children themselves and it is not an absolute right. The rights of others must be respected.

**Participation of children in the media**

The Media has also played a very important role in promoting the participation rights of children. Some newspapers are youth oriented, others have special pages for the youth, and often invite young persons to express themselves on a particular topic.

We also hear more and more children on radio and they also participate in specific programmes on television. Unfortunately up to now no youngster has been invited on panel discussions alongside adults. The reporters prefer to interview them separately and insert this during the debate which is broadcast live. This reluctance shows that the Participation Rights are not fully recognized yet. The radio on the contrary, whether public or private will often invite youngsters to give their views, specially on matters concerning them.

One regular feature, at one point, was the Model United Nations. Adolescents would prepare a mock meeting of the UN and they were prepared by their teachers. This was popular amongst youngsters. Unfortunately such good initiatives fall into oblivion because it is believed that youngsters should be concentrating their time to preparing examinations. This lack of interest of adults to giving children the opportunity to develop their self confidence and their creativity is not doing any good for the improvement of the quality of life and the richness of a dynamic and forceful society. Fortunately, the Ministry of Education and Human Resources has now decided to activate the Model United Nations again.

**Participation through education**

We deeply regret that many children, who are in mainstream schools, even the most reputed ones, are very shy and not very willing to express themselves even in front of their own friends. We feel that this is due to the fact that they lack self confidence and have not been given the chance to develop their personality to its fullest potential. There seems to be some awareness of the need to change teaching habits, and stop cramming, but rather encourage children to think for themselves and be bold and outspoken.

Fortunately there are schools where there are initiatives to make children participate both in public speaking and in other forms of expression. But they are the exception rather than the rule.

**Participation through art forms**
Participation of course does not need to be verbal. Some children can best communicate through different forms of art and culture. This needs to be encouraged. The Ombudsperson for Children has put a lot of emphasis in helping young people to express themselves through an art form during the 16 Days 16 Rights Campaign: This year, during the Carnival on Non Violence, song writing, music, dance, mime and theatre were prominent.

The responsibility of adults to encourage participation of children

Children of to day are going to be citizens of to-morrow. This is repeated over and over again. But it is not by a miracle that we will have responsible citizens in the next few decades. It is for us to give the children of our country the best possible chances to develop “their personality, talents and mental and physical abilities to their fullest potential” as per article 29 (1) a of the CRC.

The pledges that we make by signing and ratifying international Conventions and joining others in the world forums to proclaim that we are committed to respect the Millennium Development Goals, and to create a “World fit for Children” must be translated into reality. This is the duty of the State, but also of everyone who has the ability to impact on policies which will really foster change. It is useless to just pay lip service once in a while.

We owe it to our children. Let us invite them to prepare to become better citizens than we were.
Promotion of the Rights of the Child

The duty to make the rights of the child widely known.

Article 42 provides that:

“States parties undertake to make the principles and provisions of the Convention widely known by appropriate and active means, to adults and children alike.”

As already explained under the heading the Convention on the Rights of the Child (CRC) earlier in the Report, Mauritius was one of the first countries to have signed and ratified this Convention since 1990. As such there is a duty on various stakeholders, primarily the State as signatory, to make the Convention known and to comply with it. Indeed article 42 of the Convention provides specifically for this duty.

One of the objectives of the OCO is to ensure compliance with the CRC. The OC has laid emphasis on this duty from the very beginning. The OCO has launched several initiatives to make their rights known to children but also to adults. The latter have the responsibility to respect these rights and guide the younger generation so that they may benefit fully from the implementation of the Convention.

The most interesting of these initiatives is the launching of an annual event known as the 16 Days 16 Rights campaign and which has now gained in momentum.

The second popular event to sensitize the public on rights was launched this year in April. This time it seemed important to denounce all forms of violence against children specially in the context of the National Campaign launched by the OC on 19 November 2004. There had been many shocking cases of violence including some where children had lost their lives. Many NGOs had organised peaceful marches. The OCO wanted to find a more colourful march which would give a signal that the streets and the open space had to be places for joyful activities and be seen as being secure. A Carnival on non violence was organised on Saturday 22 April in Beau Bassin-Rose Hill.

The 16 Days 16 Rights Campaign

This campaign was originally launched on the 1 June 2004 to last for 16 Days to mark the International Children’s Day (1 June) and the Day of the African Child which is celebrated on the 16 June each year. The two symbolical dates having been chosen, 16 rights were chosen from the CRC and children were invited to reflect on those Rights with their teachers, carers, youth supervisors etc. and depict the rights in any form of artwork to form part of public exhibitions.
It became clear from the experience of the first edition that it was too short a time for children to be able to fully discuss the rights and do their artwork unless the invitation to do so was done at least in March. Finally the formula which was tried in 2005 and retained this year was to launch on the first of June and to use the 16 days for sensitisation through talks or by using both the written press and the electronic media. Then participants have been invited to do the artwork until mid July and submit either one big one or three medium size painting, sculpture, patchwork, batik, print or collage for public exhibitions to the OCO or the National Children's Council which organised this part of the Campaign together. Private exhibitions are also encouraged to cater for the other artwork done by other children from the schools or institutions. However it is noted that the most common is an artwork done by a group of youngsters, who have clearly worked on this project together with a lot of seriousness.

In all about 500 artworks have been registered from 165 participating institutions, including primary, secondary schools and preprimary schools.

The objective of the Campaign is to make the Convention better known to children, parents, teachers, those who work with children and the public. It also gives children an occasion to show their creative talents and to be recognised as their work is seen in prestigious exhibition halls and they are interviewed by the press who play an important role to amplify the campaign. As such the children are also exercising their participation rights (right to information, opinion and expression).

On the 1 June the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection also launched a bookmark with the 16 Rights on one side and some Responsibilities on the other. This was widely distributed. The Ministry also organized an event to mark the African Day of the Child.

The NCC organised several talks throughout the island.

On the 5 June, the OC gave a talk on Children's rights organised by the British Council at the seat of the Council in Rose Hill.

The OC organised a debate with pupils of form IV, V and VI from colleges of Port Louis at the Municipal Council or Port Louis in the presence of the Lord Mayor.

The Carnival

The Carnival was organised in close collaboration with the Municipality of Beau Bassin- Rose Hill. The departure took place in the yard of the Municipality and ended at the Gaetan Duval Stadium where various participants performed on a podium. The participants were children and NGOs working either on children's rights or human rights but also with those who are responsible for children in need of special care, or who are themselves victims of some form of violence or abuse.

The objective of the Carnival was not just the organisation of a colourful parade. As for the other campaigns, it was to give the children all over Mauritius the chance to get to know their rights, to discuss them, to reflect on violence and its root causes and take conscience of the negative impact of violence on children and on society as
a whole. In furtherance of this objective workshops were organised with the NGOs in different localities to train children and adults on the issue and also help them to come up with brilliant ideas on how to depict their rejection of violence or its causes through costumes, masks, face painting, and all sorts of attire. This made the exercise great fun for all and the reflection and confection went on for several weeks and gave some extraordinary results.

Some 1000 participants from different organisations had registered and on the given date, as was expected many more joined in. Some had composed songs like the Grup Abaim and the Budi's Friends. Others had practised the drums. The costumes, and masks were varied and some were really quite fascinating. Photographs of the most striking ones are reproduced at centre page. At 8 am on the given date, many of participants showed up at the Municipal theatre for face painting. There was a float which was in the shape of a flying BUDI (character who symbolises the friend of children in Mauritius). This was a contribution of the Municipal Theatre stage decor team who also set up the podium at the Stadium with a minimum decor consisting of two Budis on each side. The Budi's friends, a children's network set up in 2004 were very active and prepared a special Budi hat and hand puppets to perform a dance in the streets from the Plaza to the Stadium followed by each group having worked on specific themes, like no to drugs, to alcohol, to prostitution, to sexual abuse, to physical or psychological abuse, child neglect and to violence in general.

The press gave a wide coverage to the event and a 13 minute documentary has been made with the collaboration of the Mauritius Film Development Corporation and Caméléon Productions. The film was launched on 1 September 2006 at the Centre Charles Baudelaire during the exhibitions some of the artworks of the 16 Days 16 Rights Campaign.

BUDI Spot on TV

Budi was in fact created as a 3D character to speak to young children on their rights. The original idea was from students of the DCDM Business school. The final character and spot has been done by Wireframe Ltd. The first spot of 45 seconds was on violence in general and was launched on 1 June 2004 in the News Bulletin of the MBC first channel. See text at Annex VI.

The second Budi spot of 60 seconds was launched on 19 April at the press conference announcing the Carnival on Non violence and it speaks of child sexual abuse as follows. It was launched on TV during the press report of the press conference and was shown after the news bulletin of 20 April.

Both spots were sponsored by the British Council and appear on the screen as paid spots when the budget permits. The response from children is very good as, when questioned, they know Budi and know the text and even images almost by heart.
Talks and Seminars between September 2005 - September 2006

The Ombudsperson for Children’s Act 2003 provides that the Ombudsperson for Children must promote the rights and best interests of children and also promote compliance with the convention. As explained earlier there are various ways of doing this. One very efficient method is to talk directly to different groups of people. As far as possible these meetings, specially if they are organized by the Ombudsperson for Children’s Office, are very interactive. NGOs working at grassroots level have done a lot of awareness over the years. This means that as time goes by, more and more people are becoming rights conscious.

Whenever possible the Ombudsperson for Children and/or the investigators address the audience on the rights of the child and how each adult and child can personally ensure that these rights are in fact respected. Often the Ombudsperson for Children has been confronted with questions concerning the responsibilities of children specially from adults who seem to feel that some children talk of their rights without realising that they do have some responsibilities. This subject has been addressed earlier under the heading the Rights of the Child: awareness.

In the context of the National Campaign on the Prevention of Violence against children, the issue of violence is also discussed. The fact that there have been many cases of violence which were fatal, the subject has now become more important than ever. We speak on prevention of violence and protection and rehabilitation of children victims and even authors of violence.

Of course, sometimes, at the invitation of institutions or NGOs we are called upon to speak on specific topics.
The Ombudsperson for Children attended the following events and addressed the audience:

1. On 17 October 2005, at 13.30 p.m. at the University of Mauritius, the Institute of Social Development and Peace (ISDP) on the occasion of the project “lifting girls out of poverty – Role Model-Pairing Project”

2. On 31 October 2005, at 9 a.m. at Le Saint Georges Hotel, Port Louis, at the launching of the Training Course for caregivers of Residential Care Institutions working with children, organized by the MWRCDFFWCP.

3. On 19 November 2005, from 9.30 to 12 a.m. at the Council room of the Municipality of Port Louis at a talk given in the context of the Universal Children’s Day on “Protecting our Children” organized by the Institute for Child’s Rights and the Mouvement pour le Progrès de Roche Bois.

4. On 19 November 2005, at 2 p.m. at Le Saint Georges Hotel, at a discussion on Equal Opportunities organised by the Organisation pour l’Unité.

5. On 19 December 2005, at 9 h 30, participated in discussions on “the setting up of a Family Court” organised by the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection.

6. On 12 January 2006, at the Headquarters of Beachcomber Hotels, Curepipe, meeting on child mentoring.

7. On 26 January 2006, at the Royal College, Curepipe, talk given to three batches of pupils of Lower VI and upper VI.

8. On 27 January 2006, at the St. Esprit College, talk given to Form VI pupils.

9. On 10 February 2006, at St. Mary’s College, Rose Hill, talk to parents of the Centre d’éducation préscolaire specifically on Child Discipline.

10. On 8 March, at the Municipality of Beau Bassin – Rose Hill, at 5 p.m. at a talk on Women’s Rights.


12. On 15 March 2006, at Queen Elizabeth College organised by the Human Values and Civics Club – subject: “Republican Values”

13. On 18 March 2006, attended the Founder’s Day Rally of the Mauritius Scout Association, talked to batches of scouts under their tent.


17. On 5 June 2006, at the British Council at 5 p.m. at a talk organised by the Council in the “In the Know Series” a talk on Children’s Rights during the 16 Days – 16 Rights Campaign.

18. On 7 June 2006, at the Municipality of Port Louis from 9.30 a.m. to noon – Debate with Form V and Form VI pupils from various colleges of Port Louis during the 16 Days – 16 Rights Campaign.

19. On Saturday 13 June 2006, Talk to parents organized by the Serin du Cap association at Cap Malheureux

20. On 14 June 2006, at La Tour Koenig SSS on the occasion of the Prize Giving Ceremony.


22. On 1 July 2006, at the SOS Children’s Village, Bambous to children on their rights.

23. On 5 July 2006, at Rev. Espitalier Noel at the invitation of the Head Teacher to discuss on “behavioural issues concerning pupils” to various stakeholders working with the ZEP school.


25. On 27 July 2006, at the Auditorium Octave Wiehe at the opening of the Workshop on Early Childhood Development on the crucial years from 0 to 8 years.

26. On 4 August 2006, at 11.30 a.m, at Cité La Caverne at Vacoas at the invitation of the Diocèse adventiste de Maurice on “Crime Prevention”.

27. On 4 August 2006, at 7.30 p.m, at the Induction ceremony of the Inner Wheel, in presence of Rotary members from several clubs of Mauritius on the social role of service clubs.
28. On 11 August 2006, from 6.30 p.m to 8 p.m, at the CEDEM in Floréal, on the occasion of the closing of the week of exchange and discussions on the topic “L’amour et la compassion”

29. On 12 August 2006, from 10 to noon, at Modern Institute, Flacq at a special prize giving ceremony organised by the Rivière du Rempart Preprimary Teachers Association. The Teachers present had prepared their projects on the CRC. The Ombudsperson for Children spoke on the role of her office and the importance of preschool teachers in the chain of those propagating Human Rights.

The Investigators of the OCO have actively participated in a series of seminars, talks organised by different agencies:

Mrs. Michele Thomas

- On 24.12.2005, at 10.00 a.m, at the Community Centre of Beau Vallon at a gift distribution to children of the village, talk about Child’s Rights.

- On 14.02.2006, at 4.00 p.m, at Lady Burrenchobay’s place, Curepipe, at a talk to grandparents on Child Abuse.

- On 25.03.2006, at 1.30 p.m, at the seat of the Shantiniketan College, Goodlands, talk on violence among children to adolescents.

- On 12.05.2006, from 09.30 a.m. to noon at the Conference Room, Montmartre, Rose Hill talk on Child’s Rights to Form V pupils of Loreto Convent, Port Louis, on Child’s Rights and teen dating violence.

- On 13.07.2006 at 09.30 a.m. at Vacoas SSS (girls), organised by the UNESCO Club of the college, talked to Form III pupils on Child Rights.

Mr Ismail Bawamia, Investigator attended the following:

- World HIV/AIDS DAY 2005 organised by the MFPA at Port Louis Theatre.

- The 10th anniversary of the Pre-school Play Groups at the Teacher’s Centre, Quatre Bornes.


- Sub-committee meetings on Participation criteria for the setting up of the Children’s Parliament at the MWRCDFWCP.
• Committee on Children’s Parliament at the Attorney General’s Office.

• Launching of the Policy and Strategy Document, the Policy Guidelines and Orientation on Special Education Needs and Inclusive Education in Mauritius and the Curriculum Guidelines for Mental Disabilities by the Minister of Education and Human Resources at Octave Wiehé Auditorium, Réduit.

• Day of the African Children celebration organised by Nelson Mandela Cultural Centre.

• The 10th anniversary of the Mouvement pour le bien être de Camp Levieux, Stanley et Trèfles held in Stanley, Rose Hill.

• National Workshop on ECD organised by MWRCDFWCP and MEHR.

• Sub-committee on ECD Programming held on 4 Thursdays during the month of August at the MIE.

Mr Fayrhad Dedaur, Investigator attended the following:

• In October 2005, he animated a working session on the Rights of the Child to the parents and pupils of the Pikachu Pre-Primary School, Plaisance, Rose Hill.

• On 12 May 2006, he talked to the Form V pupils of the Loreto Convent College, Port Louis on Child Rights at Montmartre, Rose Hill.

OMBUSPERSON FOR CHILDREN’S OFFICE IN THE MEDIA

The Ombudsperson for Children regularly expressed herself on several issues in the written press regarding children like the protection of the child specially on Child Mentoring Project, Adoption, violence against children specially on sexual violence and corporal punishment. She also gave interviews on the role of the Media itself. The OC also wrote two columns in L’Express namely on the 4 and 11 January 2006. This was part of a series of ten columns written and which are posted in on the website at http://oco.gov.mu.

She participated in a programme on MBC television entitled “Enfance brisée”. She regularly intervened on all the radios on burning issues related to children. All the Investigators namely Mrs Michèle Thomas, Mrs Geeta Sewock, Mr Faryahd Dedaur, Mr Ismail Bawamia participated in radio programmes on Kool FM, Taal FM, Radio One and Radio Plus. They were sometimes accompanied by children who also replied to questions on issues concerning their rights.
Training

Training of Staff

The Ombudsperson for Children’s Office organized two training courses for its technical staff. During the months of May and June 2006, nine training sessions of two hours each were organised. The lectures were delivered by Mrs Nargis Bundhun, Barrister-at-Law. The objectives of these lectures were:

(i) to explain the different provisions made in our legislation as far as the family is concerned.

(ii) To describe the different types of marriage and the duties of the spouses between themselves and towards their children.

(iii) To discuss the provisions made in our legislations as far as adoption, divorce, custody and alimony are concerned.

(iv) To discuss some cases involving family problems so as to enable the participants to better understand the different aspects of family law.

The second course was entitled ‘Introduction to Basic Human Rights Monitoring and Documenting’. It was conducted by Ms. Sheila Keetharuth, Human Rights expert. The duration of the course was twenty hours, that is seven sessions of approximately three hours each.

The objectives of the course were:

(1) To discuss the types of violence taking place in the community, and who are perpetrators and victims;
(2) To reflect on how violence in general impacts on the human rights situation;
(3) To describe six key patterns for analysing and documenting human rights abuses;
(4) To differentiate between monitoring, fact finding, documenting and reporting;
(5) To identify the different types of questions to be put and their use;
(6) To identify different purposes that monitoring and documenting can have;
(7) To describe the factors involved in carrying out a good interview;
(8) To familiarise participants with the main elements in writing a good report;
(9) To help participants to develop listening skills.

The following issues, among others, were covered: mapping violence, patterns of violence, documenting and reporting allegations, interviewing, listening skills report writing, and stress management. The course comprised of both theoretical and practical aspects of the topics. A certificate of attendance was given to those who have completed the course. Two officers of the Family Protection Unit and two others from the Brigade pour la Protection de Mineurs followed the course along with the technical staff of the Ombudsperson for Children’s Office.
Training by Staff

1. On 4 December 2005, from 9.00 a.m. to 1.00 p.m, at the Centre de l'Unité, Complexe Concorde, Roches Brunes - Workshop on Developing a collective and integrated community programme for the protection of the child and the family, for community leaders.
   **Facilitator Mrs. M. Thomas**

2. On 20 March 2006, from 9.30 a.m. to 11.30 a.m, at the Conference Hall of the Bureau d'Education Catholique. Workshop on Child Rights, Corporal Punishment and Positive Discipline addressed to Head Teachers of the BEC
   **Facilitator Ms. Shirin Aumeeruddy-Cziffra**

3. On 23 March 2006, from 09.30 a.m. to 12.30 p.m, at Foyer Fiat, Petite Rivière, Workshop on child’s rights and teen dating to Form IV pupils of Loreto Convent, Port Louis
   **Facilitators Mrs. M. Thomas and Mr. I. Bawamia**

4. On 08 April 2006, from 09.00 a.m, to noon, at St.Mary’s College, Rose Hill, Workshop on teen dating and problems encountered by youth in respect of sexuality for the students of Marion Hair Club
   **Facilitator Mrs. M. Thomas**

5. On 12 and 18 May 2006, 3 hour Workshops on Ombudsperson for Children’s Act and on Matrimonial Law, for Officers of the BPM at the Police Training School Beau Bassin
   **Facilitator Ms. Shirin Aumeeruddy-Cziffra**

6. On 07 July 2006, from 10.30 am to noon, at OMEP, Workshop on the rights of the disabled children for Volunteers in Care Giving and animators of Holiday Work Camps
   **Facilitator Mrs. M. Thomas**
Rodrigues

Each year the OC visits Rodrigues, accompanied by an investigator. The main purpose of the visit is to meet those who are involved with Children’s Rights and to receive and follow-up complaints.

The last visit took place from 27 to 30 November 2005. The OC was accompanied by investigator Thomas.

As was done previously, the OC met the Chief Commissioner and the Commissioner responsible for Children’s welfare. She also visited the brand new shelter and discussed with responsible officers of the Regional Administration.

The OC also gave a talk to youngsters and children on children’s rights on 29 October 2005 at the Senior Citizens Centre, at Mont Lubin.

In the afternoon she met and discussed with parents on Women and Children’s Rights

The above meetings were organised by le Comité des Droits de l’Enfant, Rodrigues.

During the meetings the OC put emphasis on child rights which must be respected in the whole territory of the Republic of Mauritius. She explained her role and function in detail. She also invited the Rodriguans to send complaints to her and also to report any form of violence or abuse against any child to the CDU.
Selected Cases

As explained earlier, the table of cases dealt with during the period September 2005-2006 has not been reproduced. It has been decided to give more time both to the Ombudsperson for Children’s Office and other partners to whom some cases have been referred to finalise their reports so that a better picture is given. The Ombudsperson for Children’s Office has also been analysing the data obtained regarding complaints registered. For this to be meaningful, the exercise must cover a good number of cases. These will be made public in a few months.

But, as usual, some cases need to be highlighted because of their special nature. Many have been summarized in the chapter on Violence against Children. Some of these are now presented in a greater detail.

Physical violence and attempt at suicide

A young boy, aged 9 years old, is alleged to have sexually abused a young girl aged 6 years old. His mother complained that the police told her to accompany them for a medical visit but instead she was taken to court with her son. She had to sign a ‘reconnaissance de dette’ of Rs. 12,000 to get her son out on bail. She further complained that her son is traumatised by the lengthy court procedures and was not provided with any psychological help. She was referred to the CPU of Floréal for psychological support.

Two weeks later a teacher informed Ombudsperson for Children’s Office that the child had bruises on his body. The minor told her that he was beaten by his stepfather. The CWO of the CPU of Floréal was requested to visit the family the soonest possible. The CWO visited the family but found no bruises on the child. The stepfather was quite aggressive. The child was given an appointment with the psychologist.

At the beginning of the year the case of the minor was reported in the press. It was also reported that the minor wanted to kill himself. The Ombudsperson for Children’s Office was kept informed about the behaviour of the minor at school. A private psychologist was following the minor at school. The mother on her part avoided any contact with the school or the CDU. The parent mediator contacted the Ombudsperson for Children’s Office. Two Investigators met the minor and the parent mediator. The mother who was also convened did not turn up. The minor stated that he was bullied and neglected at school. He also talked about death and suicide.

A first case conferencing was held at school. The Ombudsperson for Children’s Office as informed of the outcome. There were three options for the minor namely:

1. To join a remedial class with a small group at school.
2. To be placed in a place of safety.
3. To go and live with his father.

The mother was given one week to decide. However in the meantime, the minor tried to jump from the second floor at school. The headteacher organized an enlarged case conferencing. The Ombudsperson for Children and an Investigator
attended. The Ombudsperson for Children said that she will meet the father and in the meantime no transfer certificate should be issued.

During the school holiday, the Ombudsperson for Children met the father and she was satisfied that the child will be safe there. She also met the minor who said that he was happy at his father’s place. The school was requested to issue a transfer certificate to the minor. Two weeks after the resumption of studies for the third term, the Headteacher informed OCO that the father has not yet called at the school for the transfer certificate. This means that the child is not attending school. The father was immediately contacted by an Investigator to ask him to collect the transfer certificate the next day. According to last information received the child has already been transferred to a school near to his father’s residence.

**Harassment at school**

A father complained that his son aged 9 years was unfairly accused of damaging his teacher’s car. He called at the school and asked for more details. The Head Teacher informed him that four pupils found the minor damaging the car. The father asked the Headteacher to listen to the minor’s version but he refused to do so. The minor had to stay in the Headteacher’s office during recess and he was not allowed to eat, drink or to go to the toilet and even to take his medicine as he suffers from asthma. After these three days, the Headteacher continued harassing the child. The minor was taken to the CDU and then recorded a statement at the Police Station. After some time the minor had to be transferred to another primary school. However his two younger sisters are still in that school and he fears that they could be harassed by the Headteacher.

The OCO referred the case to the MEHR requesting more details about the incident and to ensure that the two girls are not harassed at school. A report was received from the MEHR. The main incident was completely ignored. Instead, the behaviour of the two girls at school was dealt with in detail. It was also mentioned that one of the girls regularly came to school with bruises received at home. The OC was not satisfied with the report and has written to the MEHR again.

No new report has been received from MEHR yet. However the father informed us that his daughters are being followed by a psychologist at school.

**Sexual abuse during ‘droit de visite et d'hebergement’**

A mother reported that she suspects that her daughter, aged 3 years, is being sexually abused by her ex-husband, the minor’s father during the week-ends when the minor goes to her father’s place as per the court order granting the father to a ‘droit de visite et d'hebergement’.

One day while the child was playing, the mother noticed that she was as if immitating someone having sex on her doll. However the mother did not give much importance to that as she thought that the child was just playing. Three weeks later the minor told her mother that she had pains near her sex. When the mother examined her, she found that the minor had red bruises around her sex. She asked the child what
happened, and the latter replied ‘pas dire ça, mal élévé ça’. As the child was suffering she did not question the child further.

The next day there was an engagement ceremony at the mother’s place. During the ceremony the child climbed on her uncle and started touching his sex. She then started reproducing the sexual actions as she did with her doll. When the mother questioned her, she again replied ‘mal élévé ça’. She then realized that her child must have been victim of sexual abuse.

The mother went to the Police Station of her locality and reported the case. She was taken to the Line Barracks where the child was examined by two Police Medical Officers. After examining and questioning the child they both asked the mother not to send the child to the father’s place. She was then taken to the Police Station of the locality where the father lives. She gave a statement there that following the recommendations of the PMO’s, she will not send the minor to her father’s place.

The next day, she called at the Legal Aid Section of the Supreme Court. She was given an Attorney-at Law and a Barrister. However she was informed that the court was on holiday and will resume hearing two months later. She then called at the CDU of Flacq. There the child was seen by the Psychologist. The CWO of Flacq requested her to call at the Police Station of her locality to give a statement that she will not send the child to her father’s place. There it is alleged that the Officer in Charge refused to take her statement. It is also alleged that some Police Constables made fun of her. The CDU of Flacq then requested her to contact OCO.

At OCO an Investigator contacted the PFPU of the locality. The WPC requested the mother to call at her office to give her statement. In the meantime, an Investigator contacted the Psychologist for more information. The letter confirmed that the child should not be sent to her father’s place.

The mother’s statement was recorded. However the male Police Officers present there told her that she will have to send the minor to her father’s place as there is a court order otherwise she will be arrested. She informed OCO immediately. The OC talked to the Chief Inspector. The latter maintained that the mother will have to send the child with the father, if ever the latter came to fetch the child.

The OC wrote to the CP requesting him to do the needful to protect the child. The father was then warned by the Police not to come near the child.

The case is now before the court. The OC can no more intervene. The child was followed by the Psychologist of the CDU for a period of four months. The CDU of Flacq is still providing support to the mother and the child.

**Sexual abuse by a close friend of the family**

Although less common than intra-familial abuse, the next most reported form of sexual abuse is perpetrated by someone well known to the child, e.g. a close friend of the family.

A case was reported to the office by a young man. Complainant has several brothers. Since the age of 14 he has been subjected to sexual abuse by a friend of
the family. Latter was working for the minors’ father and was in the parents’ good books to the extent that they often relied on him in matters regarding their children. The victim has related the incident to his mother who was not supportive and accused him of having provoked the abuse. Since then, he has not informed anybody until a few months ago, when he related the incident to his cousin who has advised him to report the matter. As a matter of fact, the youngest brother has also been subjected to the same abuse recently and this is what motivated the young man.

The alleged perpetrator used both techniques i.e. threat and reward to maintain his power over his victims. According to two of the victims, he gave them presents, cellular phones etc. and blackmailed them, threatening them to disclose their mischief to their parents.

This case shows that the perpetrator had groomed the parents in such a way that a sense of disbelief is felt by the mother as she had entrusted the children’s welfare to the alleged perpetrator’s care. She could not believe that a person who cared so much for her children could molest her children. She even supported the innocence of the perpetrator while blaming the sons. The victims also experienced the shock of having their trust violated.
The trauma faced by a victim when deponing in court

A minor, presently 17 years old, was brought to the office by her grandfather as she was afraid of the court procedures as well as the damage to her image and reputation, should the case be reported in the press. The minor had been subjected to sexual abuse by a religious teacher when she was 11 years old. When the case was taken, she was almost an adult and was sitting for an important examination. The OC encouraged her to go ahead and warned her that she would be compelled to go to depone in court.

The judgment is now pending. The Ombudsperson for Children has on repeated occasions made proposals to the Attorney General respecting the video recording "methode Melanie", that each minor should be helped by a psychologist at the time of the enquiry and before trial. She has also mentioned the difficulties encountered by the victims to remember the details of the case as the case comes to court after such a long time. These proposals are being discussed widely in the consultative committee on child sexual abuse with a view to submitting the proposals to the Prime Minister.

Betrayal by the boyfriend

The undermentioned case reported at the OCO following a radio programme by the OC depicts the four major effects common in child sexual abuse:

Minor Y is a 14 years old minor, not attending school, residing at her mother’s place with the latter’s concubine. She has been dating a 17 year old adolescent for two weeks. After having sexual intercourse with her, her boyfriend blackmailed her into that having sex with his two friends failing which he would break the relationship. As she was madly in love, she consented to his wishes. This scenario was repeated on several occasions and at different places while minor was still under the impression that yielding to her boyfriend’s whims would keep the relationship going on. Her mother’s concubine asked her to leave his place because of her behaviour. Both her mother and her aunt have rejected her and she was compelled to reside at her father’s place who was not aware of the situation at the time.

The minor was referred to the Child Protection Unit for urgent action. Necessary arrangements have been made for minor to be admitted to a school. Unfortunately through pressure on all sides, minor has made a withdrawal of the case, but the case has been sent to the Director of Public Prosecutions for advice.

Sexual abuse by school bus driver

A minor aged 14, residing in Rodrigues was sexually abused by a school bus driver. As the minor was very traumatised and could not attend school, arrangements were made for her to come to Mauritius to live with one of her sisters. On her arrival, minor was immediately referred to the Drop-In centre for psychological help and follow-up.
Procedures undertaken for minor to be admitted to a college to enable her to pursue her studies have been successful and minor is presently in Form IV. Follow up is maintained by the Child Development Unit.

The Ombudsperson for Children has referred the matter to the Ministry of Public Infrastructure, Land Transport and Shipping for enquiry and also respecting the special screening of school bus drivers to avoid any form of child abuse in the future.

A reply was received from the Ministry concerned to the effect that the alleged perpetrator was driving the school bus licensed under his mother’s name, that the bearer of such licence should have a clean record and that the NTA was empowered to revoke a licence when the accused is convicted by a Court of Law. Accordingly the NTA has been requested to follow-up the matter and initiate appropriate action against the driver once the verdict of the Court is known.

**Sexual abuse and tourism**

A 15-year old minor and his friends had come to Mauritius in a ‘Centre de Vacances.’ The hotel employee had made friends with them, playing cards with them etc. One day after playing cards, he invited minor to his room and proposed to have sex with him. The minor agreed. After the sexual intercourse, the alleged perpetrator asked him to keep their relationship a secret as he was a married man and father of a baby girl. Fortunately the minor had confided to the person in charge of the group. The person in charge was well supportive, the more so as minor has been so distressed that he wanted to commit suicide. Minor’s parents have been contacted and immediately after his return to his country he has been subjected to the relevant tests for HIV/AIDS as well as been followed by a psychologist.

**Cases relating to Mauritian children and foreign children**

S 6 (i) provides that the OC shall “investigate cases concerning a child who is a Citizen of Mauritius and who may be abroad at the time of investigation, or a child who is not a citizen of Mauritius but who is residing in Mauritius”

During this reporting period, the OC had not investigated many cases of a Mauritian child abroad.

**Mauritian child abroad**

However there have been a few cases of foreign children in which investigation took place. Some of them were fortunately resolved.

This is a case which has already been reported previously. But, as the situation has now been altered positively, it is being reported as a selected case. It involves a young girl who had been born in Mauritius while her parents were working here. When their work contract came to an end, the father was requested to leave Mauritius with his family, which he did.
However the young girl was in fact Mauritian as, when she was born, Mauritian nationality could be acquired on the basis of *jus soli* (droit du sol). Since 1995 this is no longer the case.

The OC appealed to the Prime Minister who agreed to allow the child to come back to Mauritius, where she had grown up and been to school; He agreed that, as she was still young, she could be accompanied by her mother. In fact the OC had discussed with the minor over the phone and she has specifically expressed her wish to come back, at least with her mother.

Recently the whole family came back her travel document as she had no Mauritian passport. Minor had had problems regarding. The OC mediated with the authorities and the friends of the family. Finally things worked out smoothly.

The minor came to see the OC to ensure that she would never face this kind of problem again. The OC wrote to the Prime Minister to ensure that she would be considered as a Mauritian citizen who does not need a visa.

The Commissioner of Police informed the OC that her passport had already been approved, and that her family had been informed that “she is a citizen of Mauritius”

**Foreign children**

The case of a foreign young girl who was held almost as a hostage because her mother allegedly owed money to the hotel. The enquiry revealed that the latter in fact had a business transaction with the said hotel and had to go back to get enough money to repay her debt.

The Ombudsperson for Children alerted the Child Development Unit who acted promptly and removed the child to a place of safety. She was rapatriated within less than 24 hours. The Ombudsperson for Children followed up with her and her family to ensure that she had reached her home safely. The family having given up the idea of giving a declaration to the police, there was no criminal case.

The minor’s parents are foreigners. They had been employed in Mauritius but they had to go back to their own country because they became redundant after their factory stopped running. Minor aged 5 and his younger sister aged 2 were left with a Mauritian couple. The children had both been born in Mauritius. The minor spoke Mauritian Kreol, English and French and he was going to a primary school. The parents came back to Mauritius on holidays and they contacted the OCO to state that they wanted the minor to stay in Mauritius. They in fact agreed to the child being adopted by the Mauritian couple as he was very attached to them. However they wanted to take the daughter, who was much younger, back with them. The OCO met all parties concerned and was informed by the couple and the minor himself that they wanted to adopt the latter and that he was thrilled by this idea. The OCO meditated with the authorities

The child was allowed to stay in Mauritius provided that “as he is in possession of a valid travel document” that the future adoptive parents have “sufficient funds for his upkeep” and that he is eligible to enter his country of origin or residence.
He was even allowed to travel abroad and come back. This decision was a very wise balanced one as it did not give unrestricted rights to the child since the right to stay for given for a year on a renewable basis. It was definitely in the best interest of the child.
Annex I

THE OMBUDSPERSON FOR CHILDREN ACT – 10 November 2003

Act 41 of 2003

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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
9. Immunity from legal proceedings
10. Staff of the office of the Ombudsperson for Children
12. Regulations
13. Commencement
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 the President may determine.

(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 –

- ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals.
- promote the rights and best interests of children;
- 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 –

- make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of, children;
- advise the Minister on public and private residential placement facilities and shelters established for the benefit of children;
- advise public bodies and other institutions responsible for providing care and other services to children on the protection of the rights of children;
- 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;
- 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 Chambers 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 way of 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
Annex II

List of main laws concerning children

• The Child Protection Act*
• The Civil Code
• The Civil Service Family Protection Scheme
• The Civil Status Act
• The Convention on the Civil Aspects of International Child Abduction*
• The Criminal Code
• The Criminal Code (Supplementary)
• The Dangerous Drugs Act
• The Divorce and Judicial Separation Act
• The Education Act*
• The Explosives Act
• The Gaming Act
• The Interpretation and General Clauses Act
• The Family Allowance Act
• The Juvenile Offenders Act*
• The Legal Aid Act
• The National Adoption Council Act
• The National Children’s Council Act*
• The National Youth Council Act
• The Police Act
• The Probation of Offenders Act
• The Protection from Domestic Violence Act
• The Protection of Human Rights Act
• The Ombudsperson for Children’s Act*
• The Reform Institutions Act
• The Registration of Associations Act
• The Sex Discrimination Act
• The Shops Act
• The Social Aid Act
• The Statutory Bodies Family Protection Fund Act

* These laws relate exclusively or primarily to children
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Mauritius

A. Introduction

1. The Committee considered the second periodic report of the Republic of Mauritius (CRC/C/65/Add.35) at its 1105th and 1107th meetings (see CRC/C/SR.1105 and 1107), held on 19 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.

2. The Committee welcomes the submission of the second periodic report as well as the detailed written replies to its list of issues (CRC/C/MUS/Q/2), which gave a clear understanding of the situation of children in the State party.

3. The Committee is encouraged by the frank and constructive dialogue it had with the State party’s high-level delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee notes with appreciation the efforts made by the State party in the field of law reform and in particular the adoption of the following legislation:


(b) The Criminal Code (Amendment) Act of 2003 which introduced into criminal law the offence of torture to give effects to article 2 of the CAT;
c) The Protection from Domestic Violence (Amendment) Act in 2004 to cover all cases of domestic violence;

d) The Sex Discrimination Act of 2002;

e) The Computer Misuse and Cyber Crime Act of 2003 which makes child pornography a criminal offence;

f) The Civil Status (Amendment) Act in 2004; and

g) The National Children’s Council (Amendment) Act in 2005 which created the Rodrigues Children’s Council.

5. The Committee welcomes the ratifications of or accession to the following international human rights instruments:

a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2005;


c) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in June 2000;

d) The Rome Statute of the International Criminal Court in 2002; and


C. Principle areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Committee’s previous recommendations

6. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.64 of October 1996) made upon the consideration of the State party’s initial report (CRC/C/65/Add.35) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, reservations, insufficient facilities for the rehabilitation of child victims of abuse and inadequate research on critical areas concerning children have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.
7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the next periodic report.

Reservations

8. The Committee notes the fact that the reservation made on article 22 of the Convention has not yet been withdrawn. However, the Committee is encouraged by the information provided by the delegation that the State party is committed to withdrawing its reservation to article 22 of the Convention.

9. The Committee reiterates its previous recommendation that the State party undertake all the necessary measures to withdraw its reservation to article 22 of the Convention, in accordance with the Vienna Declaration and Plan of Action of 1993.

Legislation

10. The Committee notes with appreciation the various measures undertaken by the State party to amend existing laws and introduce new laws to ensure compliance with the CRC. However, the Committee remains concerned about the fact that some of the legislation does not conform to the principles and provisions of the Convention, including in the area of adoption and juvenile justice.

11. The Committee recommends that the State party strengthen its efforts to continue reviewing its legislation with the aim of ensuring full compliance with the principles and provisions of the Convention. Furthermore, the Committee encourages the State party to consider enacting a comprehensive Children’s Act to consolidate the various pieces of legislation covering all aspects of child rights.

Coordination

12. While noting the role of the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection, the Committee is concerned about the fact that coordination between the different government departments and institutions dealing with children’s rights is insufficient.

13. The Committee recommends that the State party further strengthen the coordination between the various bodies and institutions at all levels and pay particular attention to the various regions of the State party.

National Plan of Action

14. The Committee notes with appreciation the process of reviewing the Children’s Policy as well as the National Plan of Action (NPA) proposed in 2003 and 2004 with focus on Early Childhood Care and Development and Parental Empowerment Programme. The Committee also notes that this NPA will include an effective monitoring mechanism on the provisions of the Convention.
15. The Committee recommends that the State party implement a comprehensive National Plan of Action (NPA), covering all areas of the Convention and incorporating the objectives and goals of “A world fit for children”, the outcome document of the special session of the General Assembly on children in 2002. In this regard the Committee recommends that the State party involve the Ombudsperson for the Children’s Office and civil society in the revision and implementation of this NPA.

Independent monitoring

16. The Committee welcomes the establishment of the National Human Rights Commission (NHRC) in 2001 as well as the Ombudsperson for Children’s Office (OCO) in December 2003. While acknowledging the valuable work of the OCO in the area of investigations and awareness-raising, the Committee is concerned about the limited human and financial resources allocated for its effective functioning. It is further concerned that staff of OCO are seconded from other government departments, hence limiting its total independence.

17. The Committee recommends that the State party ensure that adequate human and financial resources be allocated to the Ombudsperson for Children’s Office. The Committee also recommends that the State party strengthen the OCO by allowing it to recruit qualified and trained staff. It further recommends that the OCO be systematically included in the review of any laws and policies pertaining to children.

Resources for children

18. While noting the positive economic development in the State party, the Committee is concerned that the resources allocated for the implementation of child rights are insufficient. In this respect it is further concerned about disparities between urban and rural developments as well as among the different islands.

19. With the view to strengthen its implementation of article 4 of the Convention and in light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations paying special attention to regional disparities in order to ensure the implementation of the rights of children to the maximum extent of available resources and where possible, within the framework of international cooperation and using a rights-based approach.

Data collection

20. While appreciating the data provided by the State party in its report as well as in the written replies, the Committee expresses its concern at the lack of qualitative and quantitative data disaggregated by sex, age and region in some areas of the Convention.

21. The Committee recommends that the State party strengthen its system of data collection and indicators which cover the provisions of the Convention, disaggregated by sex, age and region and with specific emphasis on those who are particularly vulnerable, including children living in poverty and children with disabilities. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention.
Training/dissemination of the Convention

22. The Committee notes with appreciation the efforts made by the State party and in particular by the Ombudsperson for Children’s Office in disseminating the Convention. Nevertheless, the Committee is concerned about the limited awareness-raising and dissemination of the Convention among children and adults, especially in Rodrigues and Agalega.

23. The Committee recommends that the State party strengthen and systematize its human rights training programmes, including the principles and provisions of the Convention, for all professional groups working with and for children such as judges, lawyers, law enforcement officials, traditional and religious leaders, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, particular attention should be paid to Rodriguez and Agalega.

Cooperation with civil society

24. While appreciating the State party’s efforts to strengthen cooperation with NGOs, the Committee is concerned that the State party has relinquished some of its responsibilities and duties with regard to the implementation of some provisions of the Convention to NGOs without providing them with adequate resources, policies and guidelines.

25. The Committee reiterates the State party’s primary obligation with regard to the implementation of the Convention and recommends that the State party continue its efforts to strengthen cooperation with NGOs and to involve them systematically at all stages in the implementation of the Convention as well as in policy formulation. The Committee recommends that the State party provide NGOs with adequate financial and other resources to enable them to discharge governmental responsibilities and duties with regard to the implementation of the Convention. The Committee refers the State party to its recommendations arising from the day of general discussion held in 2002 on the theme “The private sector as service providers and its role in implementing child rights” (CRC/C/121, para. 630).

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. While appreciating that several measures have been introduced to support vulnerable groups, the Committee expresses its concern at the fact that discrimination against certain groups of children still exists in practice, particularly with regard to children with disabilities, children affected and/or infected by HIV/AIDS, children from disadvantaged families and girls.

27. The Committee recommends that the State party undertake all necessary measures to eliminate de facto discrimination in full compliance with article 2 of the Convention.
28. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa in 2001 and taking account of general comment No. 1 (2001) on the aims of education.

Best interests of the child

29. The Committee notes that although the principle of the best interests of the child is not specifically stated in the Constitution, various national laws provide for the best interests of the child. However, the Committee is concerned that this principle is not fully applied and duly integrated in the implementation of the policies and programmes of the State party or in administrative and judicial decisions for instance in cases of custody and visitation rights.

30. The Committee recommends that the principle of the best interests of the child enshrined in article 3 be systematically implemented in judicial and administrative decisions as well as in programmes, projects and services with regard to children in various situations.

Respect for the views of the child

31. While noting with appreciation the efforts made by the State party in order to implement the principle of respect for the views of the child, the Committee is concerned that the views of the child are not systematically taken into account, such as in school settings and in policy development.

32. In light of article 12 of the Convention, the Committee recommends that the State party continue and strengthen its actions to promote the rights of the child to express his/her views fully in all matters affecting him/her, including within the school, in the media, the courts, administrative bodies and in society in general.

3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

Birth registration

33. The Committee notes with appreciation the initiatives undertaken by the State party to deal with tardy declaration of births and unregistered children, including the establishment of a high level Committee chaired by the Attorney-General and the Minister of Women’s Rights, Child Development, Family Welfare and Consumer Protection in August 2005. It also notes the creation of a hotline operating on a 24-hour basis through which tardy declarations can be made. However, the Committee also notes that the procedures regarding late registration are still complex and very long.

34. The Committee encourages the State party to continue its initiatives to ensure that cases of tardy declarations are dealt with in a more expeditious manner.
Right to privacy

35. The Committee shares the State party’s concern that the privacy of children who have been victims of abuse or in conflict with the law is not always respected by the press, as certain newspapers continue to report cases in a manner that makes it easy to identify the child, publish their photograph and names or make the child relate the details of the abuse. The Committee also notes that there is no legislation to ensure children’s privacy by the media.

36. The Committee recommends that the State party take all necessary legislative measures to fully protect the right of the child to privacy and to support the initiatives of the Ombudsperson for Children in this domain, including the proposals of drafting a Code of Ethics. In addition, the Committee recommends that the State party provide trainings on the principles and provisions of the Convention to chief editors and journalists.

Corporal punishment

37. While noting that corporal punishment is prohibited in schools through the Education Regulations of 1957, the Committee remains concerned that corporal punishment is not explicitly forbidden by law in the family and in all settings, including in alternative care settings.

38. The Committee reiterates its previous concluding observations (CRC/C/15/Add.64, para. 31) and urges the State party to prohibit through legislation and other measures corporal punishment of children in the family, in schools, in penal institutions and in alternative care settings. The Committee further recommends that the State party conduct awareness-raising campaigns among adults and children, the promotion of non-violent, positive, participatory methods of child-rearing and education.

4. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)

Illicit transfer and non-return

39. While noting the ratification and subsequent domestication by the State party of the Hague Convention on Civil Aspects of International Child Abduction, the Committee is nevertheless concerned about the slow pace of the State party’s formal recognition of other countries as parties to the Convention when they have acceded to it, which hampers the effective implementation of the Convention in case of international abduction of children.

40. The Committee recommends that the State party formally recognize every other State which has acceded to the same Hague Convention as party to that Convention in order to provide immediate and effective protection for abducted children in accordance with the Hague Convention and with articles 11 and 3 of the Convention on the Rights of the Child.
Separation from parents

41. The Committee is concerned that, according to the Juvenile Offenders Act, a parent or guardian can request a court to place a child in an institution on the basis of a simple oath that the child is a “child beyond control”.

42. The Committee recommends that the State party, in light of the ongoing reforms of the juvenile justice system, ensure full compliance with the principles and provisions of the CRC. The Committee further recommends that the State party abolish the possibility for parents to place a child in an institution on the basis of an oath before a juvenile court. The Committee also recommends that the State party provide families who have difficulties in the upbringing of children with necessary support and counselling services.

Periodic review of placement

43. The Committee notes with concern that few institutions undertake a regular review of children placed there. The Committee is further concerned that psychological review is only taken when it is evident that the child’s behaviour has changed.

44. The Committee recommends that the State party adopt a comprehensive mechanism of periodic review of children placed in institutions.

Adoption

45. The Committee is concerned about the lack of a specific requirement to have a social report to assist judges in their decisions that adoption is in the best interests of the child. The Committee is further concerned about the lack of a follow-up system.

46. The Committee recommends that the State party take legislative measures to ensure that in cases of adoption the decision of the judge is supported by relevant information regarding both the child and the adopting parents in order to ensure that adoption is in the best interests of the child.

Child abuse, violence and neglect

47. The Committee is concerned about the incidence of child abuse and neglect, including sexual abuse in the State party. Furthermore, the Committee is concerned about the lack of specialized and comprehensive units with specialized personnel to care for the recovery, rehabilitation and reintegration of abused children. In addition, the Committee is concerned about the lack of alternative homes for children, particularly girls who may be forced to go back to the same homes where the abusers live.

48. The Committee recommends that the State party:

(a) Provide facilities for the care, recovery and reintegration for child victims of violence;

(b) Ensure that the child victim’s privacy is protected in legal proceedings; and
(c) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of violence and abuse, using a multidisciplinary and multisectoral approach.

49. In the context of the Secretary-General’s ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the subregional consultation for Indian Ocean Island States held in Madagascar from 25 to 27 April 2005 and Regional Consultation for Eastern and Southern Africa held in South Africa from 18 to 20 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

50. The Committee notes the progress made by the State party, especially in codifying the Mauritian sign language and in launching a dictionary of such language. However, it remains concerned about the low proportion of children with disabilities attending schools, particularly due to the poor accessibility to schools most of which are located in the urban areas. It is further concerned about the reluctance of schools to admit children with disabilities as this is perceived to slow down teaching. The Committee is also concerned that the Constitution does not provide for protection from discrimination on the ground of disability.

51. The Committee recommends that the State party, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their fullest possible social integration. The Committee also recommends that the State party:

(a) Collect adequate statistical data on children with disabilities, allowing for disaggregated analysis of the problems facing such children;

(b) Establish a national system of early detection, referral and intervention; and

(c) Seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of parents and professional staff working with and for children.
Health and health services

52. Notwithstanding the various measures undertaken by the State party to develop health-care services, antenatal and post-natal care and make them accessible for free to all, the Committee remains concerned about:

(a) Regional disparities in accessibility to health services;
(b) High infant mortality rates;
(c) Infant and maternal malnutrition;
(d) The sharp decrease in breastfeeding; and
(e) Limited access to clean and safe drinking water in Rodrigues.

53. The Committee recommends that the State party:

(a) Prioritize the allocations of financial and human resources to the health sector in order to ensure equal access to quality health care by children in all areas of the country;
(b) Continue its efforts to improve prenatal care, including training programmes for midwives and traditional birth attendants, and take all necessary measures to reduce infant mortality rates, especially in rural areas;
(c) Improve the nutritional status of infants, children and mothers;
(d) Ensure access to safe drinking water and sanitation in all areas of the country and particularly in Rodrigues; and
(e) Encourage exclusive breastfeeding for at least six months after birth with the addition of an appropriate infant diet thereafter.

Adolescent health

54. The Committee is concerned about the high rate of teenage pregnancies and the limited access to reproductive health services for adolescents.


(a) Strengthen its efforts to ensure access to reproductive health services for all adolescents;
(b) Incorporate reproductive health education in the school curriculum;
(c) Conduct awareness-raising campaigns among adolescents to inform them about their reproductive health rights and the prevention of STDs, HIV/AIDS, and early pregnancies; and

(d) Provide particular support to pregnant teenagers, including through community structures and social security benefits and ensure their completion of education.

HIV/AIDS

56. The Committee welcomes the adoption of the National Strategic HIV/AIDS Action Plan 2001-2005 and the provision of anti-retroviral drugs to pregnant women free of charge to reduce the mother-to-child transmission. Nevertheless, the Committee is concerned about the lack of awareness about HIV/AIDS which leads to fear and discriminatory attitudes against those infected or affected.

57. The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies, taking into account its general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).

Standard of living

58. The Committee is concerned about the incidence of poverty and significant regional disparities, with a higher incidence of poverty in Rodrigues. While appreciating the efforts made by the State party towards poverty alleviation, there is no significant improvement of the living conditions of vulnerable groups particularly with regard to access to adequate housing, education and health-care facilities.

59. The Committee recommends that the State party strengthen its efforts to ensure that the needs of all children are met, in particular those from socially disadvantaged families and those living in remote areas, so that they do not live in poverty and their rights to adequate housing, education and health are respected.

6. Education, leisure and cultural activities
   (arts. 28, 29 and 31 of the Convention)

60. The Committee acknowledges the remarkable improvement made in the field of education, including the ongoing reforms of the education system. The Committee welcomes the introduction of the Zone Education Prioritaire (ZEP) as an affirmative action measure to reduce disparities in the educational achievement of children. However, the Committee is concerned that the proposed reform may introduce an element of unfair classification in accessing the national secondary schools based upon a high cut-off mark. It is also concerned that English as the official language of instruction in schools is not supplemented by educational materials in Creole. In addition, the Committee expresses its concern at the lack of human rights education in the school curriculum.
61. The Committee recommends that the State party:

(a) Ensure that the proposed reforms secure access to free and compulsory secondary education for all children regardless of their social status and ethnic background;

(b) Develop a policy regarding the use of Creole in the Early Childhood Development (ECD) stage and at primary levels; and

(c) Introduce human rights education, including the principles and provisions of the Convention on the Rights of the Child, in the school curriculum.

7. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Drug abuse

62. While noting the establishment of the Natreasa (National Agency for the Treatment and Rehabilitation of Substance Abusers) to coordinate all actions by the various NGOs to prevent and combat drug abuse by children, the Committee remains nevertheless concerned that a high number of children are still victims of drug abuse.

63. The Committee recommends that the State party continue and strengthen its efforts in combating drug abuse by children and in particular to strengthen its awareness campaigns, prevention measures and programmes for recovery and social reintegration.

Sexual exploitation

64. The Committee welcomes the adoption of the National Plan of Action on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (2003-2004). It is also encouraged by the information that a Drop-in Centre will finally become operational on a residential basis to cater for rehabilitative needs of child victims of commercial sexual exploitation. However, the Committee remains alarmed at the high number of children involved in commercial sexual exploitation.

65. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen the implementation of policies and programmes for the prevention, recovery and reintegration of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congress against Commercial Sexual Exploitation of Children.

Juvenile justice

66. The Committee welcomes the information that the juvenile justice system will be reviewed, but remains concerned about the lack of a clear legal provision for the minimum age of criminal responsibility. The Committee is furthermore concerned about the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.
67. The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular article 37 (b), article 40 and 39 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and taking into account the recommendations of its day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:

(a) Establish by law a minimum age of criminal responsibility set at an internationally acceptable level;

(b) Increase availability and accessibility of alternative measures for child offenders using probation services;

(c) Take all necessary measures, in addition to the ones listed in (b), to limit the de facto use of deprivation of liberty, and ensure that it is genuinely used only as a last resort; and

(d) Regularly conduct training programmes concerning relevant international standards for all professionals involved with the system of juvenile justice.

8. Optional Protocols to the Convention on the Rights of the Child

68. The Committee notes with concern that the State party has signed but not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

69. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

9. Follow-up and dissemination

Follow-up

70. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

71. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.
10. Next report

72. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 1 September 2012. This report should combine the third, fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party’s report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third, fourth and fifth report 18 months before its due date, that is by 1 March 2011. Such a report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
16 DROITS – 2006

1. Les enfants jouissent de tous les droits sans discrimination (enfants handicapés, à besoins spéciaux, etc.)
2. L’intérêt supérieur de l’enfant est primordial dans toute décision le concernant.
3. L’enfant a le droit de grandir dans une famille, dans un climat de bonheur, d’amour et de compréhension.
4. L’enfant a le droit à une éducation de qualité.
5. L’enfant a le droit de rire et de rêver et de profiter de son enfance.
6. L’enfant a le droit à un niveau de vie décent.
7. L’enfant a le droit d’être protégé contre toute forme d’exploitation commerciale.
8. L’enfant a le droit d’être protégé contre la torture et les traitements dégradants.
9. L’enfant a le droit d’être protégé contre l’exploitation sexuelle.
10. L’enfant a le droit d’être protégé contre le trafic d’enfant.
11. L’enfant a le droit d’être protégé contre toute atteinte à sa vie privée et à son honneur.
12. L’enfant a le droit d’être protégé contre toute forme de négligence.
13. L’enfant a le droit d’être protégé contre la violence physique, y compris les châtiments corporels.
14. L’enfant doit être protégé contre toute violence psychologique (humiliation et menaces verbales).
15. L’enfant a le droit de recevoir et de partager toute information appropriée.
16. L’enfant a le droit à la participation (liberté d’opinion et d’expression).
Appel des Enfants au Ministre I. Seeban à l’occasion du Carnaval sur la Non-violence

Madame la Ministre

Nous les enfants de la République de Maurice, nous savons que nous pourrons compter sur vous pour protéger nos droits.

1. Tous les enfants ont des droits égaux et doivent jouir du respect de leur dignité.
2. Les enfants doivent jouir de tous les droits sans discrimination.
3. L'intérêt supérieur de l’enfant est primordial dans toute décision le concernant.
4. L'enfant a le droit de vivre en sécurité partout et à tout moment.
5. L'enfant a le droit d'être protégé contre toutes les formes de violence.
6. L'enfant a le droit de grandir dans une famille, dans un climat de bonheur, d’amour et de compréhension.
7. L'enfant a le droit à un nom, une identité et une nationalité.
8. L'enfant a le droit à une éducation de qualité.
9. L'enfant a le droit aux loisirs et au repos.
10. L'enfant a le droit de vie, de rêver et de profiter de son enfance.
11. L'enfant a le droit à un niveau de vie décent.
12. L'enfant a le droit de s'associer avec d'autres enfants pour des buts pacifiques.
13. L'enfant a le droit d'être protégé contre toute forme d'exploitation.
14. L'enfant a le droit d'être protégé contre la torture et les traitements dégradants.
15. L'enfant a le droit d'être protégé contre l'exploitation sexuelle.
16. L'enfant a le droit d'être protégé contre le trafic d'enfant.
17. L'enfant a le droit d'être protégé contre toute atteinte à sa vie privée et à son honneur.
18. L'enfant a le droit d'être protégé contre des mauvais traitements.
19. L'enfant a le droit d'être protégé contre toute forme de négligence.
20. L'enfant a le droit d'être protégé contre la violence physique, psychologique ou sexuelle.
21. L'enfant a le droit de jouir du meilleur état de santé possible et de bénéficier de services de santé efficaces.
22. L'enfant jouit de la liberté d'opinion et d'expression pour toute question le concernant.
24. L'enfant de moins de 16 ans ne doit pas travailler.
25. L'enfant doit être protégé contre les fléaux sociaux comme l'alcoolisme, la toxicomanie (drogue), la prostitution...

22 avril 2006
Text of TV Spots on Violence against Children

BUDI 1

EN BANNE ZENFANTS, MOI CA, BUDI, ZOT TI CAMARAD!

ECOUTE BIEN MO BAN CONSEILS : PERSONNE NAPA
GAGNE DRWA FER ZOT DOMINERE
NI BAT ZOT
NI MALTRAITE ZOT
NI FERME ZOT DAN NOIR.

SI ZAME ZOT GAGNE PROBLEMS
TELEPHONE LOR 1777 ET
TOUT DE SUITE ZOT POUR GAGNE L’AIDE.

THE OMBUDSPERSON FOR CHILDREN : PROTECTING OUR CHILDREN.

BUDI 2

HE KNOCKS ON THE SCREEN (TOC, TOC)

- EH BANNE ZENFANTS, MOI CA, BUDI, ZOT TI CAMARAD!
- ZORDI MO POU COZ AR ZOT LOR ZOT LECORPS ET COUMA POU PROTEZ
  ZOT MEM KONT ABUS SEXUEL
- TO LECORPS LI POU TOI ET PERSONNE NA PA GAGNE DROIT TOUSSE TOI –
  SURTOUT TO BANNE PARTI PRIVE
- SI ENE DIMOUNE FER KITCHOSE KI PA KOREK AR TOI, TO BIZIN DIRE NON
  ET TOUT DE SUITE ALLE DIRE CA AVEK ENE DIMOUNE AR KI TO ENA
  CONFIANCE
- PA BIZIN PER POU RACONTE CA – PA BLIE: SE PA TOI KI EN TORT
- POU PROTEZ TO MEM,
  - PA COZ AR BANNE DIMOUNE KI TO PA CONNE,
  - PA ACCEPTE KAN ZOT DONNE TOI L’ARGENT OU BONBONS,
  - ET PA RENTE DAN ZOT LOTO, NI ALLE AVEC ZOT KIK PART
- SI KIKEN TOUSSE TOI OU FER TOI DIMAL, OU TO SENTI TOI EN DANGER,
  TELEPHONE LOR 177 OU VINNE DAN NOU BIRO ET NOU POU AIDE TOI.
- THE OMBUDSPERSON FOR CHILDREN – PROTECTING OUR CHILDREN
<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Description</th>
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<tbody>
<tr>
<td>ANFEN</td>
<td>Adolescent Non Formal Education Network</td>
</tr>
<tr>
<td>BPM</td>
<td>Brigade pour la protection des mineurs</td>
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<tr>
<td>CDU</td>
<td>Child Development Unit</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of Discrimination against Women</td>
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<tr>
<td>CEDEM</td>
<td>Centre d’éducation et de développement pour les enfants Mauriciens</td>
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<td>CP</td>
<td>Commissioner of Police</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CSEC</td>
<td>Commercial Sexual Exploitation of Children</td>
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<tr>
<td>CSO</td>
<td>Central Statistical Office</td>
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<tr>
<td>CYC</td>
<td>Correctional Youth Centre</td>
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<tr>
<td>DNA</td>
<td>Deoxyribonucleic Acid</td>
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<tr>
<td>ECD</td>
<td>Early Childhood Development</td>
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<tr>
<td>EPO</td>
<td>Emergency Protection Order</td>
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<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>IOC</td>
<td>Indian Ocean Commission</td>
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<tr>
<td>MBC</td>
<td>Mauritius Broadcasting Corporation</td>
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<tr>
<td>MEHR</td>
<td>Ministry of Education and Human Resources</td>
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<tr>
<td>MSSNSCWRHI</td>
<td>Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions</td>
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<tr>
<td>MWRCDFWCP</td>
<td>Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection</td>
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<tr>
<td>NCC</td>
<td>National Children’s Council</td>
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<tr>
<td>NCP</td>
<td>National Children’s Policy</td>
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<td>NGO’s</td>
<td>Non Governmental Organisations</td>
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<td>NPA</td>
<td>National Plan of Action</td>
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<td>NYP</td>
<td>National Youth Policy</td>
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<td>OC</td>
<td>Ombudsperson for Children</td>
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<td>OCA</td>
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<td>ODEROI</td>
<td>Observatoire des droits de l’enfant de la région de l’Océan Indien</td>
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<tr>
<td>RYC</td>
<td>Rehabilitation Youth Centre</td>
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<tr>
<td>SADC</td>
<td>South African Development Community</td>
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<td>UN</td>
<td>United Nations</td>
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<td>United Nations Programme on HIV/AIDS</td>
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<td>United Nations Fund for Population Activities</td>
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<td>UNICEF</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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