Ombudsperson for Children

Annual Report
2019 - 2020



Students of Midlands Government School

ACKNOWLEDGEMENTS

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GENERAL INTRODUCTION

As the Ombudsperson for Children, I am mandated by section 11 of the **Ombudsperson for Children Act 2003** (see Appendix A) to submit to the President of the Republic of Mauritius a report on activities that I carried out during the preceding year, which he then shall lay before the National Assembly. From the outset, I consider it is important to mention that, every year, the process leading to the publication of the Ombudsperson for Children's Annual Report is a lengthy and challenging one. Prior to report-writing, investigations are carried out on a daily basis (see chapter 7). Activities promoting the rights of children are organised regularly, and several meetings by and outside the Ombudsperson for Children's Office (OCO) are attended by myself and Investigators (refer to chapter 6).

In order for the report to capture our hard work in favour of children of the Republic of Mauritius, my staff and I have to be trained, disciplined and determined. We neither have in our midst a professional photographer nor an editor, unlike other offices who are involved in similar activities internationally. I have to put the publication of this report into context so that all those who are really concerned by the welfare of our children make an effort to read this document and, consider and implement the recommendations made.

I can assure you that all recommendations proposed in our reports are not made overnight. They are well thought out and formulated after in-depth investigations and based on international research work. The field work carried out by my team and I help us better appraise the social realities that children face. In addition, we carry out desk research during each of our enquiries as it is *sine qua non* in the **formulation of relevant and evidence-based recommendations**. I believe that these recommendations have the potential to help State and non-State actors working in the field of children's rights to improve the quality of their services.

This is my fifth report as Ombudsperson for Children and, once again, I feel that I am fulfilling an important duty – **the promotion and protection of the rights of children of the Republic of Mauritius bearing in mind the United Nations Convention on the Rights of the Child (UNCRC)**. Similar to all children around the globe, children of our Republic are equal rights holders and all children are a vulnerable population. However, one must admit that some children are more vulnerable than others. Most of the time, these children cannot rely on social safety networks to face the difficult situations

they find themselves into on a regular basis. As advanced by the World Bank (as cited in SOS Children's Villages International, 2016)[1],

> *Child vulnerability is a downward spiral where each shock leads to a new level of vulnerability, and each new level opens up a host of new risks. In other words, the probability of a child experiencing a negative outcome rises with each shock.*

Across all my Annual Reports since 2016, I have written about several individual and systemic investigations in relation to children's rights, and made recommendations related to various vulnerable groups of children including:

- children in conflict with the law;
- children living in alternative care;
- children with disabilities;
- children living in extreme poverty;
- children bullied in educational settings;
- children victims of all forms of abuse, especially sexual abuse;
- children with mental health difficulties;
- children who are married or living in cohabitation;
- pregnant teenagers and adolescent mothers;
- infants;
- children of incarcerated mothers;
- children living in poor housing conditions; and
- children living in the Islands of Rodrigues and Agalega.

I would like to invite all child rights activists to visit the OCO's website (oco.govmu.org) to better understand the situation of these children within our local context.

A main specificity of the present Annual Report 2019-2020 is that the issues discussed in the chapters 1 to 5 draw from recent happenings in the domain of children's rights locally. In chapter 1, I firstly

[1] SOS Children's Villages International (2016). *Child at risk. The most vulnerable children: Who they are and why they are at risk.* Retrieved on 10 September 2020 from www.sos-childrensvillages.org/getmedia/dcdbf23b-76ee-4c03-95a8-474a77f39024/Child-at-Risk-Report-2016-ECOM-FINAL.pdf

explain how the OCO made considerable efforts to uphold children's rights during the national confinement period due to the COVID-19 pandemic. The Council of Europe rightly pointed out, ***"children may be confined, but their rights are not!"*** Working from home was a challenge for me and my team. Together with other staff members, I had to be on alert throughout the lockdown phase for any query or complaint regarding potential or actual violations of children's rights from any possible source. I invested a lot of my time interacting with parents on the phone on different issues related to the well-being of their children. The confinement period also gave me a golden opportunity to listen and relate to children via social media. These interactions inspired me to write two articles related to children's rights in the context of COVID-19, which were published in the press (refer to Appendices B and C). The lockdown was not an easy time for children living in residential care institutions (RCIs), and rehabilitation youth centres (RYCs). However, I must admit that I was pleasantly surprised on how most of them adapted to this novel situation. I was also impressed by how the staff of the RCIs and RYCs navigated the new challenges they faced.

Earlier this year, I had planned to hold an important workshop on teenage pregnancy, but could not do so due to the lockdown. Instead, I held video calls with some adolescent girls who were affected by this issue. In chapter 2, I present three true stories on **teenage pregnancy** and adolescent motherhood. I also outline potential barriers in the prevention of teenage pregnancy, and possible strategies that can reduce its incidence or mitigate its adverse consequences on young people and their families. In order to do so, I carried out desk research and in-depth conversations with three organisations actively involved in the field of adolescent sexual and reproductive health: Mauritius Family Planning and Welfare Association, *Mouvement d'Aide à la Maternité* and *Action Familiale*. I also bring attention to a rights-based framework of sexuality education, known as Comprehensive Sexuality Education, which could be adapted and applied to our education system for students aged 5 to 18 years, including those with special educational needs and disabilities.

Next, I focus on an under-reported and under-studied phenomenon that affect many children within conflictual family situations, namely **parental alienation** (PA). Many complaints involving the issue of PA were registered at the OCO over the reporting year 2019-2020. In chapter 3, I explain this concept in more detail and analyse the impact of PA on the fundamental rights of children as enshrined in the

UNCRC. I also attempt to scope the potential extent of PA within the Republic of Mauritius and propose some recommendations regarding this matter.

In the course of this year, cases of child abuse in *Résidence Anoska* stirred debates on the local mechanisms in place to respond to children in distress on the field. In chapter 4, I report on an initiative that the OCO carried out with the community members of *Résidence Anoska* and child professionals involved in projects within this locality to improve their response in the protection of children. The core activity was a 2-day networking forum with the aforementioned two stakeholder groups entitled, ***"Strengthening the safety net to protect children of Résidence Anoska from all forms of abuse through the dynamic partnership between community members and child professionals"***. I describe in detail the preparatory actions that preceded this forum and the activities that comprised the forum itself. An important aspect of this forum was to stimulate the participants towards the objectives of this event, and mobilise and motivate both community members and child professionals to improve their interventions in the best interests of the children of this particular community.

Following the 2-day networking forum, I decided to carry out an in-depth investigation on the situation of children living in *Résidence Anoska*, along with other activities promoting children's rights in this locality. The full support of the community leader and other members of this area greatly facilitated the task of the OCO. By next year, I intend to publish a Special Report on children of *Résidence Anoska.* I think that this report will enable all stakeholders to not only assess the circumstances of the children of this locality, but also plan their interventions in a more scientific way based on qualitative and quantitative data.

Last but not the least, I report on a vulnerable group of **children whose rights are at risk in the context of homelessness** (refer to chapter 5). Every child has a right to an adequate standard of living, which is enshrined in several human rights documents including the UNCRC. A main component of this right is to ensure that the child is living in an accommodation suitable to his/her safety and well-being. Children's right to adequate housing does not imply that the State has to build houses for the entire population. The onus on the State is mainly to take appropriate measures to prevent homelessness, address discrimination, focus on the most vulnerable and marginalised groups of people, ensure security of tenure to all, and guarantee that everyone's housing is adequate, by involving all the

necessary stakeholders from the public and private sectors. In my endeavour to protect the right of children to adequate housing, I have been engaging into meaningful dialogues with the Ministry of Housing and Land Use Planning, non-governmental organisations and members of the civil society. Chapter 5 provides an overview of activities and recommendations in the context of an own-motion investigation by the OCO on homeless children's right to adequate housing.

As you may know, the UNCRC is the most widely ratified international human rights treaty, and noteworthy progress in the children's agenda has been achieved in the past thirty years. In the current report, I felt it was worth highlighting some interesting **international and local good practices that are contributing to the implementation of the UNCRC** (refer to chapter 8). However, important challenges remain, particularly in relation to children in disadvantaged and vulnerable circumstances and children with disabilities. To conclude, I hope that this report will help in driving changes in the lives of the most vulnerable groups of children of the Republic of Mauritius. In any society, change starts with reflection. I wish that this document enables child rights activists and policy decision makers to reflect and act upon the analyses and recommendations made.

Rita Venkatasawmy, OSK

Ombudsperson for Children

Republic of Mauritius

Annual Report 2019-2020

CHAPTER 1

Protecting the Rights of Children in the Context of the COVID-19 Confinement Period

"Children may be confined, but their rights are not!"

~ Council of Europe

1.1. Introduction

1.1.1. Background

The outbreak of the coronavirus disease (COVID-19) is still marking all of us as the pandemic continues to spread and affect millions of people around the world. Its impact on our social and economic realities is palpable. While the international community is striving to find a vaccine against this virus, a global narrative on *'learning to live alongside COVID-19'* is gradually emerging. Anyone can contract the COVID-19, including children. According to the World Health Organisation (WHO, 2020a)[2], *"COVID-19 is often more severe in people who are older than 60 years or who have health conditions like lung or heart disease, diabetes or conditions that affect their immune system"*. Nonetheless, it is interesting to note that a systematic review of 131 studies, involving samples of children who had COVID-19 across 26 countries, found that most of the child patients displayed mainly mild symptoms such as fever and cough, or no symptoms at all (Hoang *et al.*, 2020)[3].

The impact of the pandemic on children's education, nutrition, safety and mental health cannot be discounted. As a rising number of countries enter lockdown situations to contain the spread of COVID-19, the probabilities of domestic violence and abuse against children are likely to intensify. Stress related to the pandemic among parents or caregivers, such as uncertainties regarding their income or jobs, can increase their likelihood to respond with aggression or violence towards the demands and need for attention of their children (Abramson, 2020)[4]. It also becomes more challenging for these adults to tap into their support networks, such as child care, wider family relatives or community groups, to assist in catering for the socio-emotional needs of their children. This adds to their anxieties and stress, and it can be more acutely so for vulnerable families who do not have access to technology. Besides, being confined and in close proximity with perpetrator(s) make it harder for children, victims or survivors to flee a violent situation, seek help from another person or contact the authorities. As

[2] World Health Organisation (2020a). *COVID-19: vulnerable and high-risk groups.* Retrieved on 25 August 2020 from www.who.int/westernpacific/emergencies/covid-19/information/high-risk-groups

[3] Hoang, A., Chorath, K., Moreira, A., Evans, M., Burmeister-Morton, F. & Burmeister, F. *et al.* (2020). COVID-19 in 7780 pediatric patients: A systematic review. *EClinical Medicine, 24*, 1-19.

[4] Abramson, A. (2020). *How COVID-19 may increase domestic violence and child abuse*. US: American Psychological Association. Retrieved on 25 August 2020 from www.apa.org/topics/covid-19/domestic-violence-child-abuse

well-summarised by the **Global status report on preventing violence against children** (WHO, 2020b, p.v)[5],

> *The COVID-19 pandemic and the physical distancing measures imposed in response to it have greatly increased the risk of intra-family violence and online abuse. School closures have impacted more than 1.5 billion children and youth. Movement restrictions, loss of income, isolation, and overcrowding have heightened levels of stress and anxiety in parents, caregivers and children, and cut families and individuals off from their usual sources of support. Reports of child abuse and of children witnessing violence between their parents and caregivers have increased.*

In the Republic of Mauritius, the Government declared nationwide confinement from 20 March 2020 in order to curb the local spread of the COVID-19. It issued a Curfew Order on 23 March 2020 which was renewed at intervals up to 30 May 2020. During that period, all schools remained closed and economic activities were stopped, with the exception of essential services. Owing to having no reported cases of COVID-19, the lockdown in the Islands of Rodrigues and Agalega had ended earlier on 15 April 2020, and their schools had resumed on 4 May 2020 and 11 May 2020 respectively. In the Island of Mauritius, schools were reopened on 1 July 2020, albeit with conditions attached.

With regards to domestic violence and child abuse in Mauritius, it was reported that, from 20 March 2020 to 13 May 2020, the Ministry of Gender Equality and Family Welfare (MGEFW; Government Information Service [GIS], 2020)[6] registered 349 cases of domestic violence against women and 463 cases of child abuse. Over that same period, COVID-19 testing was carried out with 37 children before their placement into residential care institutions (GIS, 2020). The Honourable Minister, Ms Kalpana Devi Koonjoo-Shah, assured that the MGEFW in collaboration with the Mauritius Police Force intervened in all reported cases, and that the necessary support and protection were provided to the victims (GIS, 2020).

[5] World Health Organisation (2020b). *Global status report on preventing violence against children*. Geneva: Author. Retrieved on 25 August 2020 from www.unicef.org/media/70731/file/Global-status-report-on-preventing-violence-against-children-2020.pdf

[6] Government Information Service (2020). *Covid-19: Mauritius embarks on first phase of easing its lockdown protocol.* Retrieved on 25 August 2020 from www.govmu.org/English/News/Pages/Covid-19-Mauritius-embarks-on-first-phase-of-easing-its-lockdown-protocol.aspx

The United Nations (2020, pp.2-3) stated that:

"There are three main channels through which children are affected by this crisis: infection with the virus itself; the immediate socioeconomic impacts of measures to stop transmission of the virus and end the pandemic; and the potential longer-term effects of delayed implementation of the Sustainable Development Goals. All of this is affecting children in multiple ways:

- ***Falling into poverty:*** *An estimated 42-66 million children could fall into extreme poverty as a result of the crisis this year, adding to the estimated 386 million children already in extreme poverty in 2019.*

- ***Exacerbating the learning crisis:*** *188 countries have imposed countrywide school closures, affecting more than 1.5 billion children and youth. The potential losses that may accrue in learning for today's young generation, and for the development of their human capital, are hard to fathom. More than two-thirds of countries have introduced a national distance learning platform, but among low-income countries the share is only 30 percent. Before this crisis, almost one third of the world's young people were already digitally excluded.*

- ***Threats to child survival and health:*** *Economic hardship experienced by families as a result of the global economic downturn could result in hundreds of thousands of additional child deaths in 2020, reversing the last 2 to 3 years of progress in reducing infant mortality within a single year. And this alarming figure does not even take into account services disrupted due to the crisis – it only reflects the current relationship between economies and mortality, so is likely an under-estimate of the impact. Rising malnutrition is expected as 368.5 million children across 143 countries who normally rely on school meals for a reliable source of daily nutrition must now look to other sources. The risks to child mental health and well being are also considerable. Refugee and internally displaced children as well as those living in detention and situations of active conflict are especially vulnerable.*

- ***Risks for child safety:*** *Lockdowns and shelter in place measures come with heightened risk of children witnessing or suffering violence and abuse. Children in conflict settings, as well as those living in unsanitary and crowded conditions such as refugee and IDP settlements, are also at considerable risk. Children's reliance on online platforms for distance learning has also increased their risk of exposure to inappropriate content and online predators."*

Source: United Nations (2020). *Policy brief: The impact of COVID-19 on children.* Retrieved on 25 August 2020 from www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_children_16_april_ 2020.pdf

1.1.2. The Ombudsperson for Children's Office in the context of the COVID-19 confinement

Similar to other national human rights institutions, this unprecedented crisis set a new challenge to the Ombudsperson for Children's Office (OCO) – **how to continue upholding the rights and best interests of the children of the Republic of Mauritius within the limits imposed by the confinement?** It was clear that it would be difficult to conduct field visits and face-to-face meetings for the purpose of investigations. However, as rightly advanced by the Council of Europe (2020)[7], ***"children may be confined, but their rights are not!"***.

Committed to its mandate as defined by the Ombudsperson for Children Act (OCA) 2003, the Ombudsperson for Children (OC) was determined to *"ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and association of individuals"* (OCA 2003, section 5(a)), even during the confinement. In this context, the OC and her team monitored within available means the situation of children's rights through different methods, including

- regularly checking office emails and responding promptly to requests and queries;
- registering complaints on violations of children's rights through the phone or online encrypted platforms such as WhatsApp;
- liaising with multiple authorities, such as the Ministry of Gender Equality and Family Welfare and the *Brigade pour la Protection des Mineurs*, to obtain or transmit relevant information regarding children's matters;
- carrying out phone follow-ups and video calls with institutions where children reside such as residential care institutions (RCIs) and rehabilitation and correctional youth centres;
- creating guidelines for RCIs on precautions during confinement to protect children's rights;
- monitoring publications related to children in the local media (online or printed);
- raising the awareness of the public on children's matters during the confinement through the media (radio, television and newspapers); and

[7] Council of Europe (2020). *Children may be confined, but their rights are not!* Retrieved on 25 August 2020 from www.coe.int/en/web/children/-/children-may-be-confined-but-their-rights-are-not-

- keeping up-to-date with the latest publications related to COVID-19 of the Committee on the Rights of the Child and other international organisations such as the WHO, especially regarding the impact of COVID-19 on children and their rights.

The present chapter details the main actions carried out by the OC to safeguard the fundamental rights and best interests of children, especially those who were most vulnerable during the confinement such as children residing in institutions, children with disabilities, and children living in poverty and deplorable housing conditions. The first section focuses on activities conducted by the OCO to monitor and protect the rights of children during confinement. In the second section, some good practices that enabled the promotion of children's rights by some governmental authorities and civil society organisations are highlighted. Finally, the OC provides a list of recommendations that could be considered to improve the fulfilment of the rights of children of our Republic during and after future lockdown situations.

1.2. Promoting children's rights during the COVID-19 confinement period

During the confinement, the OC monitored the protection of children's rights in residential care institutions (RCIs). She also ensured that young people residing at Rehabilitation Youth Centres (RYCs) were being treated according to the provisions of the UNCRC. In addition, she partnered with the Delegation of the European Union to the Republic of Mauritius to launch a joint communiqué to sensitise the public on promoting children's rights. Moreover, she engaged continuously with the media to raise awareness on the situation of children during the lockdown. The present section describes each of the above-mentioned initiatives.

1.2.1. A focus on children living in RCIs

Children living in RCIs often have difficult family backgrounds and histories of trauma, which can make them more vulnerable to having mental health difficulties and displaying challenging behaviours. Living in an institution away from their families with limited parental contact is already a hard reality for them. A long-term confinement period with movement restrictions can further exacerbate their frustrations

and vulnerabilities. Moreover, the staff at the RCIs would also inevitably face more pressures and challenges in the management of the children's needs, moods and behaviours, and, they may consequently feel more strained and lacking in motivation.

During the lockdown, the OC made it a priority to establish phone contacts with the Managers of RCIs to scope the extent of their difficulties and help them reflect on strategies that can best protect the rights of their residents. She noted that, overall, the RCIs were faring quite well in this novel situation and were doing whatever they could to establish sanitary measures and maintain a good enough level of activity among the children within their premises. The following sub-sections describes different activities carried out by the OC to support RCIs of the Republic of Mauritius in the promotion of the rights of their child residents. It also provides an overview of the voices of RCI Managers and children living in RCIs regarding their difficulties and achievements during the confinement.

1.2.1.1. Facilitating the issuance of COVID-19 Work Access Permits for RCI Managers

The COVID-19 Work Access Permits (WAP) were a requirement for all employees, especially those working in essential services, to be able to travel from home to their place of work, and vice versa, during the curfew period. RCIs are an essential service and employees who were directly involved in the care of the child residents had to attend duty on-site during confinement. Nevertheless, in the initial phase of the confinement, many RCI Managers were experiencing significant delays in being issued this permit by the authorities. The waiting period for the COVID-19 WAP led to several difficulties for some of them, including the following:

(i) Some Managers were having problems with catering for the basic necessities of the children, such as food, clothing and sanitary pads, as and when needed, due to movement restrictions without a COVID-19 WAP.

(ii) Although work transport was being provided by RCIs to carers to travel from their homes to their places of work, some drivers and carers had been intercepted by the police. In some cases, the police strictly warned them that it did not suffice to show their COVID-19 WAP application forms and this was recorded as a breach of the Curfew Order. These situations caused inconvenience and distress among the concerned staff.

(iii) Some carers were not prepared to bear the risk to come to work with the fear of contracting the virus or being caught by the police without a WAP. This caused short staffing situations in some RCIs, which affected the quality of child care.

Many RCIs' Managers were worried about the impact of the long waiting time for a COVID-19 WAP on the rights of their child residents and they complained to the OC about it. The OC deemed imperative for staff of RCIs, at least the Managers, to obtain WAPs as soon as possible in order to ensure the proper running of care services for the children, in line with articles 3(1) and 20(1) of the UNCRC as quoted below:

- *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the* ***best interests of the child shall be a primary consideration****."* (UN, 1989, article 3(1)); and
- *"A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be* ***entitled to special protection and assistance provided by the State****."* (UN, 1989, article 20(1))

To facilitate the acquisition of COVID-19 WAPs for RCI Managers, the OC emailed a list of all the RCIs in Mauritius and the names of their respective Managers to the Commissioner of Police (CP). She requested him to fast-track COVID-19 WAP approvals for these Managers so that they could attend to the needs of the children under their care. The CP acceded to the OC's request and all the Managers were issued their WAPs within a short period of time. As for the WAPs of the other RCIs' employees, their applications had to be submitted online by their respective Managers to be approved by the CP. In the end, all RCIs' employees managed to successfully obtain their WAPs and travel from and to their places of work without any difficulty.

1.2.1.2. Collaboration with the Commissioner of Prisons to provide food and masks to RCIs during the complete lockdown phase

At the beginning of the lockdown, there was a period where bakeries were closed and pharmacies had very limited supplies of face masks. During this time, many RCI Managers informed the OC that they

were daily trying to find alternatives to bread for feeding the child residents, and sometimes, due to the limited availability of other food items or ingredients, this proved to be challenging. They had also requested those employees who did not have face masks to try to sew their own mask or otherwise wear a scarf to cover their nose and mouth.

In this context, the OC thought that at least a one-off distribution of bread and fabric face masks could provide some relief to child care and management within RCIs during the complete lockdown phase. She knew that the Mauritius Prison Service was executing a laudable job, whereby its inmates were preparing food such as bread and cakes, and sewing fabric face masks, for distribution across prisons and vulnerable groups of people. She liaised with the Commissioner of Prisons who agreed to provide 700 breads and cakes, and 700 fabric masks for distribution across all RCIs of Mauritius. The *Brigade pour la Protection des Mineurs* collaborated with the OCO in the delivery of these parcels.

1.2.1.3. Circulation of a guideline entitled *"COVID-19: Précautions pratiques pour les RCIs"*

The rights to life, survival, development and health of children can be at stake during a pandemic. In view of strengthening the level of preparedness and response of RCIs to the threat of COVID-19 and safeguarding the aforementioned children's rights, the OC created and circulated a practical guideline on sanitary precautions that can be taken within RCIs' environments. The guideline was written in French language and is provided below:

"COVID-19 : Précautions pratiques pour les RCIs"

Comment récupérer votre colis en toute sécurité après vos achats ou des dons

En prenant quelques précautions intelligentes, vous pouvez sécuriser vos livraisons et protéger la santé de vos enfants.

1. *En premier lieu, faites comme si chaque colis ou commande avait été empaqueté et livré par quelqu'un d'infecté qui avait déposé le virus sur vos provisions.*
2. *Portez un masque et maintenez une distance de sécurité entre les livreurs et vous.*
3. *Ouvrez la porte à leur arrivée seulement et fermez-là dès qu'ils s'en vont minimisant ainsi les surfaces de contact.*

4. *Placez une table, un support ou une étagère à l'extérieur ou dans votre garage et demandez aux livreurs d'y déposer votre colis.*
5. *Faites votre paiement en ligne ou tendez la somme exacte.*
6. *Laissez votre colis un certain temps à l'extérieur avant de le manipuler.*

I. Denrées non périssables

- *Attendez 24 heures avant de manipuler/toucher les emballages en carton demeurés à l'extérieur.*
- *Les emballages en plastique doivent passer 72 heures à l'extérieur avant d'être manipulés.*
- *L'inox ou acier inoxydable doit passer 72 heures à l'extérieur avant d'être manipulé. Par exemple le gaz ménager.*

II. Denrées périssables

- *Placez les denrées directement dans votre congélateur et non sur votre table ou planche de travail. Ne les placez pas non plus contre vous et qu'aucun membre de votre famille n'y touche.*
- *Si vous le pouvez, ôtez l'emballage extérieur et placez-le directement dans la poubelle avant de placer vos denrées dans le congélateur.*
- *Lavez/désinfectez toutes les surfaces qui ont été en contact avec les sacs ou emballages ayant servi au transport des provisions commandées.*
- *Lavez-vous les mains soigneusement.*

III. Protégez-vous ! Protégez nos enfants !

- *Il a été observé dans certains laboratoires que le virus avait survécu pendant douze heures sur la peau des fruits et légumes qui avaient été manipulés par un client infecté.*
- *Il est recommandé de ne pas consommer les fruits achetés qu'après 48 heures ou versez de l'eau bouillante sur les fruits avant de les trancher.*
- *Les fraises, les pommes, les concombres et les tomates sont les plus à risques car consommés par certaines personnes avec la peau.*

Nous devons présumer que tout ce qui provient de l'extérieur de notre maison est infecté et conservera la capacité d'infecter l'homme pendant 48 heures : chaussures, vêtements, les cheveux, la nourriture etc.

1.2.1.4. Words of encouragement from the OC to RCIs

The OC addressed a message to the Managers of all RCIs on 27 March 2020 to encourage them in their efforts to uphold the rights of their child residents and to extend her assistance for any advice regarding the best interests of children. The message was written in French language and is illustrated as follows:

Le 27 mars 2020

Bonjour à tous,

J'espère que vous, votre staff et vos enfants se portent bien même si l'heure est grave et que nous vivons des moments très difficiles. Hier, le 26 mars 2020, j'ai envoyé un courriel à tous les Managers des « Residential Care Institutions (RCIs) » après avoir écrit au Commissaire de Police. Je sais que quelques-uns d'entre vous ont pu obtenir les « COVID-19 Work Access Permits » directement de la police alors que d'autres sont toujours dans l'attente. La permission que j'ai pu obtenir pour vous concerne seulement les Managers des RCIs afin qu'ils puissent se rendre sur leur lieu de travail. Pour les autres membres de votre personnel, il faudra faire la demande en ligne.

La gestion des RCIs en temps normal est difficile et actuellement cette gestion devient encore plus compliquée. J'en suis pleinement consciente et nous devons nous entraider. Ce confinement nous oblige à changer nos habitudes, à consommer moins de nourriture, à être plus vigilants... Quant à moi, ce confinement m'a permis de prendre conscience combien l'humain est petit et fragile. Nos enfants des RCIs doivent faire face aujourd'hui à des difficultés énormes. Ils apprennent à faire des sacrifices loin de leurs familles biologiques. Espérons qu'ils sortiront grandis de cette épreuve

et seront demain des personnes résilientes. Le staff a une responsabilité énorme et doit être encouragé et applaudi.

En cette période d'urgence sanitaire, la protection du droit des enfants à une bonne santé demeure la priorité des priorités. Je vous invite à bien lire et mettre en pratique les consignes ci-jointes. Je sais que bon nombre d'entre vous ont sûrement déjà pris de telles précautions mais le rappel est toujours utile ! Bon courage à vous tous !

*N'hésitez pas à m'appeler si vous estimez que je peux vous être utile. Mon numéro de portable/WhatsApp est le suivant : (+230) 5*******.*

Dans les moments les plus difficiles de notre vie, seule l'amitié compte. Pour les enfants, les amis sont tellement importants. Soyons leurs amis !

Rita Venkatasawmy
Ombudsperson for Children

1.2.1.5. Video calls to children and staff of RCIs

The OC made video calls to children and staff of several RCIs to provide them with useful information on how to support one another during times of crisis and guidelines on protecting themselves from the virus. Some children openly expressed their apprehensions that the lockdown had restricted many of their rights. The OC empathised with them and encouraged all children to be vocal on their issues with trusted adults, and to contact her for any advice regarding their rights. She reminded them that they may be confined, but their rights are not. She requested children and carers to show courage and patience and to build an understanding of one another during this tough time.

1.2.1.6. Children displaying challenging behaviour at an RCI

During the confinement period, the OC received a complaint from the Manager of an RCI regarding disturbances being created by some residents, which were affecting the operations of the RCI. The OC

decided to conduct a surprise visit to the RCI and engaged the children in an open discussion. She carefully and respectfully listened to their concerns and views. When she spoke with the children, they acknowledged that it was important to speak out their feelings so that their carers could better understand their needs, rather than to behave in a challenging way. The OC was able to successfully resolve the situation.

1.2.1.7. Letter of motivation to RCIs

When the extension of school closures until 1 July 2020 was announced, many children in RCIs were showing increased levels of agitation and challenging behaviours due to boredom and their pressing need to go outside the RCIs' premises. Despite these difficulties, the RCIs were trying their best to occupy the time of the residents during this prolonged phase with educational and leisure activities. In this context, the OC addressed a letter of motivation (as provided below in French language) to all RCIs to support them in their perseverance.

Le 16 avril 2020

Bonjour à tous,

Je souhaite de tout cœur que vous vous portiez bien ainsi que les enfants sous votre responsabilité. Vous avez été nombreux à garder contact avec le Bureau de l'Ombudsperson pour les enfants et cela nous a permis de renforcer nos liens de travail. J'ai pu constater que chaque « shelter » s'adapte à sa manière au confinement et s'appuie sur ses réseaux pour franchir les obstacles durant le couvre-feu sanitaire.

Je sais qu'encadrer des enfants en temps normal est une tâche difficile et en ce moment cet encadrement est encore plus compliqué. Il faut occuper les enfants - surtout les plus jeunes - et leur proposer des activités. Je suis consciente que chaque structure est suffisamment rodée pour établir sa liste d'activités. Cependant, je me permets d'attirer votre attention sur le fait que si les activités proposées sont d'une importance capitale en cette période, la façon de réaliser ces activités l'est encore plus. Je vous encourage à faire preuve de beaucoup de patience, de tolérance,

de capacités organisationnelles, de maximiser l'efficacité et la créativité et surtout de donner un peu plus d'amour que d'habitude !

Finalement, je vous invite à réfléchir sur l'importance ou plutôt sur l'urgence de la mise en place des « shelters » / familles d'accueil qui accueillent des petits groupes d'enfants. On ne le répètera jamais assez : dans un « shelter », plus le nombre d'enfants accueillis est grand, plus la difficulté de gérer ces enfants est grande. Je vous laisse poursuivre cette réflexion à votre niveau. Au plaisir de vous rencontrer très bientôt.

Sincèrement,

Rita Venkatasawmy
Ombudsperson pour les Enfants

« Ne cherchez pas à éviter à vos enfants les difficultés de la vie, apprenez-leur à les surmonter. »

~ Louis Pasteur,
Pionnier de la microbiologie

1.2.1.8. Experiences shared by some RCIs on difficulties encountered and good measures taken during the confinement

The lockdown period was undoubtedly full of challenges for RCIs. Nonetheless, they also remarkably adapted to this novel situation through interesting solutions. The OC carried out a survey via email on the difficulties encountered and good measures implemented by RCIs during confinement. The responses from 6 RCIs[8] who participated have been summarised in the following tables:

[8] The names of the RCIs have been anonymised to avoid identification of their children or staff members.

1. RCI 'A'

Difficulties encountered:

1. Some caregivers encountered difficulties with their family members who did not approve of them coming to work on a 24-hour basis. The family members thought that RCIs for children were not considered essential services.
2. Being confined for a long period of time impacted on the children's behaviours. The peace of the RCI was disrupted by some older children who did not abide by the rules and regulations.
3. The residents had difficulties to follow the distance learning courses on radio and television. The older girls tried their best to help the primary school-going children and some of our caregivers helped the older girls to do their homework. But, in general, we felt that such classes were very difficult for children in the RCI to follow fully.

Good measures implemented:

1. Proper precautions and sanitary measures were taken, and constant communication through phone calls, WhatsApp and emails helped management to take right decisions. No visitors got access inside the RCI to avoid imported infections. Regular briefing sessions were held with caregivers.
2. The education of residents was ensured. Those who attend primary schools, special needs school and secondary schools did their revisions and homework using their school text books. They also followed the Ministry of Education's daily scheduled program for each grade. They could also choose books to read from the RCI's library.
3. Social skills were promoted and the children were encouraged to clean their rooms. The elder girls gave a helping hand to the caregivers in the daily chores.
4. Various entertaining activities such as story-telling, reading, drawing, painting, singing and role play were organised with the children. Moreover, indoor recreational activities such as monopoly, scrabble, dominoes and card games were organised more often.

2. RCI 'B'

Difficulty encountered:

1. The RCI faced difficulties regarding the Work Access Permit. Among 19 staffs, only 15 were granted their permits. In this context, the driver was stopped twice by the police for breach of the Curfew Order. Administration called upon the Ombudsperson for Children for assistance.

Good measures implemented:

1. Only authorized persons were allowed to enter the RCI, for example, CDU Officers, Police Officers, Hygiene Company Workers and the RCI's staff following clear sanitary conditions. They used hand sanitizers, wore masks and disinfected their shoes before their entry.
2. Good hygiene practices were observed carefully at the RCI to control the spread of the virus.
3. The girls were updated about the evolution of the COVID-19 virus and the impact of this on their daily routine through regular counselling sessions. Our attached psychologist conducted a weekly video call session with the residents.
4. Activities were proposed to the residents to engage their imagination and avoid boredom caused by the confinement. These included gardening, recycling of resource materials, cooking sessions, meditation and physical exercise.
5. Regarding their education, the girls were following the educational programme on television under the supervision of caregivers. In addition, they were encouraged to do revision and group work.

3. RCI 'C'

Difficulties encountered:

1. At the beginning of confinement, the children were excited about this new situation which they thought was like school holidays. However, when they understood that they would not be going to school or on outings for a long period of time and that they were not allowed to leave the RCIs' premises, many of them felt increasingly bored and anxious. They also missed their school friends.
2. At times, some of the children displayed temper tantrums, anger, physical and verbal aggression, defiance to rules and regulations, and oppositional behaviours among others.

Good measures implemented:

1. During confinement, individualised online learning support was organised for children who are doing the Primary School Achievement Certificate (PSAC). The other children followed lessons delivered through television and the radio.
2. Although a basic routine was established with the children, residents were given the flexibility to choose among a variety of activities to occupy their time (e.g. watching television, indoor and outdoor games and activities, self-learning, self-care and relaxation, dance, listening to music, supervised cooking, etc.)
3. Children were regularly informed in a simple and child-friendly manner on the COVID-19 situation. They were also taught sanitary skills such as regular hand washing and social distancing. They also expressed themselves regarding the COVID-19 situation through drawings.
4. The residents received therapeutic and psychological support during confinement as and when required.

4. RCI 'D'

Difficulties encountered:

1. Each unit in the RCI has children of different age groups. Even if arrangements were made so that each age group could have their time scheduled for online classes, problems happened when specific channels were not available in certain units. For college students, they did not have access to mobile phones or computers, so difficulties arose when their classes and homework were being sent via WhatsApp.
2. The confinement period accentuated the behavioural challenges of some youths. It was quite difficult to maintain a certain stability and discipline in the adolescents' workshops.

Good measures implemented:

1. Proper sanitary measures were taken to prevent the spread of the virus.
2. Caregivers worked up to the 15th of May on a 7-day rotational basis for each team. This allowed less movement of caregivers in the RCI's premises to prevent contamination of the children and the caregivers themselves. Once confinement was partially lifted, transport arrangements were made to pick up and drop caregivers at their house to prevent use of public transport.
3. In view of ensuring psychosocial and pedagogical support to caregivers and children, the pedagogical team, including the internal psychologist and senior social worker, resided onsite during confinement.
4. Daily workshops were organised with different age groups of children on self- presentation, self-esteem, life after residential care, integration processes and professional projects. Pre-adolescents and adolescents worked in groups during these workshops. These sessions allowed them to express their feelings about the lockdown experience.

5. RCI 'E'

Difficulties encountered:

1. It was not easy to purchase food and other items (such as washing machine liquid) due to conditions set by the Government to go to the supermarkets. Items were limited at the RCI and several purchasing trips had to be made in difficult conditions. The RCI had to rely on buying food items from nearby shops, which costed more than supermarket items.

Good measures implemented:

1. The confinement was strictly followed for the protection of the children. No visitors were allowed in. Transport was provided for the conveyance of staff from their residence to their place of work and back in the RCI's transport.
2. All residents and staff abided by good hygiene rules. The basic essentials of the children were ensured. The health of residents and staff was monitored.
3. The RCI also followed the "*COVID-19: Précautions pratiques pour les RCIs"* sent by the Ombudsperson for Children's Office as a guidance to ensure that proper sanitary measures were put in place to avoid the spread of the virus among children and caregivers.
4. Regular exercises were organised with the children to maintain their physical and mental health.

6. RCI 'F'

Difficulties encountered:

1. The difficulties we had encountered were mainly to provide our beneficiaries with personal protective equipment (PPE).

Good measures implemented:

1. The RCI established the necessary sanitary measures to ensure the safety of the children. The children were sensitised on the virus and on how to prevent the spread of the virus. The residents were also informed on the necessary precautions to be taken to avoid a second wave.
2. The RCI developed a new Post-COVID-19 working procedure with the participation of all staff and some children, which had the following specific objectives:
    i. To ensure that the beneficiaries have food during the post-confinement period;
    ii. To develop family gardens and egg production for vulnerable families; and
    iii. To monitor and evaluate this project on a regular basis.

1.2.1.9. The voices of children living in RCIs during the confinement

Article 12(1) of the Convention on the Rights of the Child (UN, 1989) stipulates that "*States 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*". The OC valued hearing from children during the confinement and she received numerous messages and letters from children residing in RCIs regarding their feelings and experiences during this pandemic. Some of their comments in Mauritian Creole language are quoted below:

Child E.C. (11 years)

« Mo'nn bien tris ki bokou dimounn finn perdi lavi dan COVID-19, me mo kontan nou'nn travers ladan pou kone kouma bizin debrouye. Mo pa'nn santi mwa tro ranferme parski nou ti ena bokou aktivite, nou'nn aprann kwi manze, fer plantasion, ferkozri ki mo'nn bien kontan. »

Child C.D. (13 years)

« Dan COVID-19, nou'nn bizin met mask, res enn met distans avek zot tou, lav lame sak 15 minit. Zame ti panse enn zour pou trouv enn sitiasion koumsa. Koumansman mo ti plin akoz nou ti tro res dan lakaz, me apre inn abitie. »

Child J.J. (14 years)

« Ti enn tipe bien. Akoz pa ti kapav sorti al laboutik, pa zwenn nou kamarad lekol. Isi, nou ti pe fer lakwizinn avek nou tantinn. Nou ti pe fer aktivite, ti ena leson, ti pe zwe maye, kouk-kasiet, zwe foutborl ar bann kamarad. Sa konfinnman la ti enn gran lexperyans, me mari bom res lakaz pandan sa long moman la, bien fatigan. »

Child S.R. (12 years)

« Bien bom. Pa ti pe fer nanye. Ti pe res dan lakaz konfine. Pa gagn sorti al get kamarad. Me ti pe bien gagn manze, gato toulezour. Nou ti pe get fim toulezour, nou ti pe desine, al leson ek apre nou ti ena nou letan zwe. Nou ti pe fer jim ek miskilasion osi. »

Child V.M. (13 years)

« Normalman tou mo bann kamarad dan shelter al lekol, me pandan konfinnman, inn gagn plis letan pou pase ansam ek nou finn mie konpran nou lantouraz. Malgre konfinnman laprantisaz pa finn arete, ki li kote akademik kot nou'nn swiv program lor televizion ek nou'nn fer revizion. Kote fiziknou'nn fer zoumba, lexersis ek nou'nn mem danse, amize inpe. »

Child E.T. (11 years)

« Mo'nn gagn plis letan revize ek ed bann tipti dan zot revizion. Nou bann zanfan shelter nou'nn bien proteze kont COVID-19. Me atraver bann informasion lor televizion ek radio, nou'nn res okouran ki pe pase dan Moris ek lezot pei. Mo'nn gagn per kan mo'nn panse mo bann fami ki deor. Nou'nn aprann bann prekosion ki bizin pran pou protez nou. Sil-vou-ple, pran prekosion mo bann kamarad, met zot mask, lav lame sak fwa, gard 1 met distans ek kan touse, met ou koud kot ou labous. »

1.2.2. Promoting children's rights in Rehabilitation Youth Centres (RYCs) during confinement

Similar to interventions with RCIs, the OC monitored the situation of inmates living in the RYCs to ensure that their rights were being protected during confinement. The OC regularly contacted the Officers-in-charge of the RYCs to take stock of any problems related to the inmates. She also animated a video conferencing session with the residents, especially regarding their right to health during this pandemic, and listened with great attention to their views and concerns. She gave useful advice and guidance to the inmates and staff regarding their rights and responsibilities as per the Convention on the Rights of the Child (UN, 1989).

During the confinement, I was truly impressed by how the staff and children of RCIs and RYCs navigated the new challenges they faced. Their resilience was commendable. Managers and caregivers working at these institutions courageously left the safety of their homes to fulfil their duties in the care of these vulnerable children and young people. I was amazed on how they kept going, despite the health risks and amplified responsibilities of managing the needs, anxieties, moods and behaviours of their inmates.

Understandably, it was not an easy time for these children and the lockdown seemed to have exacerbated their difficult feelings. They are already living a life separated from their families, and the lockdown additionally prohibited them from meeting their friends, or going to their favourite leisure places. Nonetheless, I was pleasantly surprised on how most of them adapted to this novel situation and engaged their creativity and imagination in making sense of their experiences.

~ R. Venkatasawmy, Ombudsperson for Children

1.2.3. Joint communiqué of the OCO and the European Union (EU)

The OCO partners with the Delegation of the EU to the Republic of Mauritius on a number of initiatives to protect the rights of vulnerable children of our country. In the context of the coronavirus disease crisis, the OCO and the EU issued a joint communiqué, as given below, which called on families to engage their children in recreational activities, and also to protect them from the heightened risk of violence, exploitation and abuse as part of the broader response to COVID-19.

Joint Communiqué of the OCO and the EU

Chers parents, chers enfants, chers citoyens de l'Ile Maurice et de Rodrigues

Le monde vit aujourd'hui une crise sanitaire sans précédent avec la pandémie du COVID-19. Près de la moitié de la population mondiale est confinée. En Europe, à Maurice et partout ailleurs, tous les efforts se concentrent sur la lutte sur la guérison des malades atteints par le COVID-19, le contrôle de la propagation du virus et la recherche pour trouver rapidement un médicament et un vaccin. A Maurice, les autorités font de leur mieux pour lutter contre le virus, mais nous savons tous que cette bataille sera très dure. Comme dans d'autres pays, le confinement et le couvre-feu ont été imposés ici depuis deux semaines.

La situation de confinement quasi-totale est une expérience nouvelle qui teste notre patience à tous. Cependant, c'est le meilleur moyen de ralentir et de maitriser la propagation du virus. Rester à la maison 24 heures sur 24 et 7 jours sur 7 peut nous donner l'opportunité de nous retrouver en famille, de passer plus de temps avec les enfants et aussi de faire des activités tous ensemble. Mais le confinement, surtout prolongé, est également porteur de menaces.

Nous avons tous suivi avec un très grand effroi et une vive émotion le récit du meurtre d'une petite fille de 10 ans au cours du week-end dernier. Cette tragédie nous montre que tout confinement prolongé risque d'être un accélérateur de violence contre les enfants.

Si nous vous adressons ce message aujourd'hui, c'est pour vous rappeler que toute forme de violence contre les enfants est inacceptable. Les enfants ont droit à un environnement familial sécurisé où ils peuvent s'épanouir et devenir des adultes responsables et stables. C'est la raison pour laquelle l'Union européenne et l'Ombudsperson pour les enfants sont engagés dans des actions pour promouvoir leurs droits.

Nous profitons de l'opportunité qui nous est donnée pour vous encourager à réfléchir et à mettre en place, avec les membres de votre famille, des activités qui aideront à maintenir un équilibre pendant cette période de confinement, notamment des jeux, la lecture, ou toute autre activité qui peut contribuer au bien-être de la famille. Le plus important est de ne pas se laisser prendre par le piège d'une spirale de violence.

Pour occuper les enfants, plusieurs initiatives ont été lancées, notamment les cours à la télé et en ligne pour les élèves du primaire et du secondaire. Suivez également les recommandations des psychologues sur la gestion du confinement sur les médias et médias sociaux. Si vous êtes témoin de violence envers les enfants, nous rappelons que la hotline du Ministère de l'Égalité du Genre et du Bien-être de la Famille est le 113 pour dénoncer tout abus.

Une fois la pandémie derrière nous, nous continuerons avec énergie nos actions en faveur des enfants et des familles, principalement pour les écouter et pour encourager les enfants et les parents à participer activement à la promotion du respect des droits des enfants et la lutte contre la violence envers les enfants.

En attendant, soyez assurés de l'engagement de l'Union européenne et de celui de l'Ombudsperson en faveur des enfants.

Rita Venkatasawmy ***Vincent Degert***

Rest ou lakaz

Restez chez vous

Stay at home

1.2.4. Raising awareness on children's situation and rights through the media during confinement

The OC had been regularly solicited by the media during the confinement period to obtain her statements and views on various children's matters including the murder of a 10-year-old girl by her parents and the misuse of the internet as a means of abuse among young people. Besides, she also wrote two articles that were inspired from positive and difficult experiences that children and their families shared with her over the confinement period.

The first article was published in the newspaper *Le Mauricien* on 20 April 2020 (refer to Appendix B). It looked at some of the challenges that the confinement created for children, including those with disabilities, and their families. It also drew attention to the importance of recognising the vulnerabilities of children and not considering them as 'small adults'. The second article was published in the newspaper *L'Express* on 08 May 2020 (refer to Appendix C), in which the OC provided a brief overview of the COVID-19 situation in relation to children's rights. She then proposed some methods on how we could lean on the lessons of this global pandemic to enhance the creativity, understanding of values and character-building of children and young people in Mauritius.

1.3. Good practices by different stakeholders that promoted children's rights during confinement

During the COVID-19 national lockdown, several governmental bodies and civil society organisations set up innovative ideas to mitigate the effects of the pandemic. These actions contributed to fulfilling the rights of our children, mainly their rights to education, health, protection from all forms of violence, information and freedom of expression. The OC extends her appreciation to all the stakeholders who merged their efforts in this purpose. Examples of good practices by some of these stakeholders are briefly presented in the following sub-sections.

1.3.1. Maintaining the continuity of education and student learning during confinement

In order to uphold the right to education of the children of our country during the lockdown period, the Ministry of Education, Tertiary Education, Science and Technology (METEST), in collaboration with the Mauritius Institute of Education (MIE), the Open University of Mauritius, the Mahatma Gandhi Institute and teachers, launched media-based lessons from Grades 1 to 9 on 06 April 2020. These lessons were broadcasted by the Mauritius Broadcasting Corporation on four channels from Monday to Friday. In addition, Grade 9 students also had access to the Student Support Portal of the METEST. For students of Grades 10-13, two electronic platforms were used, namely Zoom and Microsoft 365, for teachers to conduct online classes and upload lessons. The MIE also catered for pre-primary school learners and students with special education needs.

These educational arrangements were further formalised and enacted through the COVID-19 (Miscellaneous Provisions) Act 2020 on 16 May 2020. This law provides for the implementation of distance education during temporary closure of educational institutions as well as makes provision for staff members of educational institutions to produce and conduct distance education and online learning programmes, including broadcast lessons. Other requirements under this law include social and physical distancing in educational institutions to be applied as a result of infectious diseases occurring in epidemic forms; and the maintenance of a register containing the contact details of school staff, of Managers of secondary schools and of the responsible parties for students, to be used for the purpose of distance education and online learning. On 4 June 2020, the Honourable Minister of Finance, Economic Planning and Development announced in the Budget Speech 2020-21 that some 2,570 tablets would be distributed to students of Grades 10 to 13 for families listed on the existing Social Register of Mauritius.

1.3.2. Ongoing essential services of the Child Development Unit

Every child has the right to be protected from all forms of violence. In the Republic of Mauritius, the Child Development Unit (CDU) of the Ministry of Gender Equality and Family Welfare is the responsible authority that provides protection services to children victims of violence, abuse and neglect on a 24/7 basis. As explained in the background of the current chapter, lockdown situations are known to increase

the risks of domestic violence and abuse against children. Despite its shortage of staff, the CDU has remained operational during the confinement to handle reported cases of child abuse and provide the appropriate assistance and support services to victims and their family members.

1.3.3. Health care and essential services for all

Healthcare workers and other essential service providers have been on the frontline in the fight against the spread of the coronavirus disease. They put themselves at risk and valiantly spared no efforts to ensure the protection of adults and children. In a national press briefing on COVID-19, it was announced that, as at 2 April 2020, eight children aged 4 months, and 2, 4, 5, 9, 10, 12 and 15 years respectively had been confirmed positive to the virus. To date, no death of minors due to COVID-19 has been reported in the Republic of Mauritius. To contain the spread of the disease and to screen as many potential cases as possible, the Ministry of Health and Wellness established the following good practices:

- Mauritians were advised not to visit hospitals for minor issues. Alternatively, volunteer Mauritian doctors set up a consultation service online named *"medicine.mu"* to give free medical opinions and advice to anyone in the public.
- The Ministry provided a hotline service (8924) that was available on a 24/7 basis to answer the public's queries on COVID-19.
- The Officers of the Ministry carried out a meticulous process of contact tracing and conducted COVID-19 testing with as many citizens who have been in contact with a contaminated patient or who were suspected to carry the virus.

1.3.4. The *Brigade pour la Protection des Mineurs* assisting vulnerable children and young people

The hard work of the police force during the confinement in maintaining order and discipline among citizens to prevent the spread of the virus and in supporting vulnerable families, including children, was laudable. The *Brigade pour la Protection des Mineurs* (BPM), which is the police unit specialised in the

protection of children, was also active on the field during the lockdown and initiated several good practices with children and families, for example:

- A good level of communication with vulnerable children and their parents was maintained.
- The BPM continued to sensitise families and communities on their role as a child-friendly police unit during their field visits.
- Requests or case referrals from the CDU, the OCO, NGOs and members of the public were promptly attended to.
- Targeted patrols were organised to safeguard the rights of children living in at-risk regions to protect them from violence, abuse and exploitation.
- Children in shelters were regularly visited and provided with appropriate information to minimize the risk of rebellion and damage to property.

1.3.5. A mobile app to raise the awareness of the public on a safer Mauritius

The Ministry of Information Technology, Communication and Innovation and the Ministry of Health and Wellness collaborated on the creation of a mobile application called *"beSafeMoris"*. This app could be easily used by both children and adults who had access to a smart phone or tablet to obtain the latest updates on the number of COVID-19 cases in the country, communiqué by different Ministries and sanitary measures to be taken to prevent the proliferation of the coronavirus disease.

1.3.6. Free Online Holistic Counselling Forum

The Free Online Holistic Counselling Forum was an initiative by the Rotary Club of Goodlands that regrouped professionals (e.g. medical practitioners, psychologists, psychiatrists, counsellors, coaches, etc.) from Mauritius and abroad to help people cope with the drastic shift caused by COVID-19 in their daily lives. The main goal of this online forum was to provide emotional support and holistic counselling to adults in distress and those who were having difficulties to manage their children during the pandemic. The professionals aimed at providing coping strategies to support adults' mental health, family life and career development, among others. Providing a platform that can help people, especially

parents, to resolve their issues and provide better care to their children, contributes to the implementation of the UNCRC.

1.3.7. The media and their informative role during the pandemic

Media and digital technologies are playing a crucial role in the global fight against the COVID-19 pandemic. In our country, the Mauritius Broadcasting Corporation (MBC), online medias, the written press as well as private radios have extensively informed adults and children on the evolution of COVID-19 locally and internationally and on the necessary precautions to take to protect oneself from contamination. The MBC also promoted the expression of children and young people on their experiences during the lockdown. Every night, it broadcasted their drawings, pictures and videos portraying messages of hope on COVID-19 in a segment after the news show. This was a significant way of valuing the views and voices of children on a global situation that concerned each and everyone of them.

1.4. Recommendations

1.4.1. Recommendations from the Committee on the Rights of the Child

The Committee on the Rights of the Child (2020)[9] enlisted 11 recommendations that can contribute to minimise the significant physical, emotional and psychological effects that the COVID-19 pandemic may have on children and young people. These have been outlined below.

1. ***Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child.***
2. ***Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities.***

[9] Committee on the Rights of the Child (2020*). The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children.* Retrieved on 31 August 2020 from tbinternet.ohchr.org/_layouts/15/treatybodyexternal /Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en

3. *Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction.*

4. *Activate immediate measures to ensure that children are fed nutritious food during the period of emergency, disaster or lockdown.*

5. *Maintain the provision of basic services for children including healthcare, water, sanitation and birth registration.*

6. *Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown.*

7. *Protect children whose vulnerability is further increased by the exceptional circumstances caused by the pandemic (e.g. children with disabilities; children living in poverty; children in street situations; children with underlying health conditions including HIV/AIDS; children deprived of their liberty or confined in police lock-up facilities, prisons, secure care centres, migrant detention centres or camps; and children living in institutions).*

8. *Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families.*

9. *Prevent the arrest or detention of children for violating State guidance and directives relating to COVID-19, and ensure that any child who was arrested or detained is immediately returned to his or her family.*

10. *Disseminate accurate information about COVID-19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children including children with disabilities, migrant children and children with limited access to the Internet.*

11. *Provide opportunities for children's views to be heard and taken into account in decision-making processes on the pandemic.*

1.4.2. The OC's recommendations regarding protection of children's rights in future lockdown situations

The authorities and the civil society have displayed considerable commitment towards protecting children during the pandemic. Additionally, in the eventuality of future national lockdown situations, the OC would like to recommend measures that could be considered to better protect and promote the best interests and rights of children:

1.4.2.1. Sensitising the public on preventing violence against children

Given the likely rise of violence within family settings during a lockdown situation, it is necessary that the population is sensitised on this issue and made aware of how they need to act in such cases. This could be done by continuously providing extensive information to the public through the emergency hotline of the CDU and information platforms on radio, television and social media.

1.4.2.2. A specialised platform for parental guidance

During a lockdown situation, it can be stressful for parents and caregivers to find ways to manage their children's time. An electronic platform such as a mobile application could be designed to provide tips and advice to parents/caregivers on activities and games that they could do with their children at home and in their yards using simple techniques and available means. This could bring variety to their home routine, prevent their children from getting bored or frustrated and enable quality and fun parent/caregiver-child time.

1.4.2.3. Equity in distance education and online learning of children

Distance education and online learning are crucial in the continuity of students' education during a lockdown. In order to ensure that all students can access this form of education without any discrimination, it is important for stakeholders to assess whether students have the required IT device and internet facility at their homes. In cases where students neither have such equipment nor the means to purchase them, State assistance should be provided to facilitate their right to education. Moreover, it is crucial to consider adaptations to the content and delivery of distance education to make it more accessible to children with disabilities and special educational needs.

1.4.2.4. Parental controls on children's internet usage

During confinement, children spend a lot of time on the internet for distance education and online learning, leisure purposes and communication with friends and relatives. Nonetheless, this also increases the risk of them being exposed to inappropriate web content, sexually explicit material and online predators. The relevant authorities and technology experts could sensitise parents on how to ensure their children's online safety and monitor their internet usage.

1.4.2.5. Safeguarding the rights of children in care institutions and rehabilitation or detention centres

Children living in institutions deserve special attention during the confinement. It is important to prevent their rights from being violated, especially with respect to their rights to quality care, education and health. They must be guaranteed adequate nutrition, educational continuity and access to leisure activities within the premises. Psychological interventions, either face-to-face or through video/voice calls, must be provided on a regular basis to the children.

In cases of new referrals to institutions during a pandemic situation, the authorities must ensure that the children are safe from any infectious disease before placing them with the other residents. They must also relay a maximum of background information on the child to the Managers of these institutions so that they can better plan the child's care and rehabilitation. If any child resident seems to be displaying symptoms of an infectious disease during a pandemic, he/she must be isolated from the rest of the group until he/she is tested negative for the virus by health professionals. If children living in institutions needed to be quarantined during a pandemic, special support and protection have to be made available to them within quarantine locations.

1.4.2.6. Special consideration to the needs of pregnant teenagers and adolescent mothers

Pregnant teenagers and adolescent mothers often tend to be a hidden population of young people, who are not always known to services or consistent in their appointments with hospitals. A pandemic situation can further exacerbate these avoidance behaviours to the detriment of their health and that of their unborn or newborn child. This vulnerable group of girls must be sensitised on prenatal and

postnatal care and given the necessary support with childbirth, especially during a pandemic. For known cases of teenage pregnancy, home visits from doctors could also be facilitated during a lockdown.

1.4.2.7. Multi-stakeholder collaboration in the protection of children's rights

Governmental bodies and civil society organisations could unite their strategies during a lockdown situation to create and maintain safe environments for all children. This could prevent unnecessary duplication of work and improve the efficiency and networking of stakeholders in fulfilling children's rights according to the UNCRC to the maximum extent possible.

1.4.2.8. Reinforcing risk management for children and their families

The Republic of Mauritius has experienced for the first time a long-term lockdown situation due to a global pandemic. After this confinement, it is necessary to learn from unanticipated challenges that children and their families faced, and identify and mitigate risk factors that make them more vulnerable to health risks and rights violations during a pandemic. Examples are homelessness, unsafe housing, food insecurity, parental substance abuse and mental health difficulties, and poverty, among others.

1.4.2.9. Evaluating the impact of COVID-19 on children

National quantitative and qualitative research on the impact of COVID-19 on several areas relevant to children, such as their physical and mental health, their educational achievement, their relationships with their parents or their social networks, and their exposure to violence, are warranted. Such studies could provide valuable data that could inform policy decisions regarding the needs of children during a lockdown.

1.4.2.10. From online learning to school resumption

Transitioning from a confinement period, where students had to adapt to a new way of learning online or through the media, to resuming school with strict sanitary and social distancing conditions can be a difficult phase for children. Some children might experience different kinds of anxieties such as separation anxiety, anxieties related to illness, loss or financial hardship within their families, germ-related phobias or distress on having fallen behind in their studies. It is important that these children

are supported by Educational Psychologists or Counsellors at school to make sense of these changes and alleviate their anxieties and stress. The school management must also continuously provide clear and concise information to students regarding modifications in their school curriculums, new examination dates and sanitary norms within school premises.

1.4.2.11. The COVID-19 pandemic as a springboard for value-based education

The OC believes that the COVID-19 pandemic can act as a springboard for children and young people to be educated beyond their books and learn pedagogically active skills that can reinforce their understanding of values and empower them to become engaged actors in social transformation. In order to facilitate this process, the OC proposed in her article provided in Appendix C examples of five active pedagogical methods that could be used by educators with students – story-telling; film/video viewing with interactive discussions; quality debates with secondary school students; performing arts as a vehicle for value-based learning; and developing an eco-friendly mentality among students.

1.5. Conclusion

The Republic of Mauritius has achieved a full deconfinement since 31 May 2020 although its borders are undergoing a phased reopening subject to the global context in relation to COVID-19. Our country has demonstrated resilience and commitment in stopping the spread of the virus within the local population. All stakeholders including the authorities, parastatal bodies, non-governmental organisations, the media and the public have contributed to this achievement. Hand washing or sanitising, mask wearing and social distancing are now daily behaviours adopted by our citizens at workplaces, schools, supermarkets and other public settings as a means of preventing a second wave of the coronavirus disease.

Within a context of national vulnerability during a global pandemic, it is even more crucial to attend to the needs of vulnerable people, and those of at-risk children must be a topmost priority for any State. To conclude with the impactful words of Michelle Bachelet, UN High Commissioner for Human Rights, spoken at the 'Stop the War on Children' Symposium at the Hague on 16 May 2019,

"Without strong commitment to children, we undermine not only the destiny of many individuals – but also our community's strength. Protecting children's rights and wellbeing should be absolutely basic to who we are. All children possess inherent worth and should have an equal chance to thrive, whatever their social origin, gender, place of birth or family situation. […] Because if we do not take a stand for children's rights, who are we and what has happened to our humanity and values? Because if we don't act now, when?"

~ Michelle Bachelet, UN High Commissioner for Human Rights

CHAPTER 2

Furthering the Conversation on How to Reduce and Prevent Teenage Pregnancy

2.1. Introduction

According to the World Health Organisation (WHO; 2020a)[10], *"at least 10 million unintended pregnancies occur each year among adolescent girls aged 15–19 years in the developing world".* Adolescent mothers aged 10-19 years have higher risks of child birth complications and infections than mothers aged 20-24 years, and babies of adolescent mothers face more elevated risks of low birth weight, premature birth and severe newborn conditions (WHO, 2020a). The adolescent fertility rate, which refers to the number of births per 1,000 women aged 15-19 years (WHO, 2020b)[11], varies across countries. The global average adolescent fertility rate was recorded at 42 births per 1,000 in the year 2018 (The World Bank Group [TWBG], 2020)[12]. The table below provides the adolescent fertility rates for the year 2018 in some countries of the world, including Mauritius (TWBG, 2020):

Country	**Adolescent fertility rate for the year 2018** *(births per 1,000 women aged 15-19)*
France	5
United Kingdom	13
United States	19
Mauritius	***25***
Botswana	45
Seychelles	61
South Africa	68
Niger	184

According to Statistics Mauritius (2019)[13], a total of 1,153 births were recorded among young women aged 15-19 years and those under 15 years in the year 2018. Although Mauritius has a lower adolescent fertility rate compared to the average rate in the world and that of most African countries, teenage

[10] World Health Organisation (2020a). *Adolescent pregnancy: Key facts.* Retrieved on 17 August 2020 from www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy

[11] World Health Organisation (2020b). *Adolescent fertility: Situation and trends.* Retrieved on 20 August 2020 from www.who.int/gho/mdg/maternal_health/adolescent_fertility_text/en/

[12] The World Bank Group (2020). *Adolescent fertility rate (births per 1,000 women ages 15-19.* Retrieved on 20 August 2020 from data.worldbank.org/indicator/SP.ADO.TFRT

[13] Statistics Mauritius (2019). *Digest of demographic statistics 2018.* Mauritius: Ministry of Finance and Economic Development.

pregnancy remains a challenge to adolescent health and development. There is a general perception among local organisations working with pregnant teenagers that the situation is worsening on the field and that a rising number of adolescents of younger ages are falling pregnant. In 2018, 29 births occurred to mothers under the age of 15 years (Ministry of Health and Wellness, 2019)[14]. Stories of teenage pregnancies are often flagged up by the media and the first half of the year 2020 bore several examples that made headlines, such as

- the case of a 17-year-old girl and her 14-year-old boyfriend expecting a baby in February 2020;
- the case of a 14-year-old girl who was 7-month pregnant of a man of 20 years of age in March 2020; and
- the situation of a 12-year-old girl giving birth in May 2020.

In the Annual Report 2017/2018 of the Ombudsperson for Children's Office (OCO; 2018)[15], an overview of some international and local provisions regarding teenage pregnancy and adolescent parenthood was presented. The Ombudsperson for Children (OC) had also launched in 2018 a Press Communiqué to invite citizens of the Republic of Mauritius to share their views on issues such as teenage pregnancy, child marriage, teen dating and cohabitation between either two minors or an adult and a minor. Over a period of 10 days, more than 110 people including children, adults, statutory and civil society organisations had responded[16]. They provided interesting views on matters such as the national definition of the child, the minimum age of marriage in our country, and the effects of pregnancy and early marriage on adolescents, among others. It is noteworthy that the Ministry of Gender Equality, Child Development and Family Welfare (2019, section 2)[17] has proposed a revised definition of the child as *"a person under the age of 18"* in the upcoming Children's Bill, instead of the Child Protection Act 1994's version of *"any unmarried person under the age of 18"*.

[14] Ministry of Health and Wellness (2019). *Family Planning and Demographic Yearbook 2018, Volume 44.* Mauritius: Author.
[15] Ombudsperson for Children's Office (2018). *Annual Report 2017/2018: Making rights a reality for every child of the Republic of Mauritius.* Mauritius: Author. Retrieved on 17 August 2020 from oco.govmu.org/English/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf
[16] Examples of the responses received are found in chapter 2 of the Annual Report 2017/2018 of the OCO which can be accessed at oco.govmu.org/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf.
[17] Ministry of Gender Equality, Child Development and Family Welfare (2019). *The Children's Bill (No. XXIX of 2019)*. Retrieved on 17 August 2020 from mauritiusassembly.govmu.org/English/bills/Documents/intro/2019/bill2919.pdf

Every year, the OCO continues to receive complaints linked to teenage pregnancy from young people, families, school personnel, non-governmental organisations (NGOs) and community members, among others. Children born to adolescent mothers are also at risk of their fundamental rights being violated such as not being registered at birth and not having a decent home or adequate nutrition. They are also often identified by the authorities as children in need of protection and they might be removed from the care of their teenage mother. This separation can have further negative repercussions on the health and well-being of these children who might be institutionalised from an early stage in their lives.

This year, the OCO aimed at better understanding potential barriers in the prevention of teenage pregnancy, and possible strategies that can reduce its incidence or mitigate its adverse consequences on young people and their families. For this purpose, the OC and her team carried out desk research and organised in-depth discussions with three local organisations actively working in the domain of adolescent sexual and reproductive health, namely, the Mauritius Family Planning and Welfare Association (MFPWA), the 'Mouvement d'Aide à la Maternité' (MAM) and 'Action Familiale' (AF).

THIS YEAR, THE OCO AIMED AT BETTER UNDERSTANDING POTENTIAL BARRIERS IN THE PREVENTION OF TEENAGE PREGNANCY, AND POSSIBLE STRATEGIES THAT CAN REDUCE AND MITIGATE ITS ADVERSE CONSEQUENCES ON YOUNG PEOPLE AND THEIR FAMILIES.

In the following sub-sections, the stories on teenage pregnancy and adolescent motherhood of 3 young girls who contacted the OC are firstly presented. Secondly, information and reflections that emerged from the desk research by the OCO and meetings with MFPWA, MAM and AF are described. A rights-based model of youth sexuality education known as Comprehensive Sexuality Education (CSE), which was initiated by the United Nations Educational, Scientific and Cultural Organization (UNESCO; 2009[18], 2018[19]), is then

[18] UNESCO (2009). *International technical guidance on sexuality education: An evidence-informed approach for schools, teachers and health educators.* France: Author.
[19] UNESCO (Rev. edn.) (2018). *International technical guidance on sexuality education: An evidence-informed approach.* France: Author.

appraised. The chapter ends with a list of recommendations proposed by the OCO that can contribute to reducing or preventing teenage pregnancy in the Republic of Mauritius.

2.2. Stories of three young girls on their pregnancy and motherhood

2.2.1. A letter to the OC from a 16-year-old mother

The letter below was sent to the Ombudsperson for Children by a 16-year-old adolescent girl who wished to relate her experiences of pregnancy and motherhood.

"Dear Madam Rita,

I am writing to you this letter because you told us to "be free to contact you about our concerns". Thanks for sensitising us on child sexual abuse. I am an intelligent student and I would love to become a doctor one day. I am 16, I have a baby, and I was not sexually abused. I loved my boyfriend very much.

When we had sex, he told me I was safe because he had taken all precautions. He said that I was not going to be pregnant. I trusted him, but 3 months later I found that I was pregnant. When I informed him, he said that I must have had another boyfriend! I was helpless. I begged for his love and support, but he did not want to believe me. I decided to talk to my parents. Both were very kind and supportive. Until now, they are still with me and my baby girl. My teachers also have stood by my side, but I no longer go to school. I still dream to become a doctor. My ex-boyfriend has disappeared and I hate him. I will make sure that my child also hates him."

2.2.2. Raped and pregnant at 15 years old and holding on the hope for a better life

Five years ago, this then 15-year old girl, named Sasha[20], became pregnant after being raped by an 'uncle'. She was an orphan who lost both her parents in a car accident at the age of 6 years old and had been living with her grandmother since then. When she informed her grandmother of the rape, the latter blamed it on her saying that it was due to her wearing shorts. She was devastated and in pain, but one of her aunts decided to take care of her. The aunt brought her to the police station two days after the incident. Overwhelmed with anxiety, Sasha could not utter a word to the police. She said that she could not remember anything. She only recalled that she could not walk properly and that she felt terrified and miserable. When the Child Development Unit interviewed her, she could not find the proper words to explain what had happened to her. For the past five years, her grandmother taunted her every day for having accused an innocent man and blamed her for having given birth to an illegitimate child. She had stopped attending school after giving birth. There were instances over this period where the same 'uncle' tried to engage her in sexual activities.

SHE AFFIRMED THAT THE RAPE WOULD NOT DEFINE THE REST OF HER LIFE AND SHE HAS THE RIGHT TO BE HAPPY.

Sasha is now 20 years old. She informed the OC that she is working as a maid in a wealthy family who supports her a lot. She is also in a serious relationship with her boyfriend whom she will marry in a few weeks. She expressed her relief that she would no longer be living at her grandmother's house and tolerate her continuous accusations and rebukes. She told the OC that she was hopeful that her life would get better. She affirmed that the rape would not define the rest of her life and she has a right to be happy.

2.2.3. The OC recounts a phone call from a distressed mother and her 13-year-old pregnant teenager

It was 6 o'clock in the morning and my phone was ringing. I was not fully awake, but the first thought I had was that it could be an emergency call from someone. I checked the phone's screen. It was an

[20] This is a fictitious name to protect the identity of the person.

unknown number. Nonetheless, I answered the call. At the other end of the line, I heard the voice of a woman crying profusely and struggling to utter her words. She sobbed for the next ten minutes and I gauged that something painful had happened to her. Meanwhile, I reassured the lady that I was here to listen to what she had to say and help her wherever possible. When she started regaining her composure, she managed to tell me that her 13-year-old daughter was pregnant. *"Madam Rita, I have given her the best education. How could she betray my trust, the trust of her dedicated mother?"*, said the lady to me in a state of shock and denial.

I acknowledged her concerns and was able to calm her down so that she could express herself more clearly. She added that her daughter refused to give her any explanation and that the latter remained withdrawn and silent. She requested me to speak with her daughter on the phone. The conversation went as follows:

OC: "Good morning, how are you doing?"

[There was a long silent pause.]

OC: "Your mother just called me. She is really worried about you."

[After a few long minutes, the daughter decided to answer.]

Daughter: "Ms Rita, I don't know how I got pregnant. I don't even think I am pregnant. We did it only on one occasion, Ms Rita. Just once! My friend told me that it takes several times to get pregnant."

OC: "Sorry, what did your friend tell you?"

Daughter: "My friend told me very clearly that I could have sex with my boyfriend without getting pregnant. I have a big round belly, but in no case does it imply that I am pregnant. My mother is worried for no reason."

It was clear that the girl did not have any sexuality education. She was not aware that the law prohibits sexual intercourse before the age of 16 years, that her 17-year-old boyfriend was liable to a legally arrestable offence, and that unprotected sex could lead to a pregnancy. I encouraged her to cooperate with her mother so that she could get herself tested. The girl's belly continued to grow and her menses had stopped. Her mother brought her for a pregnancy test which turned out to be positive. The girl's boyfriend who was 17 years old denied that he was the father. He did not want to hear about the girl and claimed that he was busy in his studies. The mother lodged a case at the locality's police station. Her daughter was receiving psychological support and guidance from the Child Development Unit and the *Brigade pour la Protection des Mineurs*.

2.3. Summary of reflections from desk research and discussions on teenage pregnancy

2.3.1. About MFPWA, MAM and AF

Within the scope of work of the MFPWA, MAM and AF, all three organisations educate and support pregnant teenagers and their families on their rights and health. For instance, two of the functions of the MFPWA is to advise on population education and sex education, and to provide marriage counselling. As for MAM, it conducts sessions in schools and villages with both boys and girls on the theme *"Pran Letan pou Kontan",* with the aims to speak about sexuality in a healthy and positive way, to encourage responsible sexual behaviour, and to provide information on problems entailed by early pregnancies and risks and diseases associated with irresponsible sexual behaviour. It also encourages parents to have an open dialogue regarding sexuality with their children. Regarding AF, one of its main intervention areas is sexuality education, which it views as integral to the holistic development of young people. For information, a brief outline on the mission and main activities of each of these organisations are provided in Appendix D.

2.3.2. Statistics from MFPWA

In the year 2019, the MFPWA registered at its drop-in centre 309 new cases of teenage pregnancy, and 91 new cases from January to June 2020[21]. With regards to abortion among pregnant teenagers, this

[21] The numbers provided by the MFPWA represent only those adolescents who approach their services.

organisation recorded 5 cases in the year 2018, 4 cases in the year 2019 and 2 cases from January to June 2020. The MFPWA pointed out that there is a significant lack of data regarding abortion among adolescents in Mauritius. It is important to note that abortion is illegal in Mauritius, with the exception of four special circumstances according to section 235A (2) of the Criminal Code (Amendment) Act 2012 as stated below:

> *The specialist (...) may only provide treatment to terminate a pregnancy where another specialist in obstetrics and gynaecology and another specialist in the relevant field share his opinion, formed in good faith, that —*
>
> *(a) the continued pregnancy will endanger the pregnant person's life;*
>
> *(b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;*
>
> *(c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus which will affect its viability and compatibility with life; or*
>
> *(d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police.*

In the period 2013/2014, the MFPWA conducted a survey on teenage pregnancy with a sample of 100 teenage mothers aged 13-18 years (Soobron-Dubarry & Bhagan, 2014)[22]. The mothers were interviewed on different questions related to their family circumstances, education, employment, relationship status, support systems, attitudes towards their pregnancy and abortion, and awareness of contraceptive methods, amongst others. Some of the results and conclusions of the survey are summarised as follows:

[22] Soobron-Dubarry, S. & Bhagan, K. (2014). *Report on survey on teenage pregnancy.* Mauritius: MFPWA.

SOME RESULTS REPORTED IN THE SURVEY OF MFPWA (Soobron-Dubarry & Bhagan, 2014)
Teenage mothers' education:
• 94 per cent of the teenage mothers had left school. • 67 per cent of them did not receive any sexuality education.
Teenage mothers' onset of sexual activity:
• 38 per cent of the mothers had their first sexual intercourse at the age of 14 years.
Teenage mothers' attitudes on learning about their pregnancy and on abortion:
• 45 per cent of these mothers were shocked and depressed on learning that they were pregnant. • 77 per cent of the participants did not think of having an abortion after learning about their pregnancies.
Reactions of teenage mothers' parents:
• All the teenage mothers reported that their parents had negative reactions on learning about their pregnancy. • 6 per cent of the interviewees reported that they were thrown out of the home by their parents on learning about their pregnancy.
Teenage mothers' partners:
• 71 per cent of the teenage mothers had partners aged above 20 years. • 37 per cent of the mothers were single and had no support from their partners.
Teenage mothers' knowledge and use of contraception:
• 88 per cent of the teenage mothers reported being aware of at least one form of contraceptive method. • 47 per cent of them claimed that they did not think of using any contraceptive method during sexual intercourse, and 27 per cent of the mothers stated that their partners did not want to use any method of contraception.

SOME CONCLUSIONS IN THE SURVEY OF MFPWA (Soobron-Dubarry & Bhagan, 2014)

(1) It was found that the main causal factors of teenage pregnancy were domestic violence, parental separation, alcohol/substance abuse, absence of the father and lack of communication within the family setting.

(2) Girls whose fathers left them at an early age had a higher rate of early sexual activity resulting in teenage pregnancy.

(3) The age of first sexual intercourse of a majority of the adolescents had a peak at the ages 14 to 15 years.

(4) More than one third of the teenage mothers were single mothers.

(5) Some adolescents lack knowledge of, or access to, conventional methods of preventing pregnancy, as they may be too embarrassed or frightened to seek such information and services.

(6) Adolescents lacking in sexuality education are twice more vulnerable of engaging in early sexual activities.

(7) Adolescents with low educational background can be another risk factor for early sexual activity.

2.3.3. General points noted on the issue of teenage pregnancy

2.3.3.1. Teenage pregnancy and poverty

Research evidence shows that there is a correlation between poverty or low-income levels and higher adolescent fertility rates, especially in developing countries (e.g. Oke, 2010)[23]. Poverty can act both as

[23] Oke, Y. F. (2010). Poverty and Teenage Pregnancy: The dynamics in developing countries. *OIDA International Journal of Sustainable Development, 2*(5), 63-66.

a cause and consequence to teenage pregnancy, thus reinforcing a cycle of disadvantage among pregnant teenagers and adolescent parents. These adolescents are more likely to leave education early, which then reduces their opportunities to build a career and find a well-remunerated job. At times, engaging in sexual relationships might become a means for adolescent girls living in poverty to receiving gifts or monetary benefits from adult men. Local organisations working with pregnant young women also report that many pregnant teenagers come from low-income families living in deprived regions of the country.

2.3.3.2. Teenage pregnancy and at-risk families

It is a global reality, as advanced by the Committee on the Rights of the Child (2003, para.11)[24],that, *"[w]hile most adolescents grow up in well-functioning family environments, for some the family does not constitute a safe and supportive milieu"*. Family environmental factors such as child abuse and neglect, domestic violence and parental substance abuse among others can greatly affect children's physical and psychological well-being, and teenage pregnancy could be a result of sexual abuse. Some adolescents may attribute having sex to feeling valued and special, and early sexual activity may lead to intended or unintended pregnancies. Similarly, it was reported in a study conducted by the United Nations Children's Fund (UNICEF; 2018)[25] in Guyana, South America, on pregnant teenagers that *"some of the adolescents were from homes where they felt unloved and were consciously and unconsciously seeking love outside of the home and ended up in sexual relationships with men who they felt were showing them love and attention"*. Moreover, a longitudinal study on adolescent sexual behaviour found that children who were exposed early to instability in their parents' relationships were more likely to report sexual partnerships by the age of 16 years old (Donahue *et al.*, 2011)[26].

[24] Committee on the Rights of the Child (2003). *General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child.* Geneva: Office of the High Commissioner for Human Rights.
[25] UNICEF (2018). *Situation Analysis of Adolescent Pregnancy in Guyana.* Guyana: Author.
[26] Donahue, K. L., D'Onofrio, B. M., Bates, J. E., Lansford, J. E., Dodge, K. A. & Pettit, G. S. (2010). Early exposure to parents' relationship instability: Implications for sexual behavior and depression in adolescence. *Journal of Adolescent Health, 47*(6), 547-554.

2.3.3.3. Health risks related to teenage pregnancy

Teenage pregnancy can result in detrimental consequences on the sexual and reproductive health of adolescent girls, as well as their mental health. Based on their experience of working with pregnant teenagers and adolescent mothers, the MFPWA, MAM and AF shared their views on this area, as follows:

- The adolescent's body is not fully developed for pregnancies. Early onset of sexuality may increase the risks for teenagers to contract a sexually transmitted disease such as HIV and syphilis. Such conditions can largely limit the opportunities of young people in life and may lead to significant mental health difficulties like anxiety and depression.
- When teenagers are victim of incest, this may result in consanguine pregnancies which have high risks of foetal malformations.
- Most teenagers give birth by Caesarian delivery due to being too young and unprepared for normal delivery, and this may have lasting effects on their bodies and mental health.
- Teenage mothers may have difficulties to conceive or other reproductive issues when they become adults.

2.3.4. Points raised on potential barriers to preventing teenage pregnancy

2.3.4.1. A lack of open parent-child dialogue on sexuality

Owing to the taboo associated with sexuality locally, many parents do not consider that their children might be sexually active and they show reticence towards talking with them about it. It could be inferred that, when they were adolescents, it might be possible that their own parents did not have such conversations with them. Some parents believe that sex education should not be taught at school from a young age because 'it is inappropriate' and 'it will encourage their children to become sexually active'.

2.3.4.2. Fear of disrepute in the family

In the case of a teenage pregnancy, some families might try to hide the adolescent girls' pregnancy from the authorities and the society and, in most cases, these young people stop attending school. They

fear that such news might bring disgrace to their families' reputation and destroy the young person's future. In some instances, the pregnant teenagers might be forced to enter into a formal or informal union with the prospective father, who could be either a minor himself or an adult. Within some extreme cases, the pregnant teenagers might be put through an abortion using unsafe procedures, also known as a backstreet abortion, increasing the risks of maternal medical complications or even deaths. These cases would not come to the attention of the authorities unless the teenager is brought to the hospital, and the Child Development Unit and the Police are informed. Hazardous practices to end a teenage pregnancy could cause long-term and adverse effects on the physical, psychological, emotional and social well-being of the concerned teenagers.

2.3.4.3. Sexuality education is not only about the biological aspects

Sometimes, people confound secondary school biology lessons on reproduction with sexuality education. However, the biological aspect of sex is only one part of sexuality education among several other components such as decision-making about one's body, consent, gender equality, responsible sexual behaviour and sexually transmitted diseases, among others. Sexuality education should not be merely an academic subject that is delivered through a text-book approach. Furthermore, it is observed that academic staff are not necessarily skilled and best placed to educate students on their sexuality.

2.3.4.4. Unreliable sources of information on sexuality

With their growing curiosity during the pubertal period, often young people feel embarrassed to ask questions regarding sexuality directly to their parents or teachers and they resort to other sources of information, mainly the internet. Some internet material can be unreliable or pornographic in nature and, could have an adverse impact on the sexual and mental health of the young people. Some adolescents rather believe in what their older siblings or peers tell them regarding sexuality. They may even experience peer pressure to engage in sexual intercourse, usually as a way to 'fit in' or 'look trendy'.

It is not surprising to hear pregnant teenage girls who come into contact with services saying that they were not fully aware that having unprotected sex may lead to pregnancy and entail undesirable

consequences on their lives. They did not know that the age for sexual consent in Mauritius is 16 years and, that infringing this provision can lead to arrestable offences, as stated below:

- *"Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall be liable to penal servitude for a term not exceeding 10 years"*. (Criminal Code Act 1838, section 49(4)); and
- *"Any person who causes, incites or allows any child to (a) be sexually abused by him or by another person, (b) have access to a brothel, (c) engage in sexual prostitution, shall commit an offence"*. (Child Protection Act 1994, section 14(1)).

2.3.4.5. Fear of being judged regarding contraception

Young people are often not informed enough about the local free health services available regarding contraception and express a fear of being judged or stigmatised by health professionals or their parents if they come into contact with these services. Adolescents who are aged 16 and 17 need parental consent to acquire contraceptive methods from these services, and this might hinder them from disclosing sexual activity to their parents. Consequently, adolescents tend to refrain from accessing contraceptive services. Regarding the issue of teenage pregnancy, it was advanced in the 2014 Contraceptive Prevalence Survey (Republic of Mauritius, 2016, p.4)[27] that

> *Inadequate counseling on contraceptive methods results in improper use of these methods which inevitably leads to teenage pregnancy. The inaccessibility and unavailability of these methods further contribute in the occurrence of unprotected sexual activity. Sometimes even when family planning services are freely accessible many young and unmarried people do not take full advantages of these services mainly because of social and cultural barriers.*

This national survey (Republic of Mauritius, 2016) included a representative sample of 255 female teenagers aged between 15 and 19 years old and 94 per cent of them reported that they had knowledge

[27] Republic of Mauritius (2016). *The 2014 Contraceptive Prevalence Survey.* Mauritius: United Nations Population Fund, Ministry of Health and Quality of Life, and Mauritius Institute of Health. Retrieved on 17 August 2020 from health.govmu.org/English/Documents/2017/FINAL%20%202014%20CPS%20REPORT.pdf

of at least one type of contraceptive method. However, this knowledge alone cannot guarantee that the teenagers understand fully how to use these contraceptive methods or that they actually use them.

2.3.4.6. A lack of local research on teenage pregnancy

There is insufficient quantitative and qualitative research in the country on teenage pregnancy. This may create difficulties in developing targeted policies for pregnant teenagers and adolescent mothers because information will be based on statistics available to authorities and civil society organisations that have not necessarily been obtained and evaluated through rigorous, evidence-based and systematic research methods.

2.3.5. Points advanced on possible strategies to prevent teenage pregnancy

2.3.5.1. The need for parents to talk about sexuality with their children

Parents need to be sensitised on their primordial role in the sexual development of their children and in having age-appropriate open conversations on sexuality with their children. This cannot be the sole responsibility of the education system. Parents need to understand that sexuality education is a way of preparing their children to making important decisions about their body, relationships and life in general. They indeed have the responsibility to validate the content of this type of education, be prepared to accompany their children in learning about their sexuality and be empathetically responsive to their questions.

2.3.5.2. Creating a safe space for learning about sexuality

Puberty can be an insecure and anxiety-provoking period for young people whose bodies and mental states are undergoing rapid developmental changes. Adolescents must be supported through this phase of their lives by educating them on these changes, helping them manage their anxieties and allowing them space and time to express their feelings. It is important that sexuality education is conducted by qualified, knowledgeable and experienced individuals who would use a value-neutral, non-judgmental and contextualised approach to allow students to safely explore their questions and reflections regarding this matter. This can be a form of empowerment in that students can learn to

relate and respect one another and understand that their anxieties are normal and shared among many of them. In addition, building the emotional intelligence of young people is paramount within sexuality education to enable them to become more in charge of their emotions relative to their bodily changes and to their decisions regarding their sexual behaviours.

2.3.5.3. Improved communication on and access to contraceptive methods

There is a need to ensure that young people have adequate and user-friendly information on contraception, and sufficient access to contraceptive services. The 2014 Contraceptive Prevalence Survey (Republic of Mauritius, 2016, p.156) recommended *"more accessibility to contraception and explanation about usage in youth centres and youth counselling centre"*. Additionally, the Committee on the Elimination of Discrimination Against Women (CEDAW; 2006, para.31)[28] urged our State to *"step up the provision of family planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, and to promote widely sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy"*. Communication strategies to inform young people about their sexual and reproductive health can be adapted and modernised through technological means to reach and impact a maximum number of young people.

2.4. A rights-based framework of sexuality education

2.4.1. Background

In a global context where information on the Internet and other forms of media are readily accessible to young people, it is becoming increasingly difficult to protect them from exposing themselves to sexually explicit content, which can affect the way they understand and express their sexuality. The importance of educating and equipping adolescents with the necessary knowledge and skills to make responsible choices on their bodies, relationships and life cannot be undermined. Evidence-based and effectively-delivered sexuality education can improve outcomes for young people with regards to their

[28] Committee on the Elimination of Discrimination Against Women (2006). *Concluding Comments, Mauritius*. Geneva: United Nations. Retrieved on 17 August 2020 from www.refworld.org/docid/453778492.html.

sexual behaviours. One such example is a rights-based sexuality education framework known as Comprehensive Sexuality Education (CSE; UNESCO, 2018)[29].

2.4.2. About CSE

By definition, CSE is a *"curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and, understand and ensure the protection of their rights throughout their lives"* (UNESCO, 2018, p.16). This approach to sexuality education is in line with the Convention on the Rights of the Child (United Nations, 1989)[30] with respect to several articles, including the child's rights to

- life, survival and development (article 6);
- having their views heard and taken into account (article 12);
- freedom of expression (article 13);
- access information from the media (article 17);
- health and health services (article 24);
- quality education (articles 28 and 29); and
- be protected from sexual abuse and exploitation (article 34).

It also contributes mainly to two targets of the Sustainable Development Goals (SDGs) 3 (good health and well-being) and 5 (gender equality), as specified below:

- **SDG target 3.7:** *"By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes"*; and

[29] UNESCO (Rev. edn.) (2018). *International technical guidance on sexuality education: An evidence-informed approach.* France: Author.
[30] United Nations (1989). *Convention on the Rights of the Child.* Geneva: Author.

- **SDG target 5.6:** *"Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development*[31] *and the Beijing Platform for Action*[32] *and the outcome documents of their review conferences"*.

Key concept 1: Relationships

Topics:

- **1.1** Families
- **1.2** Friendship, Love and Romantic Relationships
- **1.3** Tolerance, Inclusion and Respect
- **1.4** Long-term Commitments and Parenting

Key concept 2: Values, Rights, Culture and Sexuality

Topics:

- **2.1** Values and Sexuality
- **2.2** Human Rights and Sexuality
- **2.3** Culture, Society and Sexuality

Key concept 3: Understanding Gender

Topics:

- **3.1** The Social Construction of Gender and Gender Norms
- **3.2** Gender Equality, Stereotypes and Bias
- **3.3** Gender-based Violence

Key concept 4: Violence and Staying Safe

Topics:

- **4.1** Violence
- **4.2** Consent, Privacy and Bodily Integrity
- **4.3** Safe use of Information and Communication Technologies (ICTs)

Key concept 5: Skills for Health and Well-being

Topics:

- **5.1** Norms and Peer Influence on Sexual Behaviour
- **5.2** Decision-making
- **5.3** Communication, Refusal and Negotiation Skills
- **5.4** Media Literacy and Sexuality
- **5.5** Finding Help and Support

Key concept 6: The Human Body and Development

Topics:

- **6.1** Sexual and Reproductive Anatomy and Physiology
- **6.2** Reproduction
- **6.3** Puberty
- **6.4** Body Image

Key concept 7: Sexuality and Sexual Behaviour

Topics:

- **7.1** Sex, Sexuality and the Sexual Life Cycle
- **7.2** Sexual Behaviour and Sexual Response

Key concept 8: Sexual and Reproductive Health

Topics:

- **8.1** Pregnancy and Pregnancy Prevention
- **8.2** HIV and AIDS Stigma, Care, Treatment and Support
- **8.3** Understanding, Recognizing and Reducing the Risk of STIs, including HIV

Excerpt from the International Technical Guidance on Sexuality Education (UNESCO, 2018, p.36)

[31] The Programme of Action of the International Conference on Population and Development can be accessed on the website link www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf.
[32] The Beijing Platform for Action can be accessed on www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf.

The 8 core concepts covered by CSE are provided in the excerpt shown on the previous page, taken from the International Technical Guidance on Sexuality Education (UNESCO, 2018, p.36). It can be noted that CSE covers a wide range of issues that directly or indirectly concern youth sexuality. This framework does not limit itself to biological aspects of sex and sexuality, but also integrates the influence of values, emotions, culture and gender equality on adolescent sexual health and development. Psychological aspects such as body image, peer influence and help-seeking are also addressed with young people.

CSE has been implemented in various developed and developing countries as it was designed to be globally applicable and easy to adapt to different contexts. It can be delivered in both in-school and out-of-school settings. Acquisition of the knowledge and skills of the CSE is staged across four age-groups, that are, 5-8 years, 9-12 years, 12-15 years and 15-18+ years (UNESCO, 2018), and the learning objectives are matched to the cognitive and maturity levels of the students. The content can also be adapted to suit the needs of students with learning disabilities.

The content of sexuality education is as important as the way it is delivered to young people. Innovative pedagogical approaches and trained educators can allow students to engage better with the content and apply what they learn in their daily lives. A review on high-quality studies regarding CSE (Montgomery & Knerr, 2016, p.14)[33] noted that its delivery was more effective when lectures and information sessions at school were enhanced through other modes such as *"role plays, quizzes or competitions, skills-based sessions (such as correct condom use), condom provision, drama or songs, 'information kiosk', anonymous question box, printed materials, festivals and group work"*. In addition, a study by Pound and colleagues (as cited in Montgomery & Knerr; 2016, p.29) also came up with a list of characteristics that young people preferred in sex educators, which included:

- *"Knowledgeable;*
- *Has expertise in sexual health;*
- *Professional;*
- *Specifically trained in [sex and relationship education];*

[33] Montgomery, P. & Knerr, W. (2016). *Review of the Evidence on Sexuality Education. Report to inform the update of the UNESCO International Technical Guidance on Sexuality Education*. Paris: UNESCO.

- *Confident, unembarrassed, straightforward, approachable and unshockable, experienced at talking about sex, uses everyday language;*
- *Trustworthy, able to keep information confidential;*
- *Has experiential knowledge, comfortable with own sexuality;*
- *Good at working with young people;*
- *Able to relate to and accept young people's sexual activity;*
- *Respectful of young people and their autonomy, treats them as equals; and*
- *Has similar values to youth, provides balanced view, non-judgmental".*

This review (Montgomery & Knerr, 2016) revealed that CSE programmes implemented across different countries contributed to **delaying the onset of sexual intercourse and reducing its frequency among adolescents, decreasing the number of sexual partners of teenagers, diminishing risk-taking and irresponsible sexual behaviours, and increasing the use of contraception, mainly condoms**. CSE was found to be more impactful when it displayed sensitivity to gender issues; was school-based along with the involvement of parents, teachers, health professionals and other youth-related services; and promoted more choices to young people including abstinence from or delaying sexual activity and contraception. Moreover, this paper (Montgomery & Knerr, 2016) challenged the misconception that sexuality education increases sexual activity among young people. It rather substantiated that this awareness led to more responsible sexual attitudes and behaviours among adolescents.

Although sexuality education is a necessary step in promoting the sexual and reproductive health of adolescents, it cannot on its own prevent teenage pregnancy which is a complex and multi-layered phenomenon. A holistic and multi-stakeholder approach that could address various risk factors of teenage pregnancy such as poverty, promiscuity, family-related problems, social and cultural pressures and child sexual abuse would be more effective. Youth's access to sexual health and counselling services must also be encouraged and facilitated by the State and civil society organisations.

2.5. OCO's recommendations on teenage pregnancy prevention

2.5.1. Scoping the extent of teenage pregnancy and adolescent parenthood locally

It is important to gauge the extent of teenage pregnancy and adolescent parenthood cases across the Republic of Mauritius to be better able to prepare and implement relevant national policies and action plans effectively. Stakeholders such as the Ministry of Health and Wellness and local NGOs working with pregnant teenagers and adolescent mothers such as MFPWA, MAM and AF could combine their records into a centralised database so that all necessary information on these targets groups could be derived from a single source. This database can have the advantage of accounting for harder-to-reach cases that are often more easily detected by NGOs than through formal mechanisms. This platform could be steered by a multi-stakeholder national committee with governmental, non-governmental and private sector representatives designed to prepare comprehensive interventions for these vulnerable adolescents, to track their progress and to monitor the local situation and national trends on teenage pregnancy and adolescent parenthood.

2.5.2. Rigorous local research is warranted

More in-depth, rigorous and longitudinal local studies on topics such as the causes and long-term effects of teenage pregnancy and adolescent parenthood, the effectiveness of sensitisation programmes with pregnant teenagers and adolescent mothers, or the experiences of these adolescents regarding their pregnancy or motherhood, among others, are warranted. The outcome of these studies can provide further quantitative and qualitative information on these target groups and improve the design of national prevention and response strategies in these areas.

2.5.3. Making Comprehensive Sexuality Education (CSE) compulsory in the country

CSE, as described in sub-section 2.4.2 of the present document, could be contextualised and implemented in all primary and secondary schools of the Republic of Mauritius. Along with sex

educators, parents and other relevant stakeholders such as health professionals could become active partners in the execution of the CSE curriculum and support educational outcomes for the young people at home and in community settings. This multi-stakeholder collaboration in youth sexuality education can improve the frequency and quality of parent-child dialogues on this topic and challenge myths and taboos on the sexual and reproductive rights of young people.

The Committee on the Rights of the Child (2003, para.27) emphasises the need to educate adolescent girls on the risks of early marriage and pregnancy:

Adolescent girls should have access to information on the harm that early marriage and early pregnancy can cause, and those who become pregnant should have access to health services that are sensitive to their rights and particular needs. States parties should take measures to reduce maternal morbidity and mortality in adolescent girls, particularly caused by early pregnancy and unsafe abortion practices, and to support adolescent parents. Young mothers, especially where support is lacking, may be prone to depression and anxiety, compromising their ability to care for their child. The Committee urges States parties (a) to develop and implement programmes that provide access to sexual and reproductive health services, including family planning, contraception and safe abortion services where abortion is not against the law, adequate and comprehensive obstetric care and counselling; (b) to foster positive and supportive attitudes towards adolescent parenthood for their mothers and fathers; and (c) to develop policies that will allow adolescent mothers to continue their education.

2.5.4. Improving the youth-friendliness of sexual and reproductive health services

Young people need to feel reassured that services made available to them regarding their sexual and reproductive health needs are attentive to their concerns and ensure their privacy and confidentiality. There is no doubt that, in cases of minors under the age of sexual consent (i.e. 16 years), authorities have to inform parents on the illegality of their young person's sexual activity and take the necessary

follow-up actions. Adolescents of 16 and 17 years of age are still minors, but allowed by local law to engage in consensual sexual activity with partners of 16 years and above. It is important that health or other services working with 16- and 17-year-olds deal sensitively with them regarding their sexual needs and access to contraception, and empower them with accurate information to build their capacity to make responsible decisions on sexual relationships.

2.5.5. Addressing risk factors of teenage pregnancy

Research has shown that factors such as living in poverty or low-income households and being exposed or victim of family instability (refer to sub-sections 2.3.3.1 and 2.3.3.2 of the current chapter) can increase the risks of early onset of sexual activity and teenage pregnancy. It is important that all relevant stakeholders ensure that such factors are being addressed and families supported to mitigate adverse consequences for young people. The Committee on the Rights of the Child (2003, para.12 (a & b)) emphasised the need to empower parents in supporting their adolescents' rights as follows:

> *The Committee calls upon States parties to develop and implement, in a manner consistent with adolescents' evolving capacities, legislation, policies and programmes to promote the health and development of adolescents by*
>
> > *(a) providing parents (or legal guardians) with appropriate assistance through the development of institutions, facilities and services that adequately support the well-being of adolescents, including, when needed, the provision of material assistance and support with regard to nutrition, clothing and housing (art. 27 (3));*
> >
> > *(b) providing adequate information and parental support to facilitate the development of a relationship of trust and confidence in which issues regarding, for example, sexuality and sexual behaviour and risky lifestyles can be openly discussed and acceptable solutions found that respect the adolescent's rights (art. 27 (3)).*

2.5.6. Other relevant recommendations extracted from the OCO's Annual Report 2017/2018

- ***Child marriage is not an option:*** *It is unacceptable to coerce a child into marriage as a way to 'resolve' a teenage pregnancy situation. This mentality has to be challenged within the society through awareness campaigns, dissemination of research evidence and appropriate law reforms. Many adolescents are not prepared to live as a couple or to take up parental responsibilities. This may also result into the newborns facing difficult beginnings such as maltreatment or being removed from their parent's care.*

- ***Compulsory education for all until the age of 16:*** *Teenage pregnancy is often linked to high dropout rates from school. Teenage mothers attain low educational level which inevitably impacts on the socio-economic aspect of their family. It must be ensured that the right to education of pregnant girls and adolescent mothers under 16 years old are promoted and these young people should be supported to attend school as far as possible until the age of 16. Schools should be sensitised to become more compassionate and accepting environments for these young girls. By fear of 'bad influence' or 'disrepute', some schools might become a source of discrimination by not allowing these girls to come to school or sending them home due to their pregnancy. When resuming school following child birth, the concerned authorities and school communities should work together to enable the mothers to fulfil their right to education along with upholding the rights of their newborn to good nutrition (e.g. through breastfeeding), love and care among others. Psychological support would be necessary for both the mother and her child. A gap year from school, the use of outreach tutoring or distance education facilities for teenage mothers could also be considered within future educational reforms.*

- ***Parental controls on access to adult material on the media:*** *Media has a massive influence on the sexuality of adolescents. Nowadays, through computers, tablets, smart phones and internet television sets, adolescents have easier, and sometimes unrestricted, internet access to explicit sexual content, sexual violence and even pornographic material. Exposure to these inappropriate visual contents largely affects the teenagers' perception of and attitudes towards sexuality. Parents should be educated on exercising their authority and placing appropriate controls on the*

use of these electronic devices and the internet. Open dialogues on sexuality between parents and their young person remain an important way of preventing secretive online behaviour and early sexual activity.

(Ombudsperson for Children's Office, 2018, pp.252-253)[34]

[34] Ombudsperson for Children's Office (2018). *Annual Report 2017/2018: Making rights a reality for every child of the Republic of Mauritius.* Mauritius: Author. Retrieved on 20 August 2020 from oco.govmu.org/English/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf

CHAPTER 3

Parental Alienation: Children Have a Fundamental Right to a Healthy Relationship with Both Parents

3.1. Introduction

Why would a child express rejection towards one of his/her parents? Explanations might vary across theories and family and cultural contexts. Some examples of manifest situations that might lead a child to having a rejecting attitude towards a parent could be an intense conflict between a child and a parent, a parent failing to understand his/her child's feelings and needs, developmentally normal defiant reactions of a pre-adolescent or adolescent towards a parent, or even a child being victim of abuse by a parent (Lund, 1995)[35]. Nonetheless, there exist less obvious but damaging forms of parental rejection, and one such phenomenon is known as **parental alienation (PA)**. The latter commonly involves one parent psychologically and emotionally manipulating the child to show resentment, hostility, unwarranted fear or contempt mainly towards the other parent and/or the grandparent(s).

It is widely acknowledged that a child needs both parental figures for his/her proper development. Each parent plays crucial and unique roles in the child's physical, psychological, emotional and social growth. Irrespective of their relationship status, both the father and the mother have a responsibility to put the best interests of their child(ren) first. Article 18(1) of the Convention on the Rights of the Child (UN, 1989)[36] on 'parental responsibilities' states 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.*

However, in circumstances where there is conflict between the parents or if they are separated or divorced, children often tend to suffer the most. In many of these cases, children may be subject to PA by a manipulative parent. Since PA goes against the core principles of the UNCRC and involves emotional abuse by one parent which is detrimental to the health and development of the child, it can

[35] Lund, M. (1995). A therapist's view of Parental Alienation Syndrome. *Family and Conciliation Courts Review, 33*(3), 308-316.
[36] United Nations (1989). *Convention on the Rights of the Child.* Geneva: Author.

be considered as a form of child maltreatment[37]. Awareness-raising on the nature and effects of PA on children is growing internationally. Since 2006, about 30 countries, including the United States, the United Kingdom, Finland and South Africa, have signed up to educate their citizens on the impact of parental alienation on children and families through the Parental Alienation Awareness Day celebrated on 25 April each year (For the children, n.d.)[38]. In addition, as proclaimed by the United Nations General Assembly in 2012, the Global Day of Parents is celebrated every year on the first of June (UN, n.d.)[39] to appreciate the important roles of parents and to reflect on the challenges of parenting worldwide, including PA.

In the current chapter, the concept of PA is first explained in more details. An analysis of how PA impacts on the fundamental rights of children is then presented. Next, an attempt is made to scope the potential extent of PA in the Republic of Mauritius. Finally, some recommendations with regards to raising awareness on PA locally are proposed.

3.2. Understanding the concept of parental alienation

3.2.1. The theory behind

The theory of parental alienation (PA) was first introduced by Dr. Richard Gardner, a child psychiatrist who specialised in child psychotherapy, parental matters and child custody evaluation. Gardner (2002)[40] coined the term "Parental Alienation Syndrome" after having conducted several studies and worked extensively with families over 25 years. However, even if there is some controversy around the term "Parental Alienation Syndrome" because it is not listed as a formally recognised mental health

[37] *"Child maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power"*. Source: World Health Organisation (2020). *Child Maltreatment.* Retrieved on 25 August 2020 from www.who.int/news-room/fact-sheets/detail/child-maltreatment

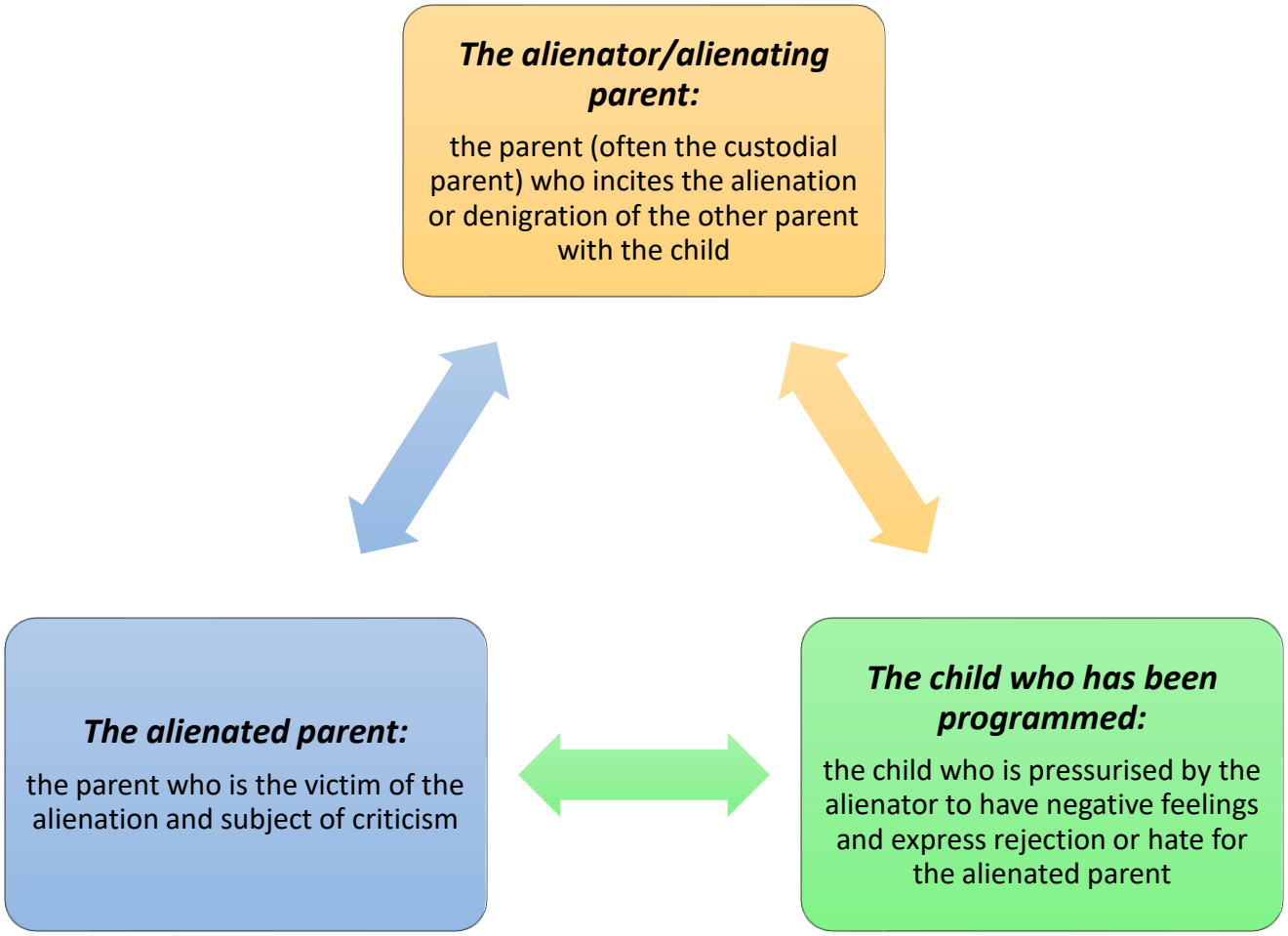
[38] For the children (n.d.). *Parental Alienation Awareness Day – April 25th: Together we can make a difference.* Retrieved on 25 August 2020 from www.paawarenessday.com.

[39] United Nations (n.d.). Global Day of Parents: 1 June. Retrieved on 25 August 2020 from www.un.org/en/observances/parents-day

[40] Gardner, R. A. (2002). *The Parental Alienation Syndrome: Past, Present, and Future*. Retrieved on 25 August 2020 from richardagardner.com/ar22

condition, the concept of PA is widely used and accepted, especially among mental health and legal professionals involved in child custody cases.

As illustrated and described in the diagram below, a parental alienation scenario usually involves three main actors – the **alienator or alienating parent**, the **alienated parent** and the **child who has been programmed** (Healthline, 2019)[41].



In PA situations, often the parent who has the primary responsibility of the child withholds the latter physically and/or emotionally from the other parent without any justification. PA can be unintentional or intentional, but the child is always caught in the middle. For instance, a parent may unknowingly affect a child's views of the other parent by speaking negatively about the latter and his/her family, by sharing details of the divorce with the child, or by pressurising the child to choose between him/her or

[41] Healthline (2019). *What Is Parental Alienation Syndrome?* Retrieved on 25 August 2020 from www.healthline.com/health/childrens-health/parental-alienation-syndrome#signs-and-symptoms

the other parent (Vacca, 2018)[42]. When PA is intentional, the child, most of the time, undergoes systematic brainwashing and manipulation by the alienating parent whose main purpose is to destroy the relationship they once shared with the other parent (EachOther, 2019)[43]. The child is made to believe that their relationship with the alienated parent is detrimental and harmful. As a result, the child may refuse any contact with that parent. The child may also show signs of disrespect, resentment, aggression, hostility and even unwarranted fear towards the latter (Hammond, 2018)[44]. In many cases, the alienation extends to the alienated parent's family, including grandparents, and friends.

There is a general understanding that PA may occur in three different degrees (Heitler, 2019[45]; PsychLaw, 2018[46]):

- **Mild PA:** The child has contact with the alienated parent and criticism against the latter from the alienating parent is subtle. When, in the company of the alienated parent, the child can still enjoy the relationship.
- **Moderate PA:** The child is reluctant and shows resistance to meet or spend time with the alienated parent. This happens mostly because the alienator paints a negative picture of the alienated parent.
- **Severe PA:** The child rejects any contact with the alienated parent. The alienator has brainwashed and manipulated the child in such a way that the child has a very bad opinion of the other parent.

Furthermore, Hammond (2018) drew attention to **child-induced alienation** (CIA), which may resemble PA, but actually is not. In CIA, the child consciously chooses to avoid contact or bonding with a parent because he/she might have been victim or witness of neglect, traumatic events, abandonment or

[42] Vacca, A. (2018). *How to avoid unintentionally alienating your children from their other parent.* Retrieved on 25 August 2020 from www.newyorkdivorcelawyerblog.com/how-to-avoid-unintentionally-alienating-your-children-from-their-other-parent/

[43] EachOther (2019). *Parental alienation: Courts ensure children won't be caught in the middle.* Retrieved on 25 August 2020 from eachother.org.uk/parental-alienation-court-initiative-ensures-children-wont-be-caught-in-the-middle/

[44] Hammond, C (2018). *What parental alienation is and is not.* Retrieved on 25 August 2020 from pro.psychcentral.com/exhausted-woman/2018/08/what-parental-alienation-is-and-is-not/

[45] Heitler, S. (2019). *Parental alienation: What therapists need to know.* Retrieved on 25 August 2020 from www.psychologytoday.com/us/blog/resolution-not-conflict/201909/parental-alienation-what-therapists-need-know

[46] PsychLaw (2018). *Are there different degrees of parental alienation?* Retrieved on 25 August 2020 from psychlaw.net/are-there-different-degrees-of-parental-alienation/

different types of abuse (e.g. verbal, physical, emotional, mental or sexual), despite attempts by significant others to improve the affected parent-child relationship. Nevertheless, there are some situations where a child might still want a relationship with an abusive parent, and the other parent prevents this from happening as a way to protect the child from any further harm.

3.2.2. Parental alienation: Common strategies used by the alienator

As mentioned in the sub-section 3.2.1, the alienator can use different strategies to foster a child's rejection of the other parent and four common ones are explained below, though this list is not exhaustive:

1. The alienator acts like a victim.

The alienator tries to make the child take sides and become loyal to him/her by:

- disclosing unnecessary details of the divorce or separation to the child, for examples, affairs or aspects of the divorce which only concern the adults;
- blaming the alienated parent for the separation or divorce;
- constantly criticising the alienated parent through attacking his/her lifestyle or character;
- blaming the targeted parent for financial problems;
- making the child think that the other parent does not love him/her; and
- making the child feel guilty for loving the other parent or wanting to spend time with him/her.

2. The alienator limits the child's contact with the other parent.

The alienator devises ways for the child to spend limited time with the alienated parent, such as by:

- not allowing the child to see or talk to the other parent while telling the child that the latter is either busy or uninterested in him/her;
- leading the child to believe that visits with the other parent as ordered by the Court are optional in cases of divorce;
- frequently bending or breaking custody guidelines arranged inside or outside of Court;

- insisting that their underaged child, who cannot form or express his/her own views, does not want to go to the other parent's house, even if there is a Court Order;
- planning alluring activities that coincide with the other parent's visitation times so that the child would not want to go with the alienated parent;
- not allowing the child to move freely between both parents' households;
- not allowing the child to speak freely or express their love for the other parent; and
- exerting control on the child's interactions with the other parent (e.g. confiscating the child's phones or other communication devices).

In doing so persistently, the alienator eventually aims to eliminate the other parent from the life of the child.

3. The alienator excludes the other parent from the child's important life decisions and events.

The alienator ensures that the alienated parent is excluded from important information, decision-making processes, key events and milestones regarding the child, by, for instance, deliberately:

- not disclosing or sharing details with the other parent regarding the child's medical records, planned activities, educational activities, parent-teacher meetings, report cards or developmental milestones; and
- not involving the alienated parent in major decisions involving the child, such as a change in school.

4. The alienator spies on the child's communication with the other parent and extracts information that can be used against him/her.

The alienator monitors communications between the alienated parent and the child to get information that he/she could use to portray the other parent in a negative light in the eyes of the child. He/she may even influence the child to extract specific information from the other parent. Some examples are:

- disrupting the alienated parent-child communication by manipulating a child's feelings or bribing them against the other parent;

- encouraging the child to ask the alienated parent inappropriate questions so that the alienator may learn about the other parent's activities; and
- listening in during phone conversations between the alienated parent and the child and reading letters, emails and text messages sent to the child by the other parent.

3.2.3. Behavioural indicators of parental alienation in children

Dr Gardner (1998)[47] proposed eight symptoms or behavioural indicators, as described below, that a child can manifest when he/she is subject to parental alienation (PA), and these were validated by Baker and Damall (2008)[48] with a sample of 68 parents who reported to be severely alienated by their ex-spouses from their children:

1. A campaign of denigration

The child does not acknowledge that he/she once had positive experiences with the alienated parent. The love and affection which the child used to feel for the alienated parent turn into hate and fear and he/she starts to denigrate the alienated parent.

2. Frivolous, weak or absurd rationale for the alienation

When the child is questioned about the denigrations, he/she gives explanations which are illogical like the alienated parent's appearance, eating habits or the way the parent cooks food. These arguments are weak and frivolous and cannot specifically make a child reject a parent completely. The child may also make certain unfounded accusations against the other parent.

3. Lack of ambivalence towards the alienating parent

In general, a child who loves both his/her parents is able to talk about his/her parents' good and bad qualities. In cases of parental alienation, a child idolises the alienating parent and does not hide his/her hostility towards the alienated parent. The child is unable to find any flaws in the alienator

[47] Gardner, R. A. (1998). *The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals.* US: Creative Therapeutics.
[48] Baker, A. J. L. & Damall, D. C. (2008). A construct study of the eight symptoms of severe parental alienation syndrome: A survey of parental experiences. *Journal of Divorce and Remarriage, 47*(1-2), 55-75.

by demonstrating an *"automatic, reflexive, idealised support"* (Baker, 2008)[49] towards the alienating parent.

4. Lack of guilt or remorse about the alienation

The child who has been programmed is usually cold, spiteful, ungrateful and rude towards the alienated parent. He/she will show no guilt about the way he/she treats the alienated parent. Even if he/she receives gifts or child support from the alienated parent, he/she will act as if it is owed to them.

5. Borrowed scenarios

A child who is alienated often uses phrases and stories commonly uttered by the alienator. The child will make accusations towards the alienated parent and use certain ideas and words that he/she does not appear to understand or that he/she cannot explain in details.

6. The "independent thinker" phenomenon

The child pretends to be an "independent thinker", that is someone who is consciously aware of what he/she is saying and owns his/her views and choices without any influence from anyone.

7. Taking the alienating parent's side in the conflict

The child supports the alienator in an unwavering manner. He/she refuses to listen to the alienated parent's point of view. The child is brainwashed in such a way that he/she will exclusively side with the alienator no matter how irrational the latter's views may be.

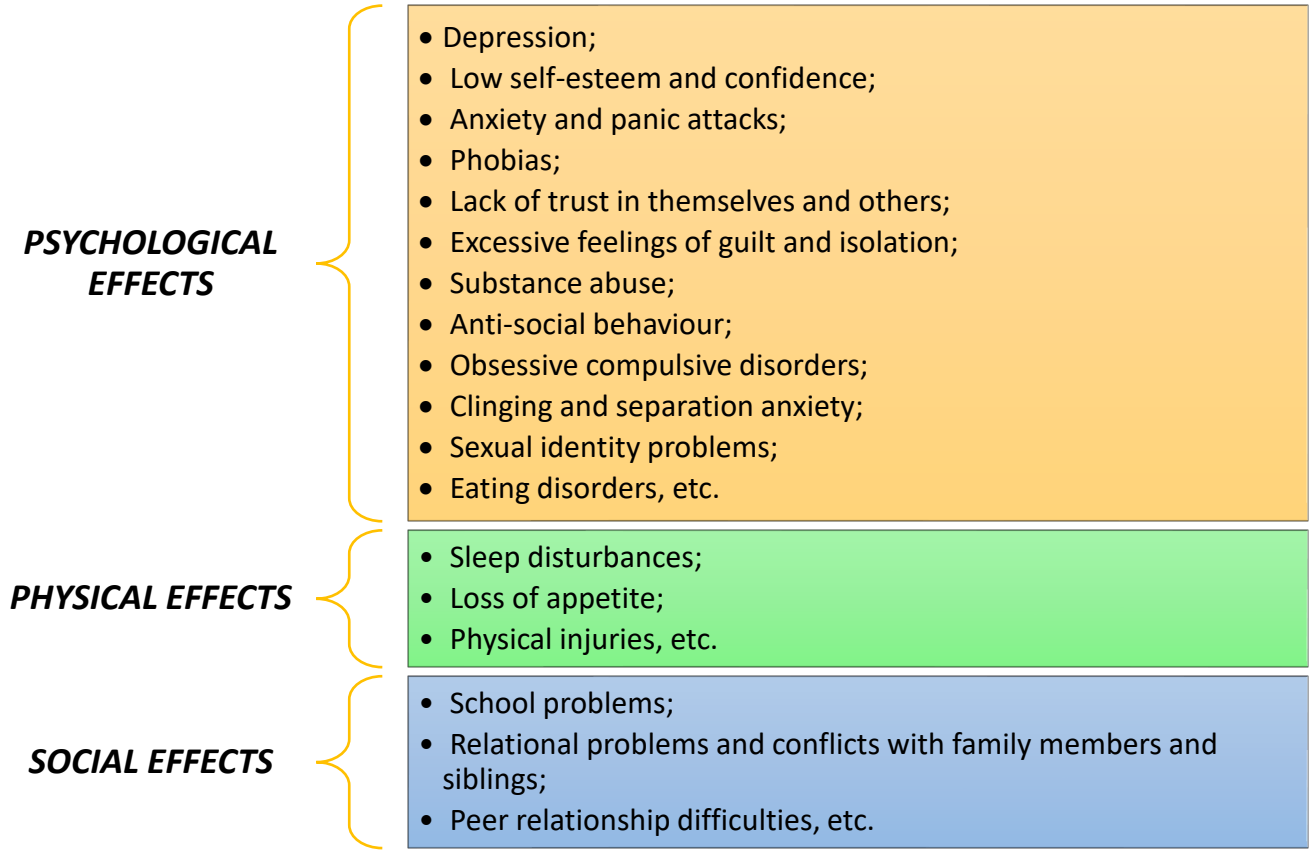
8. Spread of alienation to the extended family of the targeted parent

The child not only breaks up ties with the alienated parent, but also with the latter's family including grandparents, uncles, aunts, cousins and friends. Everything which is related to the alienated parent is rejected by the child.

[49] Baker, A. J. L. (2008). Parental Alienation Syndrome — The Parent/Child Disconnect. *Social Work Today, 8*(6), 26.

3.2.4. Impact of parental alienation on children

During parental separation or divorce situations, more often than not, children are exposed to highly conflictual situations which inevitably impact on their emotional, psychological and social development both in the short-term and the long-term. With the added layer of parental alienation (PA), the child may hold on to the *"false belief that the alienated parent is dangerous and unworthy"* (Kruk, 2013)[50], which, sometimes, children may generalise to how they perceive the world and their future adult relationships. The effects of PA on children may be diverse based on, for instance, the degree, frequency and length of the alienator's abuse. Some examples that are commonly reported in PA literature are presented as follows (Baker, 2005[51]; Baker & Damall, 2008; Gardner, 1998; National Parents Organization, n.d.[52]):



[50] Kruk, E. (2013). The impact of parental alienation on children: Undermining loving parent-child relationships as child maltreatment. Retrieved on 26 August 2020 from www.psychologytoday.com/us/blog/co-parenting-after-divorce/201304/the-impact-parental-alienation-children#:~:text=The%20severe%20effects%20of%20parental,accept%20love%20from%20a%20parent.

[51] Baker, A. J. L. (2005). The long-term effects of parental alienation on adult children: A qualitative research study. The *American Journal of Family Therapy, 33*, 289–302.

[52] National Parents Organization (n.d.). *Parental alienation causes short and long-term damage to children.* Retrieved on 26 August 2020 from nationalparentsorganization.org/blog/9486-parental-alienation-9486

3.3. Parental alienation in relation to the UNCRC

Parental alienation (PA) may affect and even violate children's rights enshrined by the Convention on the Rights of the Child (UN, 1989; refer to Appendix E), as presented in the table below:

Article of the UNCRC	*How may PA affect this right?*
Article 3: Best interests of the child	
• The best interests of children must be the primary concern in making decisions that may affect them. Adults should think about how their decisions will affect children's care and well-being.	• The best interests of children, which lie in having a healthy relationship with both parents, are not taken into consideration during PA. • In spite of the damaging effects of PA on the child, the alienator is primarily concerned with his/her self-interests and motive to estrange the child from the other parent.
Article 5: Parental guidance	
• This article encourages parents to direct and guide their children so that they can learn to use their rights properly as part of their development. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. The UNCRC places on State Parties the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.	• In PA, the alienator misguides the child with regards to his/her rights and manipulates the latter to behave in ways that negatively affect his/her relationship with the alienated parent. These impact greatly on the child's social and emotional development. • The alienator also deprives the alienated parent from his/her responsibility to provide direction and guidance to the child in the exercise of his/her rights as recognised by the UNCRC.

Article of the UNCRC (ctd)	How may PA affect this right? (ctd)
Article 7: Registration, name, nationality and care	
• All children have the right to a legally registered name, to a nationality, to know and, as far as possible, to be cared for by their parents.	• PA violates the right of the child to be cared for by both of his/her parents because the alienator pursues the aim of removing the other parent from the child's life. • The alienated parent is also obstructed by the alienator to create opportunities for the child to get to know him/her in a positive way and reinforce their relationship.
Article 9: Separation from parents	
• A child has the right to live with both of their parents. Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.	• In a PA scenario, the alienator may brainwash a child to such an extent that the latter becomes fearful of the alienated parent and thinks that he/she would harm them. The child is also made to think that the alienated parent does not care for him/her and he/she might see no point in having any contact with the other parent. • The child is unable to differentiate between his/her views on the alienated parent and those of the alienator. The alienator convinces the child that he/she is consciously choosing to reject or separate from the other parent. • This deliberate separation and severed contact between the child and the alienated parent are contrary to his/her best interests.

Article of the UNCRC (ctd)	How may PA affect this right? (ctd)
Article 10: Family reunification	
• The State has a responsibility to respond to applications from a child or his/her parents to live together in the same country. If a child's parents live apart in different States, the child has the right to visit and keep in contact with both of them.	• Most of the time, the alienating parent has the primary responsibility of the child. In circumstances where the alienated parent lives in a different country, it might become easier for the alienator to limit communications and maintain physical and emotional distance between the child and the other parent. The alienator's strategies incite the child to refuse visits and contact from the other parent living abroad.
Article 12: Respect for the views of the child	
• The UNCRC encourages adults to listen to the opinions of children who have the capacity to form and express their views and to involve them in decision-making. When adults are taking decisions that affect children, the latter have the right to say what they think on matters concerning them and have their opinions taken into account relative to their age and level of maturity.	• In PA, the child who has been programmed internalises the voice and views of the alienating parent. He/she only follows the instructions of the alienator and rarely challenges the latter. Even if the child has an age and adequate maturity to give his/her views, the alienator does not provide the child with this opportunity, and decides or imposes how the child must behave towards the other parent.

Article of the UNCRC (ctd)	How may PA affect this right? (ctd)
Article 18: Parental responsibilities	
• Both parents share responsibility for bringing up their child, and should always consider what is best for the child. According to the UNCRC, State Parties should respect the responsibility of parents for providing appropriate guidance to their children.	• The alienating parent's strategies to estrange the child from the other parent make it highly challenging or almost impossible for the alienated parent to participate in the child's upbringing. Decisions about the child are monopolised by the alienator, hence violating the right of the child to have both parents contribute to his/her development.
Article 19: Protection from all forms of violence	
• Children have the right to be protected from being hurt and mistreated, physically or mentally. The UNCRC stresses on the responsibility of State Parties to ensure that children are properly cared for and protected from violence, abuse and neglect by their parents, or anyone else who looks after them.	• PA is considered as a form of emotional abuse on the child by the alienating parent, who is using his/her position of trust, power and authority to manipulate the latter in rejecting the other parent. PA can have long-term adverse consequences on the psychological, emotional and social development of the child. It therefore violates the fundamental right of the child to be protected by their parent from all forms of violence.

3.4. Parental alienation in the Republic of Mauritius

3.4.1. No current local statistics, law or policy on parental alienation

The Republic of Mauritius has ratified the UNCRC in 1990 and has committed itself to fulfil the fundamental rights of all children. Although the provisions of the UNCRC have not yet been domesticated, or enacted within local legislation, our country acknowledges the important roles of both parents in the overall development and protection of their child, as stated in articles 371-2 and 371-4 of the *Code Civil Mauricien*:

> *371-2. L'autorité appartient aux père et mère pour protéger l'enfant dans sa sécurité, sa santé, sa moralité. IIs ont à son égard droit et devoir de garde, de surveillance et d'éducation.*

> *371-4. L'enfant a le droit d'entretenir des relations personnelles avec ses ascendants. Seul l'intérêt de l'enfant peut faire obstacle à l'exercice de ce droit. Si tel est l'intérêt de l'enfant, la Cour Suprême fixe les modalités des relations entre l'enfant et un tiers, parent ou non.*

Parental alienation (PA) is a poorly recognised and understudied concept within our national context and there currently exists no local policies or laws that refer to this matter. PA occurs most frequently in family situations where parents are either separated or divorced. Referring to Gender Statistics on divorce in the Republic of Mauritius over the last three years (Statistics Mauritius, 2017[53], 2018[54], 2019[55]), an increase in the number of divorce cases has been noted between the years 2017 and 2018, as shown in the table below. From 2017 to 2019, an average of 64.2 per cent of divorce cases involved at least one child who was dependent on one of the divorcees when the divorce petition was filed.

[53] Statistics Mauritius (2017). *Gender Statistics – 2017.* Mauritius: Ministry of Finance, Economic Planning and Development. Retrieved on 27 August 2020 from statsmauritius.govmu.org/English/Publications/Documents/2018/EI1398/Gender_Stats_Yr17.pdf

[54] Statistics Mauritius (2018). *Gender Statistics – 2018.* Mauritius: Ministry of Finance, Economic Planning and Development. Retrieved on 27 August 2020 from statsmauritius.govmu.org/English/Publications/Documents/2019/EI1466/Gender_Stats_Yr18.pdf

[55] Statistics Mauritius (2019). *Gender Statistics – 2019.* Mauritius: Ministry of Finance, Economic Planning and Development. Retrieved on 27 August 2020 from statsmauritius.govmu.org/English/Publications/Documents/2020/EI1533/Gender_Stats_Yr19.pdf

Year	Total number of divorce cases	Divorce cases with dependent children	
		Number	*Percentage (%)*
2017	1,996	1,315	65.9
2018	2,425	1,519	62.6
2019	2,174	1,401	64.4
OVERALL	***6,595***	***4,235***	***64.2***

A parental divorce or separation, especially when it involves overt conflicts and animosity between parents, can be a traumatic experience for children. They may experience mixed feelings like shock, anger and guilt and blame themselves for this situation. They can also often be victim of unintentional or intentional parental alienation as explained in sub-sections 3.2.1 to 3.2.3 of the present chapter. Given the significant impact of PA on the upbringing, development and rights of the child (refer to the current chapter's sub-sections 3.2.4 and 3.3), it is necessary to increasingly sensitise everyone on this phenomenon.

3.4.2. The Ombudsperson for Children's initiative to raise public awareness on parental alienation

In the years 2018 and 2019, the Ombudsperson for Children (OC) carried out a sensitisation campaign entitled **"Say no to Parental Alienation: Children deserve the love of both their parents"** in 35 Citizens Advice Bureaux across the island of Mauritius and in Rodrigues. The main objective of this action was to promote the right of children to have a loving and nurturing relationship with both parents, irrespective of whether they were separated or not. During the campaign, it became clear that people were not aware of the concept of parental alienation (PA). When they understood what it meant, some parents related their own experiences of having been victims of PA or shared that they were aware of cases of PA in their wider family or neighbourhood.

Throughout the year, the Ombudsperson for Children's Office (OCO) registers many complaints related to family conflicts that affect the rights and well-being of the children involved. For instance, these complaints might be related to

- the non-respect of Court Orders by one or both of the divorced parents;
- one of the parents being deprived of his right to visit and meet his/her child;
- the best interests of the child not being considered within family conflicts; or
- grandparents not being allowed to have any contact with their grandchild.

Over the last 3 reporting years from July 2017 to June 2020, a total of 161 investigations related to complaints on family conflicts have been carried out at the OCO, as broken down in the table below.

Reporting Period	Number of family conflict cases
July 2017 – June 2018	30
July 2018 – June 2019	80
July 2019 – June 2020	51
TOTAL	***161***

In family conflict cases, the OC generally uses the method of **mediation**, as mandated by section 7(3)(a) of the Ombudsperson for Children Act (OCA) 2003, to resolve disputes related to the rights of the child. The conflicting parties are convened together at the OCO to reflect on the matter in an independent and objective manner, and to place the best interests of the child at the heart of any recommendations or decisions. Based on observations and analyses of such cases, the OC often notes the likely presence of parental alienation.

For the same period (i.e. from July 2017 to June 2020), the OC also received a total of 90 complaints from parents whose court cases were still ongoing in relation to matters of divorce, child custody or Variation Orders, amongst others. However, as stated in the section 7(4) of the OCA 2003, *"[t]he 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"*. These complaints were referred on to the Ministry of Gender Equality and Family Welfare for appropriate actions. In one of these complaints, a divorced father had written to the OC on the turmoil that he was experiencing in a child custody case in court. Although the OC could not intervene in his case and

referred it to the Child Development Unit, she felt that this written complaint provided a powerful picture of a potential case of parental alienation. An extract of this parent's letter is provided below:

Extract of a letter sent to the OC by a divorced father who complained on his predicament during a child custody case

"As a father, divorce is still to date the most difficult experience I had to deal with in my entire life. The first stages of divorce were traumatizing but I always believed that there will be light at the end of the tunnel...I put all my faith in our legal system and mostly in the lawyer who defended my case. I always believed that justice is fair and equal.

I was new to Court and unsure how court cases evolve, but the pressure of finishing with my case to start another seemed to be more important to court. No time was given to explain anything. The judge asked my ex[-wife] and me with our lawyers to step outside Court to decide on [the] custody for [the] kids. We had about 10 minutes to decide everything about [the] custody of [our] kids. My lawyer pressed me to accept "tort partage" as he scared me with lots of problems that will follow if I maintain my stand of innocence.

The [number] of mistakes on the Court Order [was] amazing and my lawyer just induced me in error as he was in a hurry to file my case. I never knew we had to write every single detail in the order, for example, [we had to decide],

- *[On] all public holidays, who [would] get [the] kids and what time [they should be] pick[ed] up and drop[ped];*
- *Who [would] pick up [the] children and who [would] drop them;*
- *Who [would] get them on birthdays;*
- *Who [would] get them on Christmas and New year and when; [and]*
- *Who [would have] the kids from weeks 1-4, but we forgot week 5.*

[extract continued]

Court needs to be more flexible as we are dealing with young children and lawyers need to advise and see to it that children have a fair share of living with both parents as they are the ones who suffer more. In my Court Order it says: "father to pick up…" I was working on one weekend and asked my parents to pick up the children. They were refused by my ex[-wife], as [the] Court Order says 'father to pick up' and not grandparents. I tried to get a correction via my attorney, but no chance. I had to pay my attorney and apply for a Variation Order and it's been nearly 3 years and the case is still in court. My children are still paying a heavy price for no fault of theirs.

Before my divorce I believed in shared parenting and even quit my job after my son was 4 months old to stay [at] home, to allow my wife to continue advancing in her career. In 2013, I unexpectedly faced [a] divorce, even when I sacrificed big potential earnings for the welfare of my family. I felt ashamed to ask for alimony or child support as I was so affected that I could not concentrate in my job. To date, I am still struggling to get a decent child custody arrangement that will provide me with sufficient parenting time with my children as I want to give them the best opportunities in life.

It is important to get in touch with a good and reputable divorce lawyer who focuses on children's rights. They can help parents navigate the ins and outs of the divorce process and give them the resources [they] need to educate themselves about the intricacies of family law. Unfortunately, I was given the wrong advice that eventually made me lose most of my rights as a father and to date I still suffer and yearn to gain access to my children and participate in their education.

Many divorced fathers believe child custody laws are biased against them in favour of mothers. As a divorced father, I was told right at the beginning that I was less likely to receive primary custody of my children and therefore, more likely to be ordered to pay monthly child support. Ideally, those child support payments would be used to ensure all the necessary expenses required to provide for a child to be taken good care of.

[extract continued]

In reality, this is not the case. My children hardly enjoy their alimony and I have to buy most of their necessities as there is no control of how much is spent on them. The alimony I actually pay to my ex[-wife] is being used to pay for the huge legal cost that my ex[-wife] has in Court and hardly any is spent on the children. There's no accountability [on] how this money is used for my children. Many times, the mother would send my children in torn clothes or clothes that don't fit, when confronted she would text, "when they come to your house, make them wear good clothes then".

I have numerous cases in Court but the waiting time is very long. The amount of time the court takes is ridiculous, I cannot to date take any decisions concerning my child as I am still waiting to know if I will be granted custody or not.

3.5. The OC's recommendations

3.5.1. More sensitisation on parental alienation

Multi-stakeholder sensitisation campaigns on the concept of parental alienation (PA) and its signs, symptoms and effects on children could be jointly organised by relevant governmental and parastatal bodies as well as civil society organisations working with children and families. The sensitisation campaigns could be designed based on the needs of different target groups such as children, parents, law professionals, medical staff, mental health professionals, social workers, child protection officers, probation officers, teachers and the police. Our country could also consider to celebrate the Parental Alienation Awareness Day on April 25th on a national scale to disseminate information on this phenomenon to the public at large.

3.5.2. Local research on parental alienation

Rigorous and long-term local research on the effects of PA on children and families and the experiences of the alienator, the alienated parent and the children involved should be studied. So far, cases of PA

have been dealt on a case-by-case basis, rather than as a societal issue with considerable social, public health and economic consequences for our country. Research and collection of national statistics on PA are also necessary so that policies and laws could be enhanced to prevent and address this specific phenomenon.

3.5.3. Law-making on parental alienation

The effects of PA are no less damaging than those produced by child abuse, neglect or exploitation. Along with increasing the public's awareness and doing research and data collection on PA, it is proposed that this phenomenon could be recognised in child-related legislation as a form of child maltreatment and considered as a punishable offence by a Court of Law.

3.5.4. Educational programmes in the context of parental separation or divorce

Educational programmes could be developed for parents who are deciding to separate from or divorce each other. Their main aim could be to provide information and advice to parents on how they should deal with their children in the context of a separation or divorce. For instance, the parents can be educated on how to maintain clear boundaries between their adult conflicts and their relationship with the children, and on the need to give primary consideration to the best interests of their children in all decisions. They could also learn about the concept of PA and its negative impact on children. These programmes could also offer parents the knowledge and skills to navigate the Court system and to consider alternative dispute resolution strategies.

3.5.5. The appointment of a Family Court Adviser

PA can at times be hard to prove in a Court of Law. As explained in sub-section 3.2.2 of the current chapter, the alienating parent can go to considerable lengths to exert control on the child's movements, wishes and views relative to the other parent, often without the child's conscious realisation. In order to minimise the undue influence of the alienating parent on the child's views and wants during court proceedings, and to prevent violation of the child's right to express his/her views freely according to article 12 of the UNCRC, a Family Court Adviser, who is well trained in child psychology, children's rights

and child custodial issues, could be appointed for these purposes. This professional would build rapport with the child and assess the latter's needs, wishes and feelings in relation to his/her parents' divorce. He/she could also accompany the parents and their child throughout the court proceedings to ensure that the rights of the child are being given due consideration by the parents.

CHAPTER 4

Strengthening the Safety Net to Protect Children of *Résidence Anoska* from All Forms of Abuse through the Dynamic Partnership Between Community Members and Child Professionals

4.1. Introduction

"One billion children globally experience some form of emotional, physical or sexual violence every year; and one child dies as a result of violence every five minutes" (United Nations [UN], n.d.)[56], a shocking reality for all of us. Children are the most vulnerable human beings and we cannot expect them to be responsible for their own needs and safety. Every adult has an undeniable duty to protect any child from harm and educate the latter on his/her safety. However, some adults in the world fail to understand this simple fact and create circumstances that expose children to various forms of abuse and neglect. One of the targets of the Sustainable Development Goal 16 is to *"end abuse, exploitation, trafficking and all forms of violence against and torture of children"* by 2030 (UN, 2016)[57]. A challenging undertaking indeed, but not impossible if the necessary interventions from all relevant stakeholders are carried out at national, regional and international levels in a targeted, intensive, timely and efficient manner. It is important to note that the Republic of Mauritius is one of the ratifying countries of the Convention on the Rights of the Child (UN, 1989)[58] and it has made a commitment to safeguard children from all forms of harm as per article 19(1) of this Convention:

> *States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child 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.*

Recently, we were moved by the cases of sexual abuse against two siblings of 3 and 9 years old respectively in *Résidence Anoska*, which stirred debates on the local mechanisms in place to respond to children in distress on the field. There are no single, miraculous solution to ending this complex and multi-layered phenomenon of child abuse. Real and sustainable change will lie in nurturing the synergy and collaboration among all relevant stakeholders and tightening the safety net around children,

[56] United Nations (n.d.) *Violence against children*. Retrieved on 07 July 2020 from sustainabledevelopment.un.org/topics/violenceagainstchildren
[57] United Nations (2016). *Sustainable Development Goal 16: Target and indicators.* Retrieved on 07 July 2020 from sustainabledevelopment.un.org/sdg16
[58] United Nations (1989). *Convention on the Rights of the Child.* Geneva: Author.

"Real and sustainable change will lie in nurturing the synergy and collaboration among all relevant stakeholders and tightening the safety net around children, especially those living in deprived regions…"

~ R. Venkatasawmy,
Ombudsperson for Children

especially those living in deprived regions, to protect them from potential perpetrators within and outside their families.

In the following sections, the profile of whistle-blowers on child abuse and potential barriers to reporting on abuse perpetrated against children are described. Then, the activities carried out before, during and after a two-day networking forum, that was organised by the Ombudsperson for Children's Office with community members living in *Résidence Anoska* and professionals working with children of this locality, are presented in details.

4.2. Who is a whistle-blower on child abuse?

ANYONE CAN BE A WHISTLE-BLOWER ON CHILD ABUSE. As a general rule, everyone who is determined to have an adequate level of maturity has a responsibility to disclose any actual or suspected case of child abuse. The diagram on the next page illustrates examples of whistle-blowers, who can be the authorities, civil society organisations and different groups of people, at times, including children.

Firstly, the Child Development Unit (CDU) of the Ministry of Gender Equality and Family Welfare is the authority responsible for handling child protection cases in the Republic of Mauritius. It operates a hotline number, that is 113, to obtain confidential referrals from anyone expressing concerns on actual or potential cases of child abuse and to intervene accordingly. Other institutions such as the Police and the *Brigade pour la Protection des Mineurs* are also involved in identifying cases of children requiring protection on the field and referring them to the CDU. The OCO is a human rights institution that focusses on ensuring that the rights of our country's children, including their right to protection from all forms of violence, are being respected by all concerned stakeholders. Upon receipt of complaints or on its own motion, the OCO can also investigate on whether all necessary actions to safeguard children's rights have been taken by the relevant authorities.



People involved in the care of children such as parents, wider family relatives, neighbours and any community member can act as important whistle-blowers to provide first-hand information on actual or potential child abuse. Furthermore, school staff as well as any professional working with children (e.g. doctors, nurses, psychologists, therapists, social workers, etc.), who notice signs of abuse or obtain a disclosure of abuse from a child, have the duty to report same to the authorities. Another category of whistle-blowers is civil society organisations, including non-governmental and community-based

organisations. They are often in close contact with members of the community, including children, and can play an important role in flagging up potential cases of child abuse to the authorities.

In addition, the media can come across such cases on the field and relay information to the authorities. Finally, children, especially those who have an adequate level of maturity and discernment, can act as whistle-blowers. They can disclose abuse perpetrated against them or other children to a responsible adult or to the authorities directly.

People involved in the care of children such as parents, wider family relatives, neighbours and any community member can act as important whistle-blowers to provide first-hand information on actual or potential child abuse.

It is important to know that, according to section 39A(2) of the Criminal Code Act 1838 on 'culpable omission', *"any person who wilfully omits to provide to a person in danger such assistance as he could, without any risk to himself or to a third party, provide to that person by his own intervention or by calling for help shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years"*. In relation to child protection, it can be inferred that it is every citizen's responsibility to assist or seek help from relevant authorities for any child who is a victim or at risk of abuse.

4.3. Potential barriers to reporting on child abuse

Different factors can become obstacles to reporting abuse perpetrated against children. Some potential ones are proposed in the list provided on the next page. To better inform policies and interventions in the protection of children from abuse, more in-depth and rigorous local research on barriers to whistleblowing on child abuse could be considered.

Fear of retaliation	• An individual might fear retaliation or revenge from the actual or potential perpetrator if the latter knows that he/she made a report of child abuse against him/her.
Fear of stigmatisation	• Individuals and families might not want to associate themselves with victims of child abuse or perpetrators by fear of loss of reputation and being stigmatised as having a link or involvement with them.
A culture of secrecy	• It is well-known that child abuse often occurs 'behind closed doors' and the perpetrator is usually in a position of responsibility, trust or power relative to the child. The perpetrator often grooms or threatens the child to not disclose the abuse to anyone. He/she may also impose complicity with other members of the house (e.g. spouses, siblings or grandparents) through different means such as providing privileges or using coercion, so that they do not reveal the abuse.
Lack of trust in authorities	• Owing to adverse past experiences with authorities, some people may have difficulties to trust that the authorities will be able to help their children in abuse situations. Some parents might fear that their children would be taken away from them and they might prefer to seek informal help from wider relatives or friends to protect their children.
Untrained staff	• Without training and sensitisation, staff members from any professional background may lack the appropriate knowledge and skills on how to identify signs of actual or potential child abuse and intervene in such cases.
Inadequate networking among stakeholders	• At times, it may happen that information on child abuse is poorly communicated internally among the relevant authorities, which may result in delays in decision-making and interventions on the field. There can also be cases where whistle-blowers provide inaccurate or insufficient information to the authorities, which can make it harder for the latter to evaluate the urgency of the matter or plan a suitable course of action.

4.4. A networking forum between community members and child professionals

4.4.1. Rationale

Poor networking among relevant stakeholders can often make it easier for actual or potential abuse against children to remain unidentified, unreported and undealt with. The Ombudsperson for Children is mandated by section 6(l) of the Ombudsperson for Children Act 2003 to *"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"*.

In this context and given the recent happenings regarding child abuse, the OCO organised a two-day networking forum that was aimed at fostering partnerships in the protection of children against all forms of abuse between active community members of *Résidence Anoska* and professionals working with children of this region. The forum was entitled ***"Strengthening the safety net to protect children of Résidence Anoska from all forms of abuse through the dynamic partnership between community members and child professionals"***. This activity was one attempt to bridge the gaps in understanding and communication between these two stakeholder groups in the promotion of child protection.

> ***"...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."***
>
> ~ Preamble of the UN Convention on Rights of the Child

4.4.2. Specific Objectives

The specific objectives of the networking forum were as follows:

1. To provide a conducive platform for active community members from *Résidence Anoska* and child professionals to interact, share experiences and information, and network regarding child protection on a face-to-face basis.

2. To empower the community members to become efficient whistle-blowers who can protect children within their families and the locality from all forms of abuse.

3. To sensitise child professionals on how to advise and streamline community members to the appropriate support services and relevant authorities.

4. To recommend to the relevant authorities a community member-professional partnership model that can be replicated within all deprived regions of the Republic of Mauritius to improve the efficiency of whistle-blowing on child abuse.

4.4.3. Expected outcomes

The expected outcomes from this networking forum were mainly:

1. Improved networking relationships between community members living in *Résidence Anoska* and professionals working with children of this locality

2. Improved motivation and commitment of community members to engage actively in the combat against child abuse within their locality.

3. Increased understanding of community members on how to intervene in suspected or actual child abuse cases within the locality.

4. A clear communication pathway between the community members and the child professionals.

5. A proposal for a replicable and sustainable community member-professional partnership model made to the Ministry of Gender Equality and Family Welfare that can enhance whistle-blowing on child abuse within all deprived regions of the Republic of Mauritius.

4.5. Preparatory activities prior to the networking forum

As the adage goes, failing to plan is planning to fail. This is why a fair amount of time was invested within the preparations of the 2-day networking forum. The OC and her team, as well as the community members of *Résidence Anoska* and the selected child professionals, were actively involved in planning every single detail of the forum to ensure its relevance, smooth running and success. Several preparatory meetings and visits were held in this process as outlined in the table below:

DATE	MEETING / ACTIVITY	VENUE
08 July 2020	*Meeting with different NGOs on the issue of children living in extreme poverty*	*Conference Room, OCO*
21 July 2020	*First preparatory meeting with child professionals working in Résidence Anoska*	*Conference Room, OCO*
23 July 2020	*Meeting with staff and students of Midlands Government School*	*Midlands Government School*
28 July 2020	*Interactive meeting with inhabitants of Résidence Anoska*	*Résidence Anoska*
31 July 2020	*Field visit at Résidence Anoska*	*Résidence Anoska*
04 August 2020	*Second preparatory meeting with child professionals participating in the 2-day networking forum*	*Conference Room, OCO*
10 August 2020	*Final preparatory meeting with child professionals participating in the 2-day networking forum*	*Conference Room, OCO*
	Preparation session with community members of Résidence Anoska	*Résidence Anoska*

The preparatory meetings and activities carried out are described in sub-sections 4.5.1 to 4.5.10 of the present chapter. The 2-day networking forum with community members and child professionals was held on 12 and 13 August 2020 at Palms Hotel, Quatre Bornes, and is detailed in section 4.6.

"Failing to plan is planning to fail… planning every single detail of the forum to ensure its relevance, smooth running and success."

4.5.1. 08 July 2020: Meeting with different NGOs on the issue of children living in extreme poverty

This was a preliminary meeting with different NGOs whereby the root causes of children living in extreme poverty were identified and discussed. Many of them voiced their concerns on the stigmatisation of the people living in areas such as *Résidence Anoska*. It was also noted that there seemed to be a lack of coordination between the various institutions (both governmental and non-governmental), and sometimes NGOs repeated similar work as their counterparts. The problem of adequate housing had also been enunciated to be a risk factor for other issues within the family such as child abuse.

4.5.2. 21 July 2020: First preparatory meeting with child professionals working in *Résidence Anoska*

Several representatives from different governmental bodies and NGOs who have previously worked with children of *Résidence Anoska* were present at this meeting. Again, it was noted that coordinated collaboration was lacking among these child professionals in their interventions within this locality. Moreover, despite the significant and commendable work of the National Social Inclusion Foundation (NSIF) and the National Empowerment Foundation (NEF) to help destitute and disadvantaged individuals on the field, some of the attendees were still unclear, or even unaware, of their roles and functions. Some professionals were of the view that there was a lack of trust among residents of *Résidence Anoska* towards some governmental organisations.



First preparatory meeting at OCO with child professionals

At the end of this meeting, all those present highlighted the necessity of the networking forum proposed by the OCO. A representative from each of the organisations present was to be invited to the forum. The idea of reinforcing the partnership between community members of *Résidence Anoska* and the child professionals through clearly defined pairing activities was supported by everyone. It was also decided that the OCO would organise a meeting with the inhabitants of *Résidence Anoska* on 28 July 2020.

4.5.3. 23 July 2020: Meeting with staff and students of Midlands Government School



Given that the majority of vulnerable children of *Résidence Anoska* are enrolled at Midlands Government School, the OC and an Investigator carried out a visit at this institution. The Headmaster and his staff had the opportunity to highlight some challenges they faced with respect to certain students, such

as lack of body hygiene and proper clothing, and regular absenteeism. The staff members were briefed on the role and functions of the OC, the different types of child abuse and their duty to report such cases of child abuse to the authority. Both the teaching and management staff acknowledged that they were now better informed on the mechanisms in place to ensure the protection of children against all forms of abuse and their key roles as whistle-blowers.



As a gesture of appreciation, the school gave a beautifully crafted card to the OC through the hands of three enthusiastic young pupils

4.5.4. 28 July 2020: Interactive meeting with inhabitants of *Résidence Anoska*



Mr Joseph L. Pierre Louis, Community Leader, addressing the inhabitants

This interactive meeting was attended by a considerable number of inhabitants of *Résidence Anoska* who showed a high level of interest in improving the safety of their children. The OC accompanied by an Investigator from the OCO were welcomed by the Community Leader of the locality, Mr Joseph L.

Pierre Louis (also known as Ricall). The OC motivated all those present to engage in the networking forum and to become active protectors of the children of their locality from all forms of abuse. The OC and the Investigator also explained the role of the OCO, and even quizzed the attendees on issues of child protection. The residents, both young and old, participated actively and freely voiced out their concerns and frustrations. They stated that they wanted to know more about the rights of children. They expressed their willingness to be part of the networking forum.



The OC interacting with the residents of Anoska



Mr I. Bawamia, Investigator at the OCO, highlighting the importance of roping in community members in the fight against child abuse





Mr Joseph L. Pierre Louis (left picture) and Mr. I. Bawamia (right picture) handing over tokens to participants during an ice breaking activity.



The community members had the opportunity to express themselves on the various problems affecting their children and families and the locality at large.

4.5.5. 31 July 2020: Field visit at *Résidence Anoska*

The OC conducted a field visit at *Résidence Anoska*, accompanied by an Investigator, and Mr Pierre Louis, Community Leader, who acted as the guide. The OC and the Investigator met with the inhabitants of the area to gather information on the situation of children living there. She was apprised of several cases. For instance, in one particular family, 4 children had been removed by the CDU, due to their deplorable housing conditions. The OC advised the family on practical solutions to improve their living conditions and to be able to obtain custody of their children once again.



Mr J. L. Pierre Louis accompanying the OC as a guide



The OC interacting with residents of Anoska

Furthermore, the OC met with the youth of *Résidence Anoska*, whom she believes can bring positive changes in their locality. She encouraged them to participate in the upcoming networking forum, to which they agreed. In general, it was observed that the community members of *Résidence Anoska* seemed to be united and willing to contribute towards the progress of their area, especially in tackling the stigma upon their village.



The OC meeting with a mother and her baby in Résidence Anoska



Investigator Ms S. Johaheer (far right in picture) interacting with the inhabitants regarding their concerns

4.5.6. Selection of community members and child professionals for the networking forum

Given that obviously not everyone in *Résidence Anoska* could attend the upcoming networking forum, it was decided that 25 community members would be chosen to represent the wider community. Mr Pierre Louis, Community Leader, supported the OCO in the identification and selection of these members. Care was taken that this group of community members involved people from different age groups and gender.

In order to create a community member-professional partnership model that can promote the protection of children of *Résidence Anoska* from all forms of abuse, 25 professionals who would pair up with each of the community members had to be selected. This selection was mainly based on the scope and duration of the professional's or his/her organisation's activities with children and/or families of *Résidence* Anoska. In other words, the professional or his/her organisation should have been actively involved with this target group for at least a period of 6 months. The 25 professionals selected came from the following 10 non-governmental organisations which met the above-mentioned criterion: **Action Familiale; ATD Quart Monde; DIS-MOI; Lovebridge; Mouvement d'Aide à la Maternité; Safire; SOS Children's Village; Ti Diams; Unlock Potential; and Youth for Human Rights.**

In addition, it was planned that key representatives from governmental and parastatal bodies involved in the protection of children would be invited to the networking forum, namely:

- Child Development Unit (CDU), Ministry of Gender Equality and Family Welfare;
- Early Childhood Care and Education Authority (ECCEA);
- National Empowerment Foundation (NEF);
- National Social Integration Foundation (NSIF);
- Mauritius Police Force (*Brigade pour la Protection des Mineurs*); and
- Ministry of Education, Tertiary Education, Science and Technology.

4.5.7. 04 August 2020: Second preparatory meeting with child professionals participating in the 2-day networking forum

The information to be imparted as well as strategies to be employed during the networking forum were discussed with the child professionals during the second preparatory meeting. The OC clarified that one of the functions of the networking forum would be to make the residents feel valued and to foster respect for the community. The professionals discussed on the need to listen actively to the community members during the forum and to be aware of their verbal and non-verbal communication towards them.



Second preparatory meeting with the child professionals

4.5.8. 10 August 2020: Final preparatory meeting with child professionals participating in the 2-day networking forum

The final details of the networking forum were refined with the child professionals. They were briefed on the information they would have to gather from the community members during the pairing exercise. They were divided in subgroups and were invited to critically analyse an information sheet to

be filled during the forum. Ground rules when engaging with the community members during pairing activities were also discussed with the professionals during this meeting (see Appendix F).









4.5.9. 10 August 2020: Preparation session with community members of *Résidence Anoska*



This was a meeting to brief the selected community members of *Résidence Anoska* on the final details of the forum. A high level of attendance, as in the previous interactive meeting, was noted, which conveyed their enthusiasm and dedication to this initiative. They were also willing to become engaged actors in improving the safety net for the children of their locality. In this session, the members were prepared mentally on what they would be expecting during the forum and they were encouraged to use this opportunity in safely voicing out their concerns. They were also informed that this 2-day forum was designed exclusively for them and, in order to ensure that they developed strong partnerships with the professionals over the 2 days, no protocol ceremony was scheduled at the start of the event. In addition, the members were provided with logistical details such as the importance of punctuality and their bus pick-up times on both days.



4.5.10. Finalisation of the timetable for the 2-day networking forum

The timetable for the 2-day networking forum was finalised by the OC and her team as follows:

Day 1: Wed 12 Aug 2020	Day 2: Thu 13 Aug 2020
9.15 – Welcome and Registration	**9.15** – Welcome and Registration
9.30 – Address by Investigators Ms Yecha Runghapen-Veeramootoo and Ms Sandhya Johaheer	**9.30** – Song in chorus
9.40 – History of *Résidence Anoska* by Mr Ricall Pierre Louis	**9.40** – The importance of the CDU by Ms R. Venkatasawmy, OC
9.50 – Address by Ms Rita Venkatasawmy, Ombudsperson for Children	**10.00** – Services offered by NSIF by Ms P. Ravaton
10.00 – Musical moment by Ms Marie Marleneda Jolicoeur	**10.30** – Tea Break
10.15 – Song by Ms Nobin and Sergeant Mungroo	**11.00** – Services offered by NEF by Ms T. Jogessur
10.30 – Tea Break	**11.30** – Open Discussion
11.00 – Quiz by Investigators Mr Ismail Bawamia and Ms Bhavna Jogarah	**12.00** – Types of Child Abuse by Ms R. Venkatasawmy, OC
11.30 – Pairing Activity	**12.30** – Lunch
12.30 – Lunch	**13.30** – Afro Dance performed by teenagers of *Anoska*
13.30 – Role of the Child Development Unit (CDU) by Ms K. Chooramun, Head of the CDU	**13.40** – Projection of video on Child Sexual Abuse produced by OCO
14.45 – Recap of the Day/Concluding Remarks	**13.50** – Group Discussion
15.00 – End of Day 1	**14.20** – Scope of works of NGOs in *Résidence Anoska*
	14.45 – Award of certificates and gifts to participants
	14.50 – *Bilan* of Networking Forum and Closing Remarks by OC
	15.00 – End of Day 2

4.6. The 2-day networking forum on 12 and 13 August 2020

4.6.1. Welcome address



Ms Johaheer (left) and Ms Veeramootoo (right), OCO's Investigators, welcoming the audience

Ms S. Johaheer, Investigator, opened the networking forum by welcoming everyone and explaining the rationale of this event following the unfortunate child sexual abuse incidents at *Résidence Anoska*. She stressed on how the OC evaluated the need to reinforce partnerships between the community members of *Résidence Anoska* and child professionals working within this locality, in view of reinforcing the safety net to protect the children residing there from all forms of abuse. Ms Y. Runghapen-Veeramootoo, Investigator, then provided an overview of the role and mandate of the OC as a promoter and protector of children rights. She outlined the preparatory meetings and activities carried out with the various stakeholders and community members to organise the networking forum.

Extract from the welcome address

« Tou zanfan ena drwa a enn lanfans ere ek proteze. Zanfan Anoska parey kouma lezot zanfan merite ki zot drwa respekte. Zanfan Anoska zoli, intelizan ek ena boukou talan. Nou ena konfians dan bann responsab Anoska. Nou krwar dan zot potantiel. Nou finn zwenn dimounn ki bien edike ek kiltive. Nou krwar dan zot gran kontribision pou enn meyer lavenir pou zanfan Anoska. Ombudsperson tenir a fer enn travay an profonder avek langazman tou dimounn pou proteksion drwa zanfan Anoska. »

4.6.2. History of *Résidence Anoska* by Mr J. L. Pierre Louis

As the Community Leader of *Résidence Anoska*, Mr J. L. Pierre Louis has constantly contributed to his locality. He is held in high esteem by the community members for his leadership and dedication. At the networking forum, he was the first one to address the audience, following the welcome speech. This conveyed the strong message that this platform was designed for the community members to voice out their concerns and opinions freely.



Mr J. L. Pierre Louis addressing the audience

Mr Pierre Louis started with an exposé on the history of people of *Résidence Anoska*, who were in fact living in the village of *La Pipe* until 30 years ago. He said that each family then already owned a house in *La Pipe*. However, it happened that they were forced to relocate to *Résidence Anoska* based on the promise that they would be provided with 10 acres of land – something which never materialised. They had no guarantee of jobs in this new area, yet they all worked together to build their community in *Résidence Anoska.* Today, they have a chapel, a community centre managed by the residents, and leisure activities where the youth can develop freely.

> ***"It is not about fishing for them, but rather about only giving them the fishing rod."***
>
> ~ Mr J. L. Pierre Louis

Nonetheless, he criticised some NGOs who appear to publicise their social work to the extent of intruding the privacy of inhabitants. He also expressed his concerns on how some members of the press create sensationalism out of news items from *Résidence Anoska*. He deplored the fact that no media person enquired with him about the locality or what was being done within the community. He further noted that the situation within many families of the locality is precarious and that their sufferings appear to perpetuate to the next generation. Nonetheless, he acknowledged the tremendous efforts that many inhabitants of the locality were making to improve their lives and that of their children.

In his address, Mr Pierre Louis appreciated the opportunity that the Ombudsperson for Children has created for them to collaborate more efficiently with NGOs. He felt that the 2-day networking forum was also a space for the youth of *Résidence Anoska* to be sensitised about the history of their own community and the importance of contributing to the growth of their locality. He concluded by saying that, *"It is not about fishing for them, but rather about only giving them the fishing rod"*.



Mr Pierre Louis conversing with Ms Jhugroo, Secretary of the OCO

4.6.3. Address by the Ombudsperson for Children

In her speech, the OC warmly welcomed the Very Very Important Persons (VVIPs) of this event – the community members of *Résidence Anoska*. She stated that the networking forum was the fruit of the collaboration and commitment of the various organisations and community members who contributed to its thorough preparation. She highlighted that there were many positive things happening in *Résidence Anoska* and applauded the solidarity of the community. However, she pointed out that the problems in the area could not be overlooked. The OC was convinced that the ideas and outcome that would emerge from the pairing of community members and child professionals during this forum would not only benefit the children of *Résidence Anoska*, but also all the other residents.

> ***"Commitment and knowledge are two important components in the journey to owning one's destiny."***
>
> ~ R. Venkatasawmy,
> Ombudsperson for Children



She encouraged the participants to take ownership of their destiny through two important components – **building their commitment and expanding their knowledge.** Firstly, she explained that commitment to one's vision is important. One must have dreams and the desire to realise them, but must also be committed to face challenges and obstacles that would come on the way. Secondly, seeking useful knowledge that can aid one's vision is equally crucial. In this sense, the networking forum was providing a unique exchange opportunity for the community members of *Résidence Anoska* to learn about the services provided by the participating governmental agencies and NGOs, and for the child professionals to understand and listen to the residents' experiences, achievements and difficulties.

4.6.4. Making the community feel valued



An OCO's Officer (left) welcoming members of Résidence Anoska with chocolates and sweets

One of the underlying reasons of this networking forum was to provide a conducive environment, where all participants from *Résidence Anoska* could feel valued and welcomed. To achieve this goal, the OCO's team took great care in honouring the presence and participation of the community members.

Firstly, the forum was organised at the venue of Palms Hotel in Quatre Bornes. Secondly, to facilitate their travel to this venue, the community participants were provided with transport to and from the hotel on both days. During lunch and tea break, the residents had the opportunity to network informally with the child professionals. At the end of the forum, the community members received a Certificate of Participation from the OCO.



Each participant received a Certificate of Participation and a gift

4.6.5. Talents of *Résidence Anoska*



Ms Jolicoeur (right) interpreting a song, accompanied by Ms Yen Mee(left) from Lovebridge

In the spirit of valuing the community of *Résidence Anoska*, several of its members were invited to perform their talents in front of the forum's audience. On the first day of the event, Ms Marie Marleneda Jolicoeur, a musician from the locality, interpreted a beautiful song on children and the importance of education for their future. Ms Jolicoeur also performs in mini concerts that are organised in *Résidence Anoska*. Ms Yen Mee of Lovebridge, accompanied her during her performance.

Following Ms Jolicoeur's performance, Ms Nobin, Deputy Headmistress of Midlands Government School and Sergeant Mungroo from *Brigade pour la Protection des Mineurs* (BPM) presented a song entitled "*Ye dosti ham nahin torenge*", which was about the enduring power of friendship (refer to Appendix G, Part A). All the participants and guests sang in chorus, which changed the atmosphere of the forum from the first day itself to a more relaxed and cheerful one.



Sergeant Mungroo (far left) and Ms Nobin (second from the left) singing a song on the power of friendship

The performances left us to wonder how many more hidden talents and skills are still untapped in Résidence Anoska due to lack of opportunities and stigmatisation.

Likewise, the second day started with everyone singing together. All participants were given a copy of the lyrics of the song "*Malheur à celui qui blesse un enfant*" (refer to Appendix G, Part B). Once again, this set the ambience of the forum from the very start to an amicable and warm one. After the lunch break on day 2 of the forum, two teenagers of *Résidence Anoska* marvelled the audience by performing an Afro Dance.



The teenagers stunned everyone with their dancing talents

Along with being a networking platform, the forum also provided the opportunity to community members and child professionals to express themselves artistically. The performances left everyone to wonder how many more hidden talents and skills are still untapped in *Résidence Anoska* due to lack of opportunities and stigmatisation.

4.6.7. Activities of the networking forum

Several activities, as described below, were organised to sensitise and engage the participants with respect to child rights and child protection. These were planned in a way to have the most interaction possible with the audience.

4.6.7.1. Ice-breaking session



Sergeant Mungroo conversing with a young resident of Anoska

Participants were asked to walk around the conference room and to introduce themselves to as many people they can over 5 minutes. This activity livened up the atmosphere and helped in breaking down hesitation and barriers that existed between the representatives of the institutions and the community participants.



The ice breaking session livened the mood of the forum

4.6.7.2. Quiz by Investigators

A quiz was prepared by Mr Bawamia and Ms Jogarah, Investigators of the OCO. Eleven multiple-choice questions were asked to the audience. This was an active way for all present to learn on the various rights of children and duties of parents, and the role of each institution involved in child protection.



Mr Bawamia (left) and Ms Jogarah (right), OCO investigators, quizzing the participants

The questions put to the audience also encouraged them to respond and express their concerns. Below are some important points highlighted by some participants:

- *"The CDU should explore all alternative possibilities of child protection before removing a child from his family as a last resort, since separation from the home causes great distress to the child and the family."*

- *"On one occasion at a school, an Officer-in-Charge refused to hand over a student to the CDU, as she was not informed of the reason for such removal. The child in question did not come to school for three days following the incident. On another instance, a child hid in the toilet when he was aware that CDU officers had come to take him away."*

- *"A mediator between the family and CDU, who can create a relationship of trust between the parties, could be appointed."*

- *"NGOs can facilitate the missing link between parents and the authorities, and more should be done to rehabilitate the child and send him/her back to his/her family."*

- *"Being myself an orphan, and having no child of my own, I understand the pain of living alone. A child should not just be removed from a family when they have existing problems. The issues should be acknowledged, but also the family itself must be empowered rather than broken apart."*

4.6.7.3. Pairing activity



All the participants engaged well during the pairing activity

In this activity, each resident was randomly paired with another participant, who were officers from the OCO, NGOs and government institutions. The primary aim was to collect information about each participating resident and also give them an opportunity to voice out their concerns about their locality and the progress they wanted to see as well. It is worth highlighting that the non-resident participants were formerly trained during the preparatory phase prior to the forum on how to interact specifically

with their paired resident. They were also given a list of guidelines to help them interact positively and respectfully with their interlocutor (see Appendix F). The residents were very receptive to this activity.

Afterwards, the community members were asked for feedback on this pairing exercise. The responses were indeed very positive. For instance, it was said that the pairing activity was a stimulating exercise where everyone engaged well with each other. It was also an opportunity to know someone new and to learn interesting aspects of their life.

4.6.7.4. *"Téléphone Arabe"* (Chinese Whispers)



Invitees participating in "Téléphone Arabe"

"*Téléphone Arabe*" is a very classic and popular game. It has never ceased to be entertaining or fun to any generation. This particular activity was an interactive way of showing the participants how information could be distorted along the chain of communication, if not properly transmitted. Through this game, the participants were sensitised as to the dangers of relaying unconfirmed, misleading or wrong information. The OC also explained that an investigation is initiated when a complaint is made in relation to possible loopholes in the mechanisms in place for child protection or alleged failures of concerned authorities to act diligently. The reaction of the participants was optimistic. They understood how negligence or recklessness in sharing information, especially unverified news, could lead to conflicts, disruption and even violence within families and communities.

4.6.7.5. Group discussion

The participants were divided into groups of around 8 persons. Each group was asked to discuss among themselves to identify 5 problems that *Résidence Anoska* faces and 5 possible solutions to each issue. Everyone engaged actively in this exercise and various issues and solutions were identified and suggested. Below is a table summarising the problems and solutions highlighted by the different groups.

Problems and underlying issues at *Résidence Anoska*	Proposed solutions by community members
School problems	
• Parents do not have means to send children to kindergarten, hence there is a gap when they start Grade 1. • Parents go to work early in the morning and the children are left on their own.	• Organise remedial classes • Empower parents to send children to school and kindergarten regularly • Sensitise parents on importance of education – they must attend Parent Teachers Association (PTA) meetings and be more involved in the child's educational development • Implement « Ecole des Parents »
Substance abuse	
• There is a lack of recreational activities, leading to idleness and alcohol/substance consumption. • Some parents are lax towards their children.	• Set up a Neighbourhood Watch / install CCTV camera • Carry out Regular Police Patrols • Conduct Community Policing • Provide counselling through specialised NGOs/institutions • Empower youth to become leaders • Organise more activities for youth • Parents to be more vigilant as to the whereabouts and belongings of their children

Inadequate housing	
• Around 200 families are living in 77 houses. • There is the problem of overcrowding in houses. • To acquire a house, costly and lengthy legal procedures cannot be resorted to. • There is a lack of information about family planning within the community.	• Provide NEF aid for house construction/reparation • NEF officials to carry out visits within the community to assess the situation • Convert agricultural land to residential areas • Conduct a survey on families' needs • Define each room within a house with proper separation to ensure the respect of everyone's personal space - boys and girls to be placed in separate bedrooms • Sensitise parents on hygiene and proper development of children
Child protection	
• Parents are not always informed by the CDU upon child removal.	• Organise community projects on the prevention of child abuse • CDU to investigate into family situations thoroughly before removing the child
Lack of leisure and recreational activities	
• There is a lack of leisure and sports equipment – coach and infrastructure are already available.	• Create a platform for youth • Organise activities for all groups within community – children, youth, women, men and senior citizens • Implement a '*parcours de santé',* family fun days and continuous leisure activities for youth • Set up an association for women and senior citizens • Conduct courses on bakery/sewing/life coaching for women

A perception of discrimination	
• NGOs/NEF/NSIF seem to provide help and services to only certain people.	• Coordinate help and services for the whole community
Unemployment	
• Many people in the community do not have jobs, especially the youth.	• Undergo vocational training • Facilitate access to MITD Courses • Provide fixed employment opportunities
Lack of use of available infrastructure	
• Community members do not make the most of available infrastructure such as the community centre. • There is a lack of communication on group activities within the community.	• Use the community centre as a one-stop shop • Organise more social integration activities • Liaise with the President of 16eme Mille Community Centre for better community inclusion
Lack of women empowerment	
• There is a lack of activities promoting young girls and women empowerment.	• Conduct prevention campaigns on teenage pregnancy • Construct a nursery for child care • Provide sexuality education, especially among young girls

4.6.8. Interventions by key stakeholders

4.6.8.1. CDU acts as a child protector, not a "child snatcher"

One of the objectives of the networking forum was to empower the community members of *Résidence Anoska* to become whistle-blowers with respect to violators of children's rights. To achieve this, it was important to inform them of the role of the main authority for child protection - the Child Development Unit (CDU) – and to dispel any misconceptions they might have had regarding the CDU. Therefore, the OC deemed important to expatiate on the purpose and functions of the CDU. The OC explained how in almost every country, there is an institution similar to the CDU, albeit under different names. When a child is a victim of (or at risk of) violence or abuse, the law empowers such authority to remove the

child and to place him in a safe and secure place. In Mauritius, the CDU does an assessment before deciding to remove a child.

The OC used a case example to illustrate why sometimes the CDU cannot be blamed when a child is not afforded the much-needed protection. She asked everyone to imagine that an 8-year-old child was being beaten by his father and that no one in the neighbourhood alerted the police. Then, one day, the same child was unfortunately beaten to death. The media then would often be quick to blame the CDU for not doing its work. Yet, in this particular scenario, the CDU is not at fault as it was not alerted in the first place. Thus, the OC emphasised the crucial and complementary role of NGOs, who are not just social workers, but also whistle-blowers in such cases. She urged the collaboration of everyone to work together in a non-violent and peaceful way. She additionally underlined the criminal liability of someone who fails to report a case of child abuse or child neglect as per the Child Protection Act 1994.

Ms Chooramun, Head of the CDU, was also invited to the forum to present on the role and functions of the CDU in more details to the community members. She described how the CDU was instituted for the development and protection of children. She clarified that, under the *Mauritian Civil Code*, parents are the primary carers of children and have the main duty to cater for them. Hence when parents are in conflict, it is children who suffer the most.

CHILD PROTECTION ACT 1994

11. Duty to report

Notwithstanding any other enactment, where a medical practitioner, a dental surgeon or a teacher has reasonable ground to suspect that a child he is examining, treating or teaching, as the case may be, has been ill-treated, neglected, abandoned or otherwise exposed to harm, he shall immediately notify the Permanent Secretary.



Ms Chooramun, Head of the CDU, responding to questions of participants

Moreover, the Head of the CDU explained that, when parents are unable to give adequate care to their child, the CDU steps in to assess how to help the family. The institution aims at preventing all types of child abuse and protecting actual or potential child victims. She also outlined different cases where parents themselves endanger their child's safety, and thus removal of the child from their homes becomes a necessity. For instance, when a child was allegedly being beaten by a parent, the child would be taken for medical assessment by the CDU, and it might be that the parents would be denied access to the child.

Many participants voiced out their concerns that CDU officers "snatch" children away from their families and cause much distress to them. One particular community member complained that Officers of the CDU demanded that, in order to obtain custody of his children, he had to arrange for separate bedrooms for each one of them. After listening to various participants' concerns, Ms Chooramun cleared existing confusions about the rationale behind child removal from a family. She clarified that

whilst there is a need to have minimum food provisions and a minimum level of hygiene for the children, the sole fact that one lives in poverty, even absolute poverty, is not a reason to remove a child from his family.

Furthermore, a child professional insisted on the need for better communication between parents and the CDU, especially when their children are being removed during school hours, without the knowledge of the parents. A member of an NGO suggested that case studies could be analysed to find ways to improve current child protection services. In the same vein, Ms Domah, CDU Officer, explained how the CDU has the obligation to investigate the veracity of a complaint by a whistle-blower, regarding child abuse. The informants can be anyone from school personnel, relatives, and NGOs amongst others. If a child is a victim or at risk of abuse, the CDU officers will look for other family members that can cater for the child. Only when no one is willing to take responsibility of the child, that he/she is placed in a shelter or residential care institution. The next step is then to work towards the reintegration of the child into his/her family.

The CDU has the obligation to investigate the veracity of a complaint by a whistle-blower, regarding child abuse.

The discussions between Ms Chooramun and the participants appeared to have cleared the doubts and apprehensions of participants with respect to the role and functions of the CDU as a child protector and not a "child snatcher". These interactions also seemed to have fostered better relations among the stakeholders.

4.6.8.2. The OC explains on the different types of child abuse

One cannot talk about child protection without understanding what child abuse is. During the networking forum, the OC detailed clearly the definition of child abuse and the four different types of child violence that exist. In essence, the OC outlined to the participants that, firstly, physical abuse is when a child is physically assaulted. Usually, this would be apparent on the child's body such as bruises or swells. Secondly, verbal abuse is usually a non-visible form of child abuse, where the self-esteem of the child is adversely affected through the use of foul and demeaning language against the child. Next,

sexual abuse is another type of child abuse, where the world of the child is torn apart and which can result in a lifelong trauma. The audience was also warned on the realities of grooming. Fourthly, child neglect is often a form of abuse that many are unaware of. For instance, this includes the carer's negligence in giving adequate food to the child and providing him with decent clothing. Moreover, a video on child sexual abuse, produced by the OCO, was played to further sensitise the audience on the issue.

4.6.8.3. Works carried out by the NSIF, NEF and NGOs within *Résidence Anoska*

"Give a man a fish and he will eat for a day. Teach a man how to fish and you feed him for a lifetime." This well-known proverb resonated throughout the preparatory meetings, where residents affirmed that they just need a little support to be able to make their community a better place to live. Hence, in the networking forum, it was important to lay clearly before the residents, the different facilities and activities available in their locality so that they can make optimum use of these. In line with this objective, officers from the NSIF and NEF, as well as representatives of NGOs, were invited to address the audience to inform them on their works, especially those being done in *Résidence Anoska*. In his brief intervention, Mr Pierre Louis, the Community Leader, detailed the various projects that the community offers currently to its residents such as artisanal works that are carried out by women, amongst which are Ms Azie Collet Odile and Ms Perrine Claudette (community participants).

4.6.8.3.1. National Social Inclusion Foundation (NSIF)

Ms Priscilla Ravaton, Programme Manager at the NSIF, firstly presented on the brief history of the NSIF. She then elaborated on its works and various funding programmes categorised in 10 priority areas[59], including socio-economic development; educational support and training; social housing; leisure and sports; and supporting people with disabilities. She also highlighted that NSIF works in collaboration with NGOs.

Furthermore, she clarified that before financial assistance is granted to a potential beneficiary, there are steps that must be followed and the validation of the NSIF Council is required. It must also be noted

[59] Please visit the website of NSIF on www.nsif.mu for more information.

that the NSIF has indicators of performance, such that they can follow-up each beneficiary and note the outcome of each assistance provided. Another way NSIF supports communities is through its funding framework, where it grants constant support to NGOs who are essential in the running of projects within communities.



Ms Ravaton explaining on the works of NSIF

Ms Ravaton also pointed out that they are accountable to the Director of Audit, as they are dealing with public funds, which explains the extensive paperwork to work through. Should there be any misappropriation of funds or fraud, complaints can be made to Independent Commission Against Corruption (ICAC). NSIF also finances the management of 14 residential care institutions (RCIs). With regards to financial aid from the NSIF, Ms Ravaton informed the participants that Parent Teachers Associations (PTAs) and other organisations can register for funding with the NSIF. She encouraged the residents to form an association representative of their community and present their projects to the NSIF to apply for funding.

Ms Ravaton encouraged the residents to form an association representative of their community and present their projects to the NSIF to apply for funding.

4.6.8.3.2. National Empowerment Foundation (NEF)



Ms Jogessur detailing on the functions of the NEF

Ms Trisha Jogessur, Community Project Coordinator at the NEF, explained the functions and procedures within this organisation. The NEF[60] targets families who live in vulnerable conditions. Once a person registers at the Ministry of Social Integration, Social Security and National Solidarity, an Officer will conduct a field visit to assess whether he/she fits the eligibility criteria. If he/she is deemed suitable, then the person is invited to sign a social contract at the NEF. She also added that, under the Marshall Plan Social Contract, NEF Officers visit the registered families to help them identify their priorities and become fully functioning families. Ms Raghu Ankusha, Case Management Officer at NEF, detailed clearly how they assess a family's situation and how they conduct enquiries. There are different axes of intervention that the NEF consider such as education, health and financial income of the family.

In terms of educational support, Ms Jogessur explained the conditions under which child allowance and school materials can be obtained. Additionally, those who completed their secondary studies are given monetary rewards by the NEF. It is interesting to note that some beneficiaries have in fact used their reward to pay for their courses or university fees, to buy a laptop or to invest it as capital for starting their own business. For those sitting for their O-level examinations for the second time in order to improve their results, the NEF pays the exam fees.

With respect to economic empowerment, if parents are working or undergoing training, the nursery fees are paid for by the NEF. Job fairs and training workshops are also organised for NEF beneficiaries. A *"soutien d'accompagnement"* is provided to those starting up a business. In terms of housing support, Ms Jogessur explained different ways in which NEF can assist a beneficiary to secure adequate housing

[60] More information on the services of the NEF can be found on its website on www.nef.mu.

for himself and his family. If one owns a piece of land, they can be financially assisted with their house construction. Moreover, aid is provided for the reparation of houses.

Nevertheless, Ms Jogessur underlined that sanctions are taken against those who have signed a social contract with the NEF, but are unwilling to engage with the opportunities provided and fail to abide by the agreed terms and conditions. She concluded by assuring the community participants that the NEF is willing to work with them and collaborate with National Housing Development Company (NHDC) Ltd to ensure their right to adequate housing.

4.6.8.3.3. ATD Quart Monde

Ms Maria Victoire stated that ATD Quart Monde is an NGO that has been engaged in the fight against poverty over the last 30 years. The NGO equips families to support one another. She further detailed the different "*ateliers"* at the disposal of *Résidence Anoska* to help empower the families living there. One interesting concept is the weekly *Bibliothèque de Rue* that encourages the children to read, especially those having difficulties to integrate the conventional setting of schools, and to improve their general knowledge in addition to academic concepts. She motivated the residents present at the forum and affirmed her conviction that empowered families are the key to end their misery.

4.6.8.3.4. DIS-MOI

Ms Hon Fat, from Dis Moi, presented on the different types of conjugal violence. She handed out a pamphlet on "Violantomet", an interesting way to identify the various levels of domestic violence and when it becomes crucial to ask for help or put an end to one's relationship altogether.

4.6.8.3.5. SOS Children's Village

Ms Edoo, from SOS Village, worked for approximately 10 years in *Résidence Anoska*. The work of SOS Children's Village is centred around education. In fact, the organisation has an education learning centre at the disposal of the children. For the youth of the area, they provide career guidance, and for those who are out of school, they are sign-posted to the Mauritius Institute for Training and Development (MITD).

4.6.8.3.6. T1 Diams



Ms Auroomoogum explaining how T1 Diams support Type1 Diabetic patients

Ms Auroomoogum, from T1 Diams, has been working for 15 years in *Résidence Anoska* and the NGO provides support and assistance to patients suffering from Type 1 Diabetes. Their youngest patient is aged 13 months old. T1 Diams teaches the patients how to live with their health condition and also interacts with and support other family members, relatives and even neighbours. She also pointed out issues that certain families have to face when the patient is still a minor. For instance, the parent – more often than not, the mother - has to quit her job to constantly look after her diabetic child. For families already living in dire conditions, the situation is even more complicated. Hence, T1 Diams supports these families in view to enable them to be resilient to such challenges.

4.6.8.3.7. Mouvement d'Aide à la Maternité (MAM)

Sister Solange intervened on behalf of MAM. She explained that this NGO accompanies future mothers during their pregnancy, including adolescents. They also work towards prevention of teenage pregnancy. Many pedagogical and psychological activities are organised. One special session entitled *"Maman Soleil"* is aimed at training future/young parents.

4.6.8.3.8. Lovebridge

Ms Yen Mee, District Coordinator at Lovebridge, explained the NGO's mission at reducing poverty, by helping families to be self-sufficient. She detailed the pillars on which their work rests, namely, education, housing, health, employment/employability, food and nutrition, and MASCO (Motivation, Attitude, Skills and Courage). Lovebridge also makes sure that children are attending school. Ms Yen Mee highlighted the fact that children from poor families often do not attend kindergarten, and as a

result, there is a gap in education when they start primary school. Furthermore, Lovebridge helps in small renovations of houses, and in providing small financial assistance in obtaining houses from NHDC. The NGO also assist families in debt by explaining how to manage budgets, as well as in completing formalities for social aid.

4.6.8.4. Voice of *Résidence Anoska*

There could not have been a networking forum focused on a community without giving its residents the opportunity to voice out their concerns and views. To strengthen the ties among the different stakeholders in child protection, the floor was opened to community members of *Résidence* Anoska several times throughout the forum to allow them to express themselves freely.



One of the common recurring points made was that often NGOs work within *Résidence Anoska* without consulting with the *Association pour le Développement de Résidence Anoska* (ADRA). Whilst there are existing projects in the locality, only a handful of persons seem to benefit from it, and it is unclear where the funding is being routed to. There are further projects that can be realised; however, it must be agreed with ADRA. Mr Pierre Louis, Community Leader, appealed that the community centre in *Résidence Anoska* should be used as a central figure for any actions in the locality, instead of having projects being dispersed across the region.

Another issue that was constantly pointed out was housing problems. Mr Pierre Louis reminded the officers present that *La Pipe* residents were already owner of their respective houses, before moving to *Résidence Anoska.* He stated that the NEF should review their funding requirements to help the community. A community member highlighted on the issues involved when several heirs inherit one house. The very process of division-in-kind before a Notary Public is costly and lengthy and hence is hardly envisaged when the family is already in precarious conditions.

To strengthen the ties among the different stakeholders in child protection, it was vital to give the community members of Résidence Anoska the opportunity to voice out their concerns and views freely.



One resident pointed out that he prioritised his savings for the education of his children over the completion of his house. Currently he lacks the funds to complete the construction of his house. Ms Jogessur assured him that NEF could potentially assist him in his project. Ms Bignoux proposed that the

previous Central Housing Authority (CHA) model could be reintegrated to provide adequate and tailored housing facilities to the needy.

An additional issue highlighted by various residents is that of stigmatisation of the inhabitants of *Résidence Anoska.* A community participant, explained how he thought this social stigma resulted in difficulties in obtaining state social aid as they were being constantly looked down upon. He requested NEF and NGOs to accompany the residents to the concerned Ministries to complete formalities for registration purposes. Echoing the same problem, another resident shared that she was refused a job as soon as she gave her home address as being *Résidence Anoska*. Additionally, a child professional proposed that public officers should be professionally trained on how to communicate with people asking for state assistance.



An additional issue highlighted by various residents is that of stigmatisation of the inhabitants of Résidence Anoska.

4.6.8.5. *Bilan of the networking forum*

The networking forum had overall been a positive and novel way to strengthen the relations between different stakeholders involved in child protection. Every participant in this platform was treated equally. Everyone had fun as well as worked hard to identify issues and find potential solutions. One could see the willingness of organisations (governmental and non-governmental) to make *Résidence Anoska* a better place. The warmth and talents of the residents were praiseworthy. Mr Bawamia, OCO's Investigator, pointed out that, whilst it is usually observed that women show more involvement in child-related activities, it was refreshing to see that the men of *Résidence Anoska* felt equally concerned about their children's future.

The networking forum was not only informative, but interactive and engaging, where each participant felt valued and listened to. Mr Pierre Louis appreciated the various exceptional moments the community members had witnessed and experienced during the forum and requested to all the participants to show the same solidarity back in *Résidence Anoska*. Similarly, a community member hoped that the momentum of the forum does not stop and expands. The OC remarked that the people of *Résidence Anoska* had proven that they have "*l'esprit communautaire*" and that they do engage in participative democracy. Indeed, as Mr Maurer, from the NGO Safire, said, building human relations is a constant work of collaboration and solidarity of each and everyone.

The networking forum was not only informative, but interactive and engaging, where each participant felt valued and listened to.

4.7. A dissemination event on the highlights of the forum

In line with the objectives of the networking forum, it was important to disseminate the key information and outcomes that emerged from this initiative, and to announce the way forward. Hence, the OC, along with five community members from *Résidence Anoska*[61], held a press conference on 20 August 2020 at the OCO. The important points of the forum as well as underlying issues regarding child protection were presented to journalists. The OC also deliberated on a plan of action regarding a holistic approach to better protect children's rights, that was established by key stakeholders following the 2-day networking forum.



Mr J. L. Pierre Louis, Community Leader, used this opportunity to underscore pertinent issues that affect the daily livelihood of the residents of *Résidence Anoska*. He stated that, "*there are not only bad things happening in Résidence Anoska, we have positive things too and it is unfortunate that people do not*

[61] The community members present at the press conference were Ms Marie Juliette Pascaline Labiche, Ms Mavouse M. Lourdes, Mr Andor Son Azie, Mr Joseph Riene Ville Beguthe and Mr Ricall Pierre Louis.

talk much about it". The other representatives of *Résidence Anoska* also voiced out their concerns and highlighted that the inhabitants of their locality are stigmatised due to the fact that the area is often portrayed negatively in the media. Two articles regarding this press meeting were published in *Le Défi Quotidien* of 21 August 2020 and *5-Plus Dimanche* of 23 August 2020 respectively (refer to Appendix H).



"It is important to act in collaboration with the people and to make decisions with respect for human dignity. This is a community approach such that we will work for the children of Résidence Anoska, but not without the members of this community."

~ R. Venkatasawmy, Ombudsperson for Children

4.8. The way forward

Following the 2-day networking forum and the press conference, four further initiatives, as described below, were announced by the OC in terms of the way forward.

4.8.1. A cleaning campaign in *Résidence Anoska*

Sustainable development and the right to a healthy environment are intrinsically linked. If one wishes to promote development and welfare of children, it is essential to start by providing a safe and clean environment for them to live in. The OC proposed that a cleaning campaign will be organised in *Résidence Anoska* with the collaboration of multiple stakeholders.

> ***Rio Declaration on Environment and Development (United Nations, 1992), Principle 1***
>
> *Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.*

4.8.2. Continued collaboration with *Résidence Anoska*

There will be a consolidation of the works being carried out by different associations in *Résidence Anoska* in a bid to empower its residents. The OCO will continue to meet the residents to assess the progress made at regular intervals, and also to pursue and further the collaborative work started with the community.

4.8.3. Conducting a rights-based survey at *Résidence Anoska*

In the press briefing, the OC announced that a survey would be carried out to gather qualitative and quantitative data on the families and children of *Résidence Anoska*. Every household of the locality would be invited to participate on a voluntary basis and upon informed consent. One aim of this enquiry was to make an assessment on how the rights of children are being protected and promoted according to the UN Convention on the Rights of the Child within this locality.

At the time of writing this report, the survey had already been carried out from 26 to 28 August 2020. A team of the OCO, under the supervision of the Ombudsperson for Children, collected valuable information on around 77 families in *Résidence Anoska.* This survey was also an opportunity for all those who had not been part of the networking forum to be listened to by the OCO's staff members on their concerns regarding their locality and to propose their ideas on how the living conditions of their children and families could be improved.







As shown in the pictures on this page, the team of the OCO picked up their materials before proceeding for the data collection in *Résidence Anoka*. This exercise, led by the Ombudsperson for Children, enabled the team to listen actively and collect relevant information from each family interviewed. The OC strongly believes that the information gathered will be an indispensable basis to establishing a long-term action plan.



Ms. Sandhya Johaheer (top left photo), Mr Ismail. A. Bawamia (top right photo), Ms. Haajrah Rohom (bottom left photo), and Mr Shameem Mungralee (bottom right photo) interviewing the inhabitants of Résidence Anoska in a bid to obtain meaningful data on the children and families

"These children also have a history, an identity. They have the same rights as children in other regions and must be respected. They too have the right to live in a healthy environment, which will certainly have a positive impact on their minds and lives."

~ R. Venkatasawmy, Ombudsperson for Children






It was noted that the inhabitants, especially the young people, expressed concerns on the fact that they are often stigmatised. They added that other students of their schools made fun of them and their locality. Such data are crucial in the formulation of an action plan for the children and young people of the region. The OC thanks Mr Pierre Louis, Community Leader, and three other community members of *Résidence Anoska* – Ms Marie Juliette Pascaline Labiche, Ms Mavouse M. Lourdes and Ms Odile Azie – for their support throughout data collection.

4.8.4. A Special Report on *Résidence Anoska*

Finally, it is planned that a Special Report will be written and published by the OCO on *Résidence Anoska.* This report will be based on the survey carried out with the inhabitants (refer to sub-section 4.8.3) and will aim at analysing issues identified within the community in a child rights-driven, evidence-based and objective manner. This document could also be used as a reference by both governmental

and non-governmental organisations to enable them to plan and design projects or measures that can best assist the specific needs of the community members. Hence, this can effectively contribute to the development and empowerment of the children and families of *Résidence Anoska.*

> ***"There is no power for change greater than a community discovering what it cares about."***
>
> ~ Margaret Wheatley

CHAPTER 5

Children's Rights in the Context of Homelessness: The Case of Squatter Children in Pointe aux Sables and Riambel

"Building capacity for dialogue and mediation can give voice to the marginalized, enhance power, and equip communities with tools and skills to bring about meaningful change."

~ The Office of the Compliance/Advisor Ombudsman, USA

5.1. Introduction

5.1.1. Rationale for an own-motion investigation by the OC on the right to adequate housing

Over the past few years, advocating for the right to an adequate standard of living for every child, as enshrined by the UNCRC, has been an ongoing initiative for the Ombudsperson for Children (OC). For instance, in two of her previous annual reports, she brought particular attention and made recommendations regarding the cases of poor living conditions at *Cité Tole* and *Cité Longère Blanc* and their implications on children's rights (OC, 2017, chapter 3)[62], as well as the impact of residing in asbestos houses and deplorable buildings on children's well-being (OC, 2018, chapter 6)[63], respectively. Living in decent housing conditions is one of the fundamental components of children's right to an adequate standard of living.

This year, an issue that places at risk children's right to adequate housing, namely **squatting**, required significant attention. The OC believed that it was crucial to enquire on the situation of children who were living in squatting conditions in order to assess how their rights were being affected and to promote their safety and well-being. In addition, the OC noted that, although the media and other civil society organisations regularly report on their observed number of squatters in a given region and on the experiences of squatters, **it is important to highlight that there is a significant lack of formal, quantitative and disaggregated data on the squatter population, and thematic documentation on the issue of squatting in our country**.

On 25 May 2020, the OC initiated an own-motion investigation, as per section 7(1) of the Ombudsperson for Children Act 2003 (refer to Appendix A), to enquire on **the situation of children who were living in families who were squatting on State lands**. The scope of this enquiry, which lasted 3 months, was limited to squatter children living in the **regions of Pointe aux Sables and Riambel** in order

[62] Ombudsperson for Children (2017). *Annual Report 2016-2017.* Republic of Mauritius: Ombudsperson for Children's Office. Retrieved on 30 August 2020 from oco.govmu.org/Documents/Annual%20Reports/OMBUDSPERSON%20ANNUAL%20REPORT%202016-2017.pdf

[63] Ombudsperson for Children (2018). *Annual Report 2017-2018: Making rights a reality for every child of the Republic of Mauritius.* Republic of Mauritius: Ombudsperson for Children's Office. Retrieved on 30 August 2020 from oco.govmu.org/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf

to achieve a deeper understanding of their concerns. It is expected that this investigation will be replicated in a second phase to squatter children residing in other areas of the Republic of Mauritius. It is also important to note that the said investigation was initiated on an **OWN-MOTION basis by the OC, and was NOT COMPLAINT-DRIVEN.** At no point in time, the OC received formally registered complaints made by squatter families, or by non-governmental organisations (NGOs) or members of the civil society advocating on their behalf, concerning violations of the rights of squatter children.

In this chapter, the OC firstly appreciates the importance of the right to adequate housing for every child. She then attempts to provide some clarification on the phenomena of homelessness and squatting, as well as describes these terms within our local context. Next, she details on the objectives, target group, procedures and findings of the own-motion investigation. Finally, she proposes recommendations that could contribute to improving the situation of homeless children and their families.

5.1.2. The importance of the right of children to adequate housing

The United Nations (2009, p.3)[64] explained that the fundamental human right to adequate housing must be regarded in a broad way as the *"right to live somewhere in security, peace and dignity"*. A good, warm and safe home is crucial to all aspects of children's well-being, yet a significant number of children in certain regions of the world, including parts of the Republic of Mauritius, are having to cope with waking up every day in deplorable housing conditions.

Research has shown that children's development, and current and future life chances can be largely affected by the quality of their housing. For example, in the United Kingdom, it is known that *"poor housing conditions increase the risk of severe ill-health or disability by up to 25 per cent during childhood and early adulthood"* (Shelter, 2006)[65]. Shelter (2006) also provided an overview of several negative effects of low-quality housing on children's physical health, mental health, education and opportunities in adulthood, which included respiratory problems, anxiety, depression, school absenteeism,

[64] United Nations (2009). *The Right to Adequate Housing: Factsheet No. 21 (Rev. 1)*. Geneva: Office of the United Nations High Commissioner for Human Rights. Retrieved on 30 August 2020 from www.refworld.org/docid/479477400.html
[65] Shelter (2006). *Chance of a Lifetime: The impact of bad housing on children's lives*. United Kingdom: Author.

homelessness, unemployment and an increased risk of offending behaviour among others (see Appendix I for more information).

In relation to poverty reduction and the creation of sustainable cities and communities, countries of the world are working towards the achievement by 2030 of various targets of the Sustainable Development Goals (SDGs) 1 and 11 respectively, of which two are quoted below (United Nations Development Programme [UNDP], 2020)[66]:

- *"reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions"* (under SDG 1); and
- *"ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums"* (under SDG 11).

The Republic of Mauritius is no exception and the State has the prime duty to address poor quality housing and homelessness as a key component in tackling poverty. The Committee on the Rights of the Child (2006[67], 2015[68]) welcomed the continued efforts of our country towards poverty alleviation, for instance, the provision of meals, free transport and education to children. However, the Committee (2006) expressed concerns about the *"living conditions of vulnerable groups particularly with regards to* ***access to adequate housing****, education and health-care facilities"*. They recommended that our country *"strengthen*[s] *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****"* (Ibid., 2006).

In light of the above, it is primordial that all relevant stakeholders undertake appropriate actions to improve housing conditions for the wellbeing of all children of our Republic. If the right to safe and decent housing is not respected, this will inevitably hinder our children from enjoying a wide range of their other rights, such as their rights to education, health, social security, privacy and so on. This can

[66] United Nations Development Programme (2018). *Sustainable Development Goals.* Retrieved on 31 August 2020 from www.undp.org/content/undp/en/home/sustainable-development-goals.html
[67] Committee on the Rights of the Child (2006). *Concluding observations: Mauritius*. Geneva: United Nations
[68] Committee on the Rights of the Child (2015). *Consideration of reports submitted by States parties under article 44 of the Convention: Combined third to fifth periodic reports of States parties due in 2011, Mauritius.* Geneva: United Nations.

also have adverse long-term effects on their physical and mental health, educational achievement and future opportunities, as exemplified in Appendix I.

5.1.3. Homelessness and squatting: Multi-faceted phenomena

5.1.3.1. Understanding the term 'homelessness'

There is no universal definition of homelessness, and interpretation of this phenomenon varies across countries based on their different legal, economic, social and cultural contexts. In a general sense, homelessness may be considered as "*the inability of people to enjoy a permanent accommodation"* (Salcedo, 2019)[69]. The United Nations Statistics Division (as cited in Human Rights Council, 2015)[70] further breaks down homelessness into two categories:

- *"primary homelessness"*, as persons living on the streets or without a shelter or living quarters[71]; and
- *"secondary homelessness"* as including persons with no place of usual residence.

Persons in the latter category mainly include those who move frequently between various types of accommodation such as dwellings, shelters or other living quarters; those who reside in long-term 'transitional' shelters or similar arrangements for the homeless; or those living in private dwellings, but who do not report a usual address on administrative forms (Office of the High Commissioner for Human Rights [OHCHR], 2012)[72]. Leilani Farha (2015)[73], a Special Rapporteur on the right to adequate housing, proposed three dimensions that can be used to better define homelessness from a human rights perspective, as illustrated below:

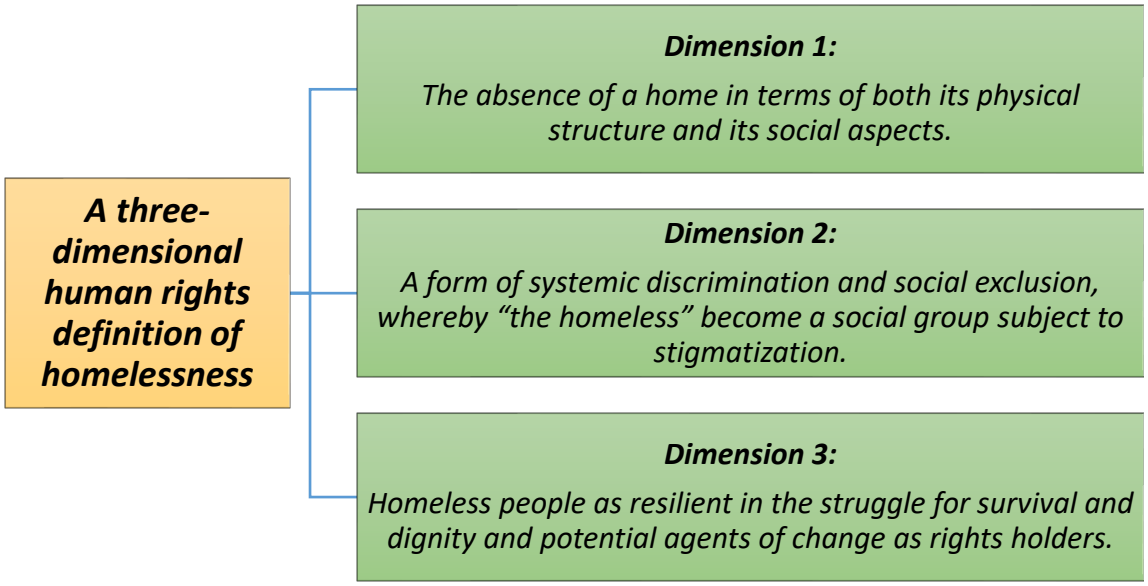
[69] Salcedo, J. (2019). *Homelessness and the SDGs.* Retrieved on 30 August 2020 from www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/07/SALCEDO_Jesus_Presentation_2-1.pdf

[70] Human Rights Council (2015). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.* Geneva: United Nations. Retrieved on 30 August 2020 from www.unhousingrapp.org/user/pages/04.resources/Thematic-Report-5-Homelessness-as-a-Global-Human-Rights-Crisis.pdf

[71] Living quarters are "*the part of a building where people live, especially a building that is used by many people or is used for several different purposes"* (Source: Longman (n.d.). *Living quarters.* Retrieved on 30 August 2020 from www.ldoceonline.com/dictionary/living-quarters)

[72] Office of the High Commissioner for Human Rights (2012). *Homelessness.* Retrieved on 30 August 2020 from www.ohchr.org/Documents/Issues/Housing/homelessness.pdf

[73] Farha, L. (2015). *Summary of the Report of the Special Rapporteur on the right to adequate housing.* Geneva: OHCHR. Retrieved on 30 August 2020 from www.ohchr.org/Documents/Issues/Housing/HomelessSummary_en.pdf.



Within the Republic of Mauritius, there is currently no statutory or legal definition of 'homelessness'. For the State to support individuals and families in poverty situations with housing vulnerability, they need to figure on the Social Register of Mauritius (SRM) – *"a computer-based application to register and identify the poor and their socioeconomic profile"* (Government Information Service, 2019)[74] – which is maintained by the Ministry of Social Integration, Social Security and National Solidarity. Those who are eligible under the SRM can also apply for a housing unit through the National Housing Development Co. Ltd, which operates under the aegis of the Ministry of Housing and Land Use Planning.

5.1.3.2. Contextualising the term 'squatting'

According to a description proposed by the Global Informality Project (2019)[75], squatting can be referred to as *"informal housing whereby, for a variety of existential, legal, political and ideological reasons, people settle on vacant land or occupy abandoned buildings, both private and public. People who squat possess no legal title to land or building, pay no rent for the respective property and live there without any formal entitlement"*. Similar to the term 'homelessness', the term 'squatting' may have

[74] Government Information Service (2019). *The number of households eligible under the Social Register of Mauritius keeps fluctuating, says Minister Wong.* Retrieved on 30 August 2020 from www.govmu.org/English/News/Pages/The-number-of-households-eligible-under-the-Social-Register-of-Mauritius-keeps-fluctuating,-says-Minister-Wong.aspx

[75] Global Informality Project (2019). *Squatting (Global).* Retrieved on 30 August 2020 from www.in-formality.com/wiki/index.php?title=Squatting_(Global)

different definitions based on specific contexts, and the group of people identified as 'squatters' may also be known by other names, such as informal settlers or illegal tenants.

In the Republic of Mauritius, the issue of squatting is not a new phenomenon, and has remained an ongoing challenge to the authorities and other relevant stakeholders for decades. **According to section 22 of the State Lands Act 1982, the term 'squatter' designates a person who takes possession of, encroaches upon, cultivate or put up any building or other structure on any part of any State land without the express authorisation in writing of the Minister**. A squatter who fails to vacate State land after having been served a notice commits an offence under this law and he/she becomes liable to evictions, fines, and/or even imprisonment. Therefore, in our country, the term 'squatter' is mostly used in the context of illegal occupancy of State lands.

For the purpose of this chapter, a few working definitions for terms related to 'squatting' have been proposed below, in an attempt to retain their link to the above-mentioned local legal definition of a squatter, and to enhance their connection with human rights.

- **Squatter**

First and foremost, a squatter is a human being who is a holder of human rights and fundamental freedoms. In the exercise of his/her rights, he/she also has the responsibility to respect the rights of others. Locally, a person is considered to be a squatter when he/she unlawfully occupies a vacant land that is owned by the State.

- **Squatter children**

Squatter children refer to persons under the age of 18 years old who live with their parents or caregivers within squatting conditions. In theory, squatter children have the same fundamental rights as any other children. However, owing to their exceptional circumstances, they cannot or do not enjoy many, or even all, of these rights. Research studies commonly show that they struggle in unhygienic settlements, experience poverty, are at risk of being victims of abuse at 'home' and at school, and may develop psychological difficulties such as low self-esteem, anxiety and challenging behaviour.

- **Squatter camp**

A squatter camp can be understood as an area where a group of individuals, including children, unlawfully occupy vacant land owned by the State. Within this informal settlement, the squatters usually erect tents, or small buildings with cardboard, wood, iron sheets or scrap material. These built structures are generally unequipped with basic amenities such as water and electric supply, and sewerage systems. Squatter camps are hazardous environments that expose its residents to a number of risks to their safety and well-being. They represent a threat to the fulfillment of the basic needs and fundamental rights of human beings, with children being the most vulnerable.

In the course of her investigation, the OC was frequently asked the following questions regarding the term 'squatting', which she attempted to clarify as follows:

- **Is 'squatter' a derogatory term?**

The term 'squatter' is used in many countries including the Republic of Mauritius to designate an individual who engages in illegal occupancy of unused public or private buildings or land. The OC believes that the term itself is not derogatory and is only a word to refer to a group of vulnerable people with specific characteristics. However, the stigma attached to the squatter population might be an underlying reason why they could be subject to derogatory remarks or disrespectful attitudes from others. It is important that relevant stakeholders promote the human rights and dignity of squatters and protect them from all forms of discrimination.

- **Are the terms 'homeless' and 'squatter' the same?**

There are both overlaps and distinctions between a homeless individual and a squatter. Given that a homeless person does not have any permanent accommodation, he/she may choose to temporarily inhabit an unused building or construct a small structure on a vacant piece of land without any formal agreement with the legitimate owner. In this case, the homeless person can also be referred to as a squatter. On the other hand, if a squatter illegally occupies an unused building or piece of land, despite legitimately owning or renting a building or piece of land somewhere else, he/she cannot be called a homeless person. **Simply said, not all homeless people become squatters and not all squatters are actually homeless.**

- **How can we distinguish between a 'genuine' and a 'fake' squatter?**

A 'genuine' squatter is expected to be a person who does not already own or lease any property or land, that is, he/she is homeless, and who illegally lives on a vacant property or land, with or without their families, as a last resort, mainly due to helplessness and an inability to financially afford an alternative accommodation. On the contrary, a 'fake' squatter is an individual who already owns or rents a property or land for residential purposes, and who intentionally occupies another land or property not entitled to them, most commonly State land, with or without their families, as a means to fraudulently acquire social housing benefits from the State. He/she pursues his/her self-interests by ignoring the rule of law and abusing of his/her human rights. The 'fake squatter' profile tends to be the one that disproportionately contributes to the stigma often associated with the squatter population. As far as children are concerned, irrespective of whether their parents are 'fake' or 'genuine' squatters, the difficulties they experience are relatively similar.

- **Can children of squatters be taken away by the authority?**

Undoubtedly, children are the most to suffer within squatting conditions. 'Genuine' squatter parents unintentionally expose their children to a wide host of harmful risks, while 'fake' squatter parents purposely put their children through this precarious situation. In any case, it is crucial to be aware that this can qualify as a form of child ill-treatment, abuse or neglect, and section 13(1) of the Child Protection Act (CPA) 1994 provides that, *"[a]ny person who ill-treats a child or otherwise exposes a child to harm shall commit an offence."* If the responsible authority, that is the Permanent Secretary of the Ministry of Gender Equality and Family Welfare, as represented by the Child Development Unit (CDU), has reasonable ground to believe that a squatter child is suffering or is likely to suffer significant harm, he/she may request through the Court an Emergency Protection Order (CPA 1994, section 4) or a Committal Order to a place of safety (CPA 1994, section 8) for that child. Upon issue of any of the above-named Court Orders, the children in need of protection will be taken away from the squatter parents by the CDU without legally needing their consent.

5.2. Conducting the own-motion investigation

The current section outlines the objectives, the target group, investigation procedures and findings of the OC's own-motion investigation.

5.2.1. Objectives of the investigation

The objectives of this enquiry were to

- estimate reliably the number of squatter families with children in the visited regions;
- identify issues that affect squatter children's right to adequate housing, and impact on their development and well-being; and
- propose recommendations to relevant stakeholders on how to promote and protect the right to adequate housing of squatter children, along with other associated rights.

5.2.2. Target group

As explained in the introductory section 5.1.1 of the current chapter, the OC focussed on **squatter children who were living with their families on State lands located at Pointe aux Sables and Riambel**.

5.2.3. Investigation procedures

Various methods, as listed below, were employed by the OC and her team to gather relevant information regarding squatter families and their children from multiple sources over a 3-month period:

(1) Field visits were carried out in both Pointe aux Sables and Riambel to conduct observations and interviews with squatter families.

(2) Meetings were organised with different stakeholders at the OCO.

(3) Investigators of the OCO attended meetings at the Ministry of Housing and Land Use Planning.

(4) A written request was made to several non-governmental organisations (NGOs) working with squatter children to provide:

(i) their latest figures on the number of squatter families that they had identified who have one or more children;

(ii) a list of hardship cases of squatter families with children whom they encountered during their work and who were not eligible for benefitting from the facilities of the National Empowerment Foundation (NEF) and/or National Housing Development Co. (NHDC) Ltd; and

(iii) the number of members in their NGOs who held qualifications, and specialised training and experience in social welfare and support.

(5) Squatter children were interviewed.

(6) Local articles published in the press that related to squatter families and their children were analysed.

(7) Desk research was carried out to better understand the issue of squatting, problems faced by squatters and the impact of squatting on children's rights and well-being.

(8) A letter with a list of recommendations related to squatter children was sent to the Ministry of Housing and Land Use Planning.

(9) Close contact with the said Ministry and a network of reliable informants (who wish to remain anonymous) was maintained throughout the investigation process.

As part of one of the investigation procedures outlined above, the OC met with squatter families of Pointe aux Sables who were invited at the OCO to present their concerns on the protection of their children. Below is an extract of a dialogue (translated to English from Mauritian Creole) between the OC and these families, that highlighted important issues including, advocacy for children's rights, access

to housing, the harm caused by self-appointed advocates and 'fake' squatters, and the need to empower these families through human rights education.

OC	*Welcome to my office. I am glad that you accepted my invitation to attend this meeting. I feel honoured to meet you all because you are resilient citizens who are fighting for your survival and that of your children.*
Families	*We are also happy to meet you. You do not know us, but we do. We often listen to your interventions on radio and read your comments in newspapers. Now, we expect that you use your influence to fight for the rights of our children. We need an NHDC house or a plot of land on lease where we can build our own houses for the welfare of our kids. Just the plot of land, Madam Rita...the rest we will manage. There are many available NHDC houses and enough available land!*
OC	*I understand your concerns, but matters are not that simple and straight forward. There are so many people who have requested for NHDC houses. They have children as well and many of them have applied to the NHDC before you. You cannot skip the queue.*
Families	*Please Madam Rita, you must protect our children. We trust you.*
OC	*I will definitely write a report on the rights of squatter children, but I cannot promise that you will get a house or a plot of land.*
Families	*Please do something for us and our children. We trust you.*
OC	*I appreciate the trust you have in me, but as the OC, I can only make recommendations. I cannot action my recommendations. I will advocate for the rights of your children, but I cannot make false promises to you.*
Families	*Please come to visit us.*
OC	*I promise I will.*
Families	*Why did you personally not come to visit us at the squatter camps earlier?*
OC	*I did not come personally yet, which I will do very soon. But you might have already met with Investigators of the OCO whom I had delegated to carry out field visits since the confinement period. It is also important for you to know that I work within a legal framework and I have to investigate first, then make recommendations. An investigation is a scientific process which means that I have to check and counter-check any information*

	collected. I cannot afford to make statements without having reliable facts and figures. Since the beginning, I have been trying my level best to analyse and understand the bigger picture of children living in squatter camps at Pointe aux Sables and Riambel. It does not mean that I have not been doing my work because I did not meet you personally.
Families	*We have now a better understanding on your role. It is important to listen to what squatter families have to say.*
OC	*I must admit that the presence of 'fake' squatters in your midst has delayed our meeting. During the initial phase of our investigation, we came across many 'fake' squatters who were, at times, more proactive than 'genuine' ones. Please understand that, as the OC, I have to get my figures right. Imagine that I talk in my work about 80+ squatter families in Pointe aux Sables, which include 'fake' ones, will this not have caused prejudice to families who are 'genuine' squatters?*
Families	*We totally agree with you that there was a critical mass of 'fake' squatters in the beginning. They have left the squatter camps progressively, but they have caused much harm to our cause.*
OC	*I would also like you to take note that certain self-appointed advocates of squatter families have also done disservice to your cause by being aggressive and using violent language to fight for your cause. But they ended up fighting...not necessarily for your rights. You need to be sensitised on human and children's rights. A human rights activist is a person who individually or in collaboration with others acts to promote or protect human rights. There are 'genuine' human rights activists and 'fake' ones!*
Families	*Like squatters!*
OC	*Yes! The United Nations recognises the importance of genuine human rights activists/defenders. In addition to receiving support from NGOs and civil society representatives, you also need to be empowered so that you can advocate for yourself and your children. My office will soon organise a workshop which can help you better understand your rights and responsibilities.*
Families	*Thank you, Madam. Many thanks to your staff. We appreciate that you have listened to our concerns.*

Within the above extract, it can be noted that, at one point, families asked the OC why she did not personally come to meet them at the squatter camps initially. They seemed to be assuming that only those who came to see them in person were actually supporting them. However, after the explanation of the OC, they acknowledged that the latter and her team had been enquiring on their situation during all that time, and she had been actively gathering information from various sources to better advocate for squatter children's rights and make their voices heard at the level of the Ministry of Housing and Land Use Planning. They also understood that the OC works within the remit of the Ombudsperson for Children Act 2003 and this law allows her to investigate matters related to children's rights *"in such manner as [s]he considers appropriate"* (OCA 2003, section 7(1)). In the present case, the OC initially focussed on the use of **soft power** (refer to the textbox on the next page) to influence decision-making processes of relevant stakeholders with regards to the rights of squatter children.

Soft Power

One of the specific features of the Ombudsperson for Children's Office, that is distinct from the Court and other control mechanisms, is its non-coercive soft powers with no authority to sanction. The recommendations of the Ombudsperson for Children are neither binding nor enforceable, but the use of persuasion and moral authority encourages the public or private authorities, or other parties concerned, to review their position or decision on issues relating to children's rights. As pointed out by Reif (2004)[76],

> *(...) ombudsman effectiveness does not always follow automatically from having stronger enforcement powers (...) the non-coercive soft powers of an ombudsman can constitute strength and one source of its effectiveness, connected with other factors such as the character and authority of the ombudsman and the government's positive support.*

The Ombudsperson for Children provides functional and practical feedback either to Ministers or to public or private bodies so that possible solutions and reforms are considered in connection with children's rights, and that standards of the United Nations Convention on the Rights of the Child are applied rigorously when handling child-related issues.

[76] Reif, L. C. (2004). *The Ombudsman, Good Governance and the International Human Rights System.* USA: Springer-Science+Business Media, B.V.

5.2.4. Findings

5.2.4.1. Information on State measures undertaken related to the problem of squatting over the past two decades

During the investigation, information was collated from governmental sources on measures that had been undertaken by the ministry responsible for housing and land use over the past two decades. This was necessary because the onus remains mainly on the State to support the most vulnerable groups of people, mainly children, and guarantee that everyone's housing is adequate, by involving all the relevant stakeholders from the public and private sectors. The following table contains a summary of data gathered by the OCO, presented in the order of the year associated with the measures or figures:

Year	**Summary of measures and/or figures reported in relation to squatting by the ministry responsible for housing and land use**
2004	• In 2004, a government policy was introduced towards regularising pre-July 2001 residential squatters (illegal occupations) by the grant of building site leases expiring in the year 2060 (Ministry of Housing and Lands [MHL], 2014)[77]
2014	• Some **2,700** squatters had been regularised over a period of 10 years (i.e. from 2004 to 2014) and became holders of long-term formal leases over the sites occupied (MHL, 2014). • They were also given wooden and corrugated iron sheets for free (MHL, 2014).
2015	• As at 01 July 2015, **1,104** squatters were identified (Ministry of Housing and Land Use Planning [MHLUP], 2020)[78] • On 02 September 2015, the then Vice Prime Minister and Minister of Housing and Lands affirmed at the National Assembly that the "*Government is bent on addressing*

[77] Ministry of Housing and Lands (2014). *Mauritius: Country Report Habitat III.* Mauritius: Author. Retrieved on 01 September 2020 from habitat3.org/wp-content/uploads/Mauritius-National-Report.pdf

[78] Ministry of Housing and Land Use Planning (2020). *National Forum on Housing & Land Use: 19th August 2020, The Shri Athal Bihari Vajpayee Tower, Ebène*. Mauritius: Author.

	very rigorously but humanely the problem [of squatting]*, the more so because of its socio-economic implications"* (Government Information Service, 2015)[79]. • In September 2015, out of the **1,104** squatters who were identified as at 01 July 2015, **654** had been regularised on squatted or other sites (MHLUP, 2020).
2017	• **65** housing units were constructed at Pointe aux Sables to relocate squatters occupying land earmarked for the Ring Road project at Tranquebar (MHLUP, 2020).
2019	• From 01 June 2015 to the end of 2019, around **300** squatters had been identified (MHLUP, 2020).
2020	• During the lockdown period, some **160** squatters were identified, out of whom **150** have been removed (MHLUP, 2020). • As at 01 July 2020, **450** squatters (out of the **1,104** squatters identified as at 01 July 2015) had not yet been regularised due to being considered as difficult cases (MHLUP, 2020). • The MHLUP (2020) has initiated a multi-sectoral survey to identify genuine cases of squatters.

The MHLUP (2020) has given the assurance that it is committed to promoting equity and inclusiveness in providing sustainable housing for vulnerable groups including the homeless and eligible squatters. In reference to the table above, it can be seen that governmental initiatives to regularise identified squatters have been ongoing since 2004. Nevertheless, it can be noted that new cases of squatters kept emerging over time.

[79] Government Information Service (2015). *Residential squatting is being addressed with rigour and humanity, says Vice-Prime Minister Soodhun*. Retrieved on 01 September 2020 from http://www.govmu.org/English/News/Pages/Residential-squatting-is-being-addressed-with-rigour-and-humanity,-says-Vice-Prime-Minister-Soodhun-.aspx#:~:text=Related%20News-,Residential%20squatting%20is%20being%20addressed%20with%20rigour%20and,says%20Vice%2DPrime%20Minister%20Soodhun&text=%E2%80%9CIt%20is%20a%20very%20sensitive,the%20Vice%2DPrime%20Minister%20said.

5.2.4.2. The dilemma of housing for all

Many of the squatters who were evicted from State lands argued that they were unable to make the 10 per cent down payment to contribute to the total cost of an NHDC house. They did not have a *"Plan Epargne Logement"*, which is a saving plan operated by the Mauritius Housing Company Ltd (2020)[80] in order for clients, especially youths, to acquire or construct a house in the future. Some of them also told the OCO that they were not eligible for support from the NEF. The Ministry of Housing and Land Use Planning has emphasised that squatter families who have just recently registered with the NHDC cannot be given priority over those who registered much before them. In this context, a recurring question asked by many of these families was how would their children survive in the long run?

5.2.4.3. Squatting: A cross-cutting issue among different ministries and statutory bodies

The OC would like to underline that the issue of squatters, in particular that of squatter children, does not only concern the Ministry of Housing and Land Use Planning (MHLUP), but also the Ministries of:

- Gender Equality and Family Welfare (MGEFW);
- Education, Tertiary Education, Science and Technology (METEST); and
- Social Integration, Social Security and National Solidarity (MSISSNS).

In fact, all these Ministries play an important role in the development and protection of squatter children. For instance, the METEST ensures that all children, including squatter children, have access to free primary and secondary education without any discrimination. Secondly, the Child Development Unit (CDU) of the MGEFW is monitoring closely the whereabouts of squatter children and will be ready to intervene if the need arises.

In addition, the National Empowerment Foundation (NEF), under the aegis of the MSISSNS, is actively working towards the welfare of squatter children in collaboration with the MHLUP. Squatters who qualify for support provided by the NEF are being identified on a regular basis. The NEF can propose services to homeless and squatter children, provided that their families are eligible under the Social

[80] Mauritius Housing Company Ltd (2020). *Plan Epargne Logement (PEL): Save with us and secure your home loan.* Retrieved on 01 September 2020 from www.mhc.mu/products/plan-epargne-logement-pel

Register of Mauritius and have signed a social contract with the NEF. For instance, registered families can receive educational and health support for their children, as outlined on the next page (T. Jogessur[81], personal communication, 18 September 2020):

- **Education**

1. Provision of school materials to students from Pre-Primary, Primary, Secondary and Prevocational Level.
2. Provision of School Premium of Rs 25,000 and Rs 35,000 for students who have passed Grade 11 and Grade 13 levels respectively.
3. Payment of Exams Fees for Grade 11 and Grade 12 students who wish to ameliorate their results.
4. Payment of Creche Vouchers for infants aged 0 to 3 years.
5. Payment of Child Allowance to students aged 3 to 23 years, attending a registered school.

- **Health**

1. Medical screening.
2. Provision of medical kits.
3. Sensitisation campaign.

5.2.4.4. Scoping the profile of 'genuine' squatter families and their children at Pointe aux Sables and Riambel

5.2.4.4.1. Initial difficulties in data collection

During the initial phase of the investigation, the OC realised that it was very difficult to determine the exact number of genuine squatter families with children at Pointe aux Sables and Riambel, which seemed to be rapidly changing with the influx and outflux of squatters at different points in time in these regions. For instance, the OCO's Investigators observed that, from 26 May 2020 to 27 May 2020, there was an increase in structures built at Pointe aux Sables overnight.

[81] T. Jogessur is the Community Project Coordinator for the District of Plaines Wilhems at the NEF.

5.2.4.4.2. Figures related to the profile of squatter families and children

Based on the OCO's observations and information gathered up to 25 September 2020, some figures related to the profile of squatter families, deemed to be 'genuine' cases, and children living in squatter camps located at Pointe aux Sables and Riambel respectively are provided as follows:

POINTE AUX SABLES

1. **Sixteen squatter families, mostly female-headed, were found to be living under tents at Pointe aux Sables.**

2. **Eleven of these families had children living with them at the squatter camps.**

3. **There were 17 children in all, aged between 10 months and 16 years.**

4. **Six of the 11 families with children had already registered with the NHDC previously and are on the list to get a house by the end of the year.**

5. **The remaining 5 families with children have just recently registered with the NHDC and have joined the queue for the acquisition of a house.**

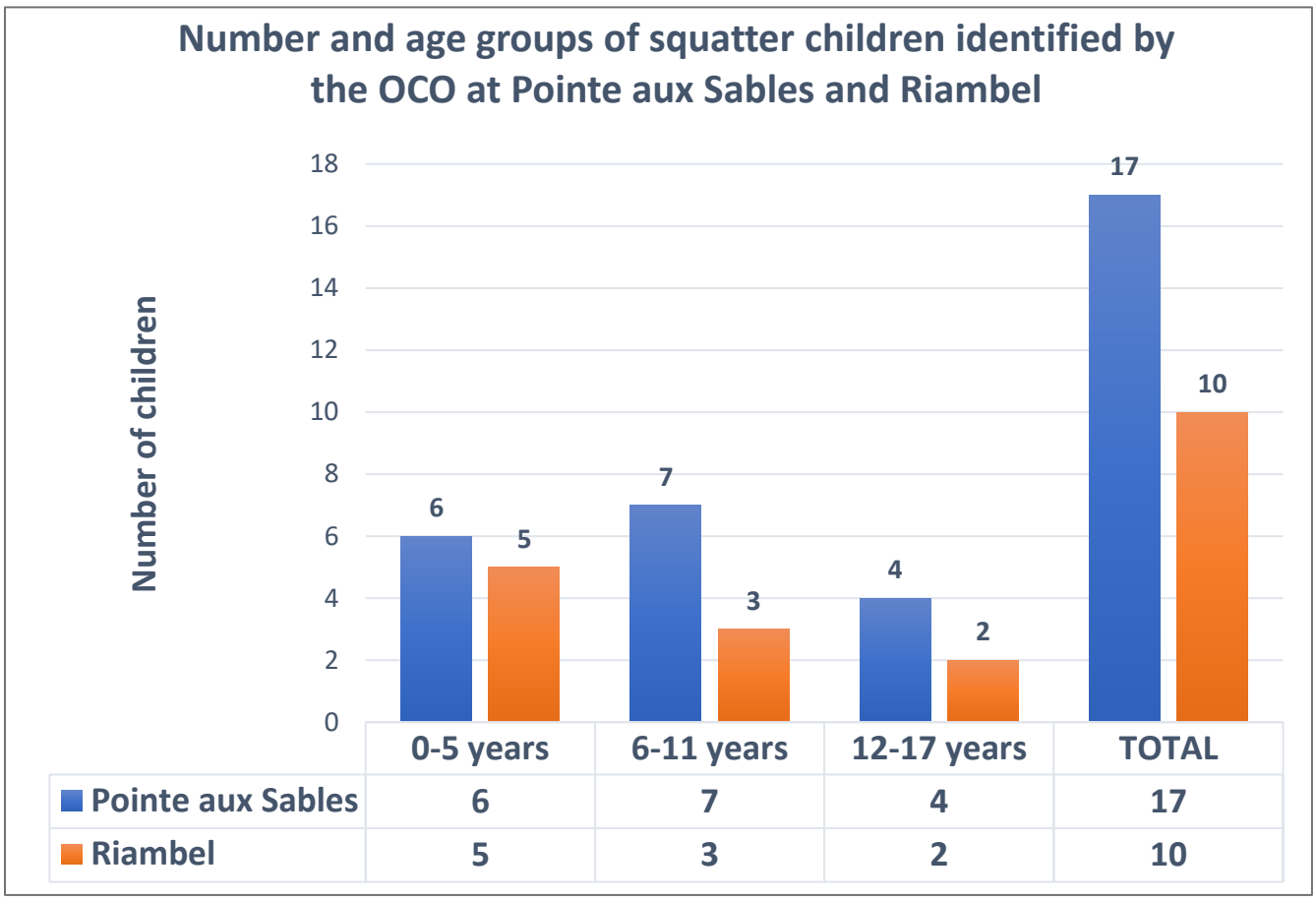
RIAMBEL

1. **Six squatter families with children were identified at Riambel.**

2. **There were 10 children in all, aged between 2 months and 15 years.**

3. **These 6 families with children have just recently registered with the NHDC and have joined the queue for the acquisition of a house.**

The following column chart gives a more detailed overview of the number of children identified in squatter camps at Pointe aux Sables and Riambel categorised by age groups:



5.2.4.4.3. A notable absence of fathers in the lives of squatter children

It was observed that most of the squatter families at Pointe aux Sables and Riambel were female-headed. Child care was mainly being carried out by single mothers, including young ones. Owing to their economic vulnerability, the absence of fathers in the family made it significantly challenging for these mothers to find a job or be supported in meeting the needs of the children. Some of the children had never met their fathers, while others were not even declared by the father at birth. Growing up without a father can have adverse long-term effects on the development and psychological well-being of the concerned children, even more so when the father is unknown. This can be considered as a non-respect of the right of the child to an identity, which is clearly stipulated in article 7(1) of the UNCRC: *"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."*

5.2.4.4.4. Education of the children

With regards to education, most of the squatter children attended schools. However, the rate of absenteeism was quite high among this category of children. Both at Pointe aux Sables and Riambel, parents informed OCO's Investigators that their children had difficulties coping with the school programme, mainly because of their deplorable living conditions and family distress. The squatter camps were not conducive to learning and they did not have a proper area where they could do their homework.

5.2.4.5. Deplorable living situation of the squatter families and children

5.2.4.5.1. Poverty

Many squatters stated to the OC that they were living in extreme poverty. Some of the adults said that they had no other option than to live in tents because they had lost their jobs during the COVID-19 lockdown. Others were unemployed since a long time. All of them claimed that they had very limited resources.

5.2.4.5.2. Physical environments unfit for living

The squatter camps were visibly unfit physical environments for the daily living of the squatters. There were limited washroom facilities. On rainy days, there was water leakage in the tents, which caused significant inconvenience to children and their families. During a field visit, squatter families informed an OCO's Investigator that some well-wishers from the neighbourhood at times offered accommodation to infants, especially on rainy and very cold nights. At both squatter camps in Pointe aux Sables and Riambel, litter could be found everywhere, and stray dogs were roaming around.

5.2.4.5.3. Risks to the safety and psychological well-being of children

Squatter families of both areas, who spoke with the OC and Investigators, were very concerned and worried about the safety of their children. Their children often witnessed violence within the squatter camps, and, at times, they got into physical and verbal fights with other squatters. In addition, the families reported that their children were being exposed to people who were smoking cigarettes, and consuming alcohol and drugs, at or in the vicinity of the squatter camps. The OC and her team

additionally observed that some children appeared to be left on their own with no supervision from their parents.

Furthermore, 'genuine' squatter families expressed their unhappiness and frustration with the presence of 'fake' squatters. They protested by saying that, "*Bann la inn fek pik latant parski zot anvi gagn ankor lakaz. Zot ena lakaz, zot pe anvi gagn lakaz gouvernman"*. Squatter families of Riambel in particular brought the attention of the OC and her team to the presence of other unknown people who occasionally come to occupy overnight empty tents left by previous families at the squatter camps. For instance, they recounted that some people had attended a concert nearby and they came to sleep in the empty tents that night. In both Pointe aux Sables and Riambel, families reported that sometimes the 'fake' squatters or the random campers behaved inappropriately towards the families and the children. In addition, they also noted that some of these strangers only came over when donations were being distributed by NGOs and other civil society organisations.

Altogether, these precarious conditions could cause squatter children to become victims of different forms of abuse, including sexual abuse and prostitution. These situations could significantly impact on children's physical and mental health, as well as their opportunities in life.

5.2.4.6. The voices of squatter children

Children freely expressed themselves on their conditions of living and difficulties they face in their everyday lives. Some of their comments were captured as follows (in Mauritian Creole):

- ***"Dan lekol zot dir mo sal, mo dormi deor, mo nepli anvi al lekol."***
- ***"Kifer nou pena lakaz. Mo mama plore toulezour me li ena boukou kouraz. Kan li divan nou, li dir ki li pa pe plore."***
- ***"Mo per vann CDU ramas mwa. Mama dir ki zot kapav vini ninport ki ler."***
- ***"Enn zour kan mo vinn gran, mo pou travay dan DC*. Mo pou donn lakaz zanfan mizer."***
  [*The child was trying to say NHDC.]

5.2.4.7. Support provided by NGOs and other civil society members

A number of NGOs and other civil society members have rushed to provide support to squatter families, especially since their structures have been demolished. Examples of actions carried out were:

- distribution of food packs;
- educational and recreational activities for children;
- regular psychological and counselling support provided by Fondation Cardinal Jean Margéot;
- the accommodation of a group of single mothers at Foyer Fiat; and
- the setting up of 'Drwa A Enn Lakaz: Platform Sitwayen', a platform regrouping several NGOs and civil society actors to advocate on behalf of squatters to the authorities concerned.

Although the dynamism and solidarity of these organisations and individuals were commendable, the OC noted a few limitations in relation to some of these support initiatives, as listed below, which could adversely impact on the promotion and protection of squatter children's rights:

- At times, it was observed that there was a lack of coordination among the organisations and individuals, which resulted into confusions and diverging interpretations of the actual needs and experiences of the squatter families and their children.
- Some organisations who were offering similar support services appeared to be competing among one another, instead of consolidating their actions in the best interests of the squatter families and their children.
- A few self-appointed advocates were observed speaking on behalf of the squatter families and their children, but they actually did not have any training in human and children's rights and/or social welfare and support.

5.3. Recommendations

5.3.1. Clarifying the local definition of 'homelessness' and setting up of a 'specialised homelessness unit'

The OC proposes that, as a pre-requisite, the **term 'homelessness' must be defined within our local legislation**. 'Homelessness' currently has no legal definition within the Republic of Mauritius, which can create confusion on identifying who is actually homeless or not. For instance, in the United Kingdom, the Housing Act 1996 and the Homelessness Act 2002 define specifically who can be considered as **statutorily homeless**. Those who qualify under this definition are entitled to housing, social, health and psychological services adapted to the needs of this target group. The issue of 'fake' squatters often arises whenever genuine homeless families manifest themselves. A clear definition of a homeless person within our country could help in differentiating between a 'genuine' and a 'fake' squatter, whereby a 'genuine' squatter would fit all the local criteria of statutory homelessness and be eligible to access homeless services.

The OC recommends the setting up of **a specialised homelessness unit** by relevant ministries involved in tackling this issue, that could triage, assess and intervene in all registered cases of statutorily homeless people, using a human rights-based framework. Statutorily homeless families with children must be considered a priority group for referral to support services. An ongoing survey that collects disaggregated data on each of these families could be carried out. This information could allow for a more holistic approach to intervening with these families. It could also provide valuable information on the number, age groups, gender, education, health and birth registration status of the homeless children, that can aid in the promotion of their fundamental rights.

5.3.2. Supporting homeless families to access adequate housing

NGOs and civil society actors who have been active in supporting squatter families could organise fund-raising activities to contribute towards the acquisition of social housing for genuinely homeless cases. Mauritian citizens living in the country and abroad could also be mobilised to donate money to this cause. The OC appreciates the laudable initiative of local artists who performed at a concert on 19 September 2020 to collect funds for homeless families so that they could pay their 10 per cent down

payment for the acquisition of NHDC houses. The OC also advises that part of the money received during such fund-raising activities could be invested in temporarily renting transitional accommodation, such as private houses or hostels, for these families. This could serve as a rapid and intermediate solution to enable genuine squatter families and their children to access a safe temporary shelter. As a way of participating to their recovery, the concerned families could also be encouraged to provide a nominal contribution to the rent, if they could afford it.

5.3.3. Transparency and accountability in solidarity actions for homeless families

The OC recommends that fund-raising and other solidarity actions intended for supporting homeless families must be performed within a legal framework, through a multi-stakeholder committee involving representatives from public, private and civil society sectors, including key members from the homeless population, to maintain a high level of transparency and accountability. Uncoordinated and unregulated solidarity actions, especially those involving financial transactions, can become a source of unethical and corruptive practices. Many citizens have contacted the OCO to express their desire to support homeless families financially. However, we could not respond to their queries in the absence of a formalised procedure to receive financial aids for these families. In fact, the OCO is not mandated to collect any kind of donation on behalf of vulnerable groups of people.

5.3.4. Preventing the re-emergence of squatters

Once the current cohort of squatters are dealt with, and the identified genuine squatter families with children have a safe temporary shelter, the OC believes that **it is highly necessary to ensure, with the collaboration of public, private and civil society organisations, that no individual or group of people become squatters, especially if they are a family with children**. As it has been discussed in sub-section 5.2.4.5 of this chapter, squatter camps are high-risk environments where multiple violations of children's rights take place. **It is advised that empty tents or structures on State lands are cleared out to prevent new people from occupying them.**

As soon as the criteria for statutory homelessness are clearly defined within our law (refer to sub-section 5.3.1), **intensive sensitisation campaigns** could be carried out to educate the public at large on

who is legally homeless and the specific support services available to this vulnerable group. It must become clear in the minds of people that the 'specialised homelessness unit', as proposed in sub-section 5.3.1, would be the only point of entry for access to homeless services. The OC thinks that it is also important to shift the mentality of people on understanding that **squatting is illegal and must not be considered as a quicker way of obtaining social housing**. The recommendations proposed in sub-sections 5.3.5 to 5.3.9 would apply only to statutorily homeless families and children.

5.3.5. The need for personalised social support plans for homeless families

To better protect their children, homeless families do not only need financial resources, but also personalised social support. Tailor-made social support plans are designed with the active collaboration of the beneficiaries and ensure that services provided are relevant to their needs. An important aspect of a personalised social support plan is that it builds upon the family's resources, capacities and strengths, and ensure that the family members are the primary decision makers on matters concerning them.

The Ombudsperson for Children recommends that the NGO Safire (*Service d'Accompagnement, de Formation, d'Insertion et de Réhabilitation de l'Enfant*)[82], which has a proven track record since 2006 in the social empowerment and management of children and families living in street situations, could take the lead in designing personalised social support plans with homeless families and their children. While the families are living in transitional accommodation, intensive psychosocial support services could also be arranged for them to empower them on how to improve their economic conditions and promote the well-being of their children. The National Social Inclusion Foundation (NSIF) could support this NGO financially to set up and implement this project for the welfare of the homeless families and their children.

[82] More details on Safire can be accessed on its website (safire-ngo.org/welcome/home).

5.3.6. Parental empowerment within the context of homelessness

Homeless children can experience trauma and are at high risk of suffering from social, behavioural, emotional and psychological problems. The parents of homeless children may become helpless in exercising their authority over their children as they may not be equipped to deal with a child who is developing such problems. Moreover, homelessness conditions exacerbate difficult feelings within families such as tension, fear, anger and frustration, and the family unit has heightened risks of becoming dysfunctional.

In 2005, the Ombudsperson for Children's Office recommended to the then Ministry of Women's Rights, Child Development and Family Welfare to set up a Family/Child Mentoring Programme. In 2008, the Child Protection Act 1994 was amended with the addition of a Child Mentoring Scheme (sections 3A-3F). The amended Act provides for the allocation of a Child Mentor to children who

(i) are victims of neglect;
(ii) suffer from mild behavioural problems;
(iii) are in distress; or
(iv) have problems of social adaptation.

In order to empower homeless parents to exercise parental authority over their children, the Ministry of Gender Equality and Family Welfare could identify the children who may have one or more of the above-listed difficulties, and allocate a Child Mentor to each family requiring this service.

5.3.7. Kinship care for homeless children

Kinship care is defined as care provided by relatives or close family friends to children who cannot live with their parents. Kinship or informal care is normally arranged without the intervention of any child protection services. In the Republic of Mauritius, it implies that a child would move to another family close to his/her parents without the intervention of the CDU or the foster care department. Parental neglect is a common reason why children may find themselves in kinship care. Although the child lives away from their parents, kinship care can help them maintain a sense of stability and safety, as well as remain connected with their family and cultural norms.

Homeless families also entrust their children to kinship care in order to ensure their protection. These parents do not necessary lack the parenting skills to look after their children. They just do not have the resources to offer a decent accommodation to the latter. During the OC's investigation, she noted that some squatter families at Pointe aux Sables and Riambel had already arranged for the kinship care of their children for until they had better housing conditions. The OC is of the view that other homeless families with children could be encouraged to choose the option of kinship care within their trusted social networks to protect the best interests of their children, while they work towards improving their situation. To motivate trusted relatives or friends of homeless families to provide kinship care to their children, the OC thinks that an NGO, with proven experience and skills in alternative care and the design of personalised social support plans, could set up an NSIF-funded project to facilitate this process. Needless to say, kinship care should be a temporary measure and children should be reunited with their parents in the shortest delay possible.

5.3.8. Continuous psychological therapies and support to homeless children and their families

Being homeless can be a traumatic experience for children, that could leave lasting psychological damage and adversely affect their cognitive, emotional and social development. Governmental institutions in collaboration with NGOs could provide ongoing psychological therapies and support to homeless children and their families, in order to help them overcome the trauma related to their situation and also to prevent or minimise their risk of developing mental health disorders. This service could be coordinated by the 'specialised homelessness unit' (proposed in sub-section 5.3.1) and it could be based within local buildings such as at Citizen Advice Bureaux or in community centres.

5.3.9. Building the educational resilience of homeless children

As observed during the OC's investigation, the squatting conditions considerably hindered the school routine and educational progress of homeless children. It is proposed that governmental institutions and NGOs could call upon volunteer and/or retired teachers to provide remedial academic assistance and support to homeless children. This initiative could be carried out in an educational institution after school hours or in community or social centres. Cultural, leisure and recreational activities, which are

important aspects of education, could also be organised by NGOs and sports organisations for the homeless children in order to improve their overall development and self-esteem. **The OC emphasises that educational support to homeless children is a MUST as it is a crucial stepping stone to helping them move out of intergenerational cycles of poverty and homelessness.**

5.4. Concluding remarks

This own-motion investigation to enquire on the situation of children living in squatter camps at Pointe aux Sables and Riambel was a very difficult and delicate process. Initially, the OC encountered difficulties in identifying credible representatives of squatter families. It was also hard to distinguish between 'fake' and 'genuine' squatter families. Despite these challenges, she made it her duty to listen to the voices of the homeless children and families living at the squatter camps. She firmly believes that **NO DECISION CONCERNING THEM SHOULD BE TAKEN WITHOUT THEM.**

Furthermore, the OC highlighted the importance for legislating a clear local definition of 'homelessness', and for empowering homeless families to become their own advocates and active agents of change. In this context, the OCO will soon organise workshops to enable them to better understand the concepts of human and children's rights, in collaboration with a local NGO called "*DroItS huMains Océan Indien"* (DIS-MOI)[83], which is very active in the field of human rights education. Ultimately, the OC hopes that, an awareness of the risks of squatting to the safety, well-being and rights of their children would enable homeless families to refrain from squatting, but rather seek support from their trusted social networks and the authorities in the best interests of their children. Finally, she invites NGOs and other civil society representatives to seek guidance from the OCO on matters related to homeless children's rights.

[83] More information on DIS-MOI can be found on its website (dismoi.org).

CHAPTER 6

Report on Activities for the Year 2019-2020

A picture is worth a thousand words...

REPORTING YEAR 2019-2020 IN FIGURES



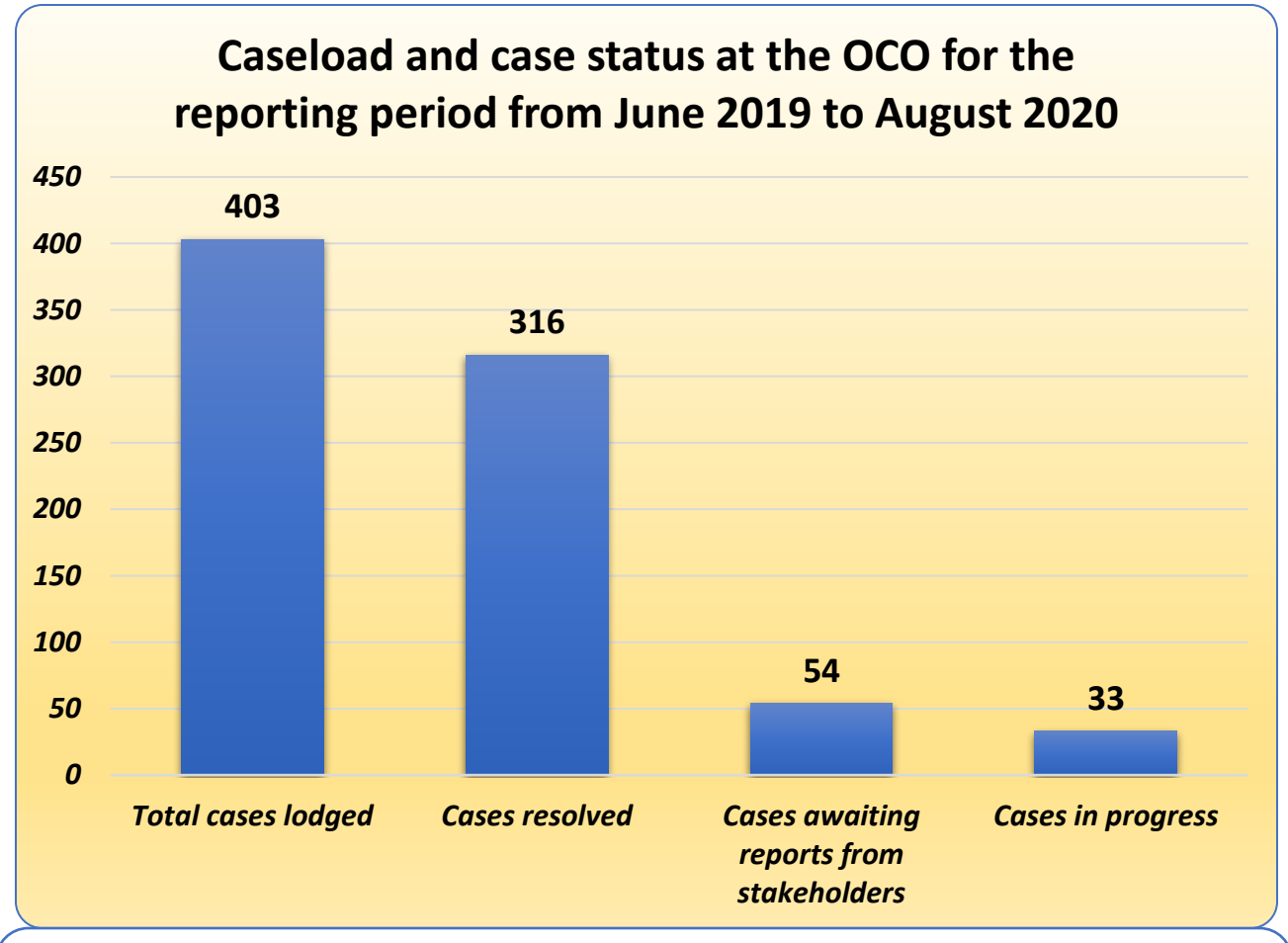
Rs 14.4 million Budget
(July 2019 - June 2020)



5 Investigators



14 Support Staff



It is to be noted that the total number of cases lodged at the Ombudsperson for Children's Office for the reporting year 2019/2020 (i.e. 403) was lower than the totals of the reporting years 2017/2018 (i.e. 465) and 2018/2019 (i.e. 466). This was because, relative to the last two reporting years, less complaints were received between 20 March and 30 May 2020, which was the COVID-19 confinement period.

Reporting year 2019-2020 in figures

29

Number of anonymous complaints

56

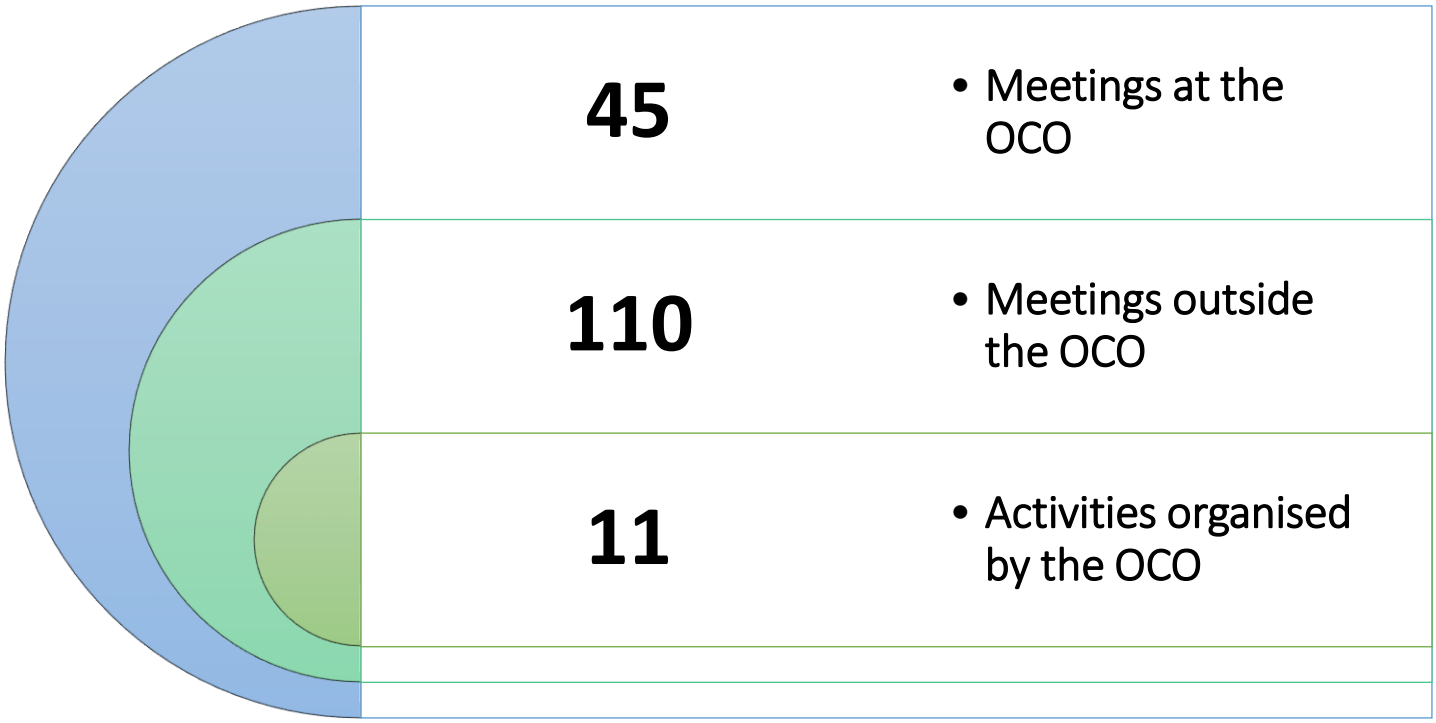
Number of cases regarding school problems

More than 139

Media interviews

More than 12,000

Phone calls



Sensitisation on the promotion of children's rights

- More than 60 sensitisation sessions and talks
- More than 7,000 children reached
- More than 5000 adults attained

Visits / Missions

- 38 field visits
- 6 visits to Residential Care Institutions
- 1 mission to Rodrigues
- 1 overseas mission to the Republic of Djibouti

PROMOTION OF CHILDREN'S RIGHTS IN MAURITIUS

Courtesy visit of Ms. Bocoum, Special Rapporteur for the Campaign to End Child Marriage in Africa

07 August 2019

Ms. Christine Bocoum, ***African Union (AU) Special Rapporteur on Ending Child Marriage*** *carried out a visit to Mauritius from 6 to 8 August 2019. She was accompanied by Ms Nena Thundu,* ***Senior Policy Officer and AU Campaign to End Child Marriage (CECM) Project Coordinator*** *and Ms Twambo Mumba,* ***AU CECM Communications Officer.*** *The purpose of the country visit was to see what measures are being taken by Mauritius particularly to end child marriage and also to promote welfare of children in general.*





The visit was an opportunity for the delegation to learn on the good practices adopted by Mauritius in that area and which could be shared with other African countries. The OC, along with Investigator Ms. S. Johaheer, received the delegation in her office and had a fruitful discussion on the situation of child marriage in Mauritius.

Workshop on child abuse

The Cubies IPS Nursery/ Pre-primary School, Rose Hill
16 August 2019

At the request of the Cubies IPS Nursery and Pre-primary School, a workshop on the consequences of child abuse and corporal punishment on children was delivered by OCO's Investigator Ms S. Johaheer. As per the Ombudsperson for Children Act (OCA) 2003, the OCO is mandated to promote the rights and best interests of children through regular awareness and sensitisation activities. In this workshop, the educators were sensitised on the OCO's objects which are mainly to ensure the protection of children's rights and to promote compliance with the UNCRC.



*The children's book **"L'amour de Nani Coco pour son pays"** and posters on parental alienation were distributed to the participants. The educators of the Cubies IPS Pre-primary School had the opportunity to learn about the UNCRC, which was new to them, and they were able to relate its importance to their work.*

"The training of teachers is something far more than learning ideas. It includes the training of character. It is a preparation of the spirit."

~ Dr Maria Montessori

Visit of Ms. Hibo Ahmed, Head of Service, Social and Cultural Department, Office of the Ombudsman, Djibouti

30 September – 4 October 2019

The Ombudsperson for Children's Office of the Republic of Mauritius is the only Ombudsman's office in the African Continent specialised in the promotion of children's rights. Every year, the OCO receives delegates from the Office of the Ombudsman and Mediators of the region of Africa who travel on study tours. They are keen to understand the OCO's investigation methods on children's cases and reflect on how to implement these in their institutions.

The year 2019 was marked by an important rapport-building between institutions directly or indirectly involved with children's rights of the Republic of Mauritius and the Republic of Djibouti respectively. In this context and with the support of the AOMF, the OCO received the visit of Ms Hibo Ahmed, Head of Service, Social and Cultural Department, Office of the Ombudsman, Djibouti, from 30 September to 4 October 2019.



Ms Rita Venkatasawmy, the OC, explaining the objects of the OCO and the powers and functions of the OC as stipulated in the OCA 2003.

Visit to Mauritius of Ms. H. Ahmed from Djibouti



The OC promotes international exchanges and cooperation as an integral part of the continuous professional development of people working in the field of child rights. Both visitors and the staff of the OCO benefit greatly from these meetings.

Visit to Safire Pedagogical Farm, Moka

1 October 2019



Safire is an NGO that mainly offers informal education to street children in Mauritius. Ms H. Ahmed visited their Pedagogical Farm in Moka. She listened attentively to the explanations of the educators on the type of services they provide to prevent children from staying on the streets.

Courtesy visit to the Commissioner of Prisons and to the RYC

4 October 2019

The rehabilitation of children in conflict with the law at the CYC and RYC falls under the mandate of the Commissioner of Prisons. Ms H. Ahmed paid a courtesy visit to Mr V. Appadoo, Commissioner of Prisons. She also visited the RYC to learn about the rehabilitation work being carried out there.





Ms. H. Ahmed, accompanied by Ms L. Jhugroo, Secretary of the OCO, met with two Officers of the RYC (Boys) during the visit at the centre. Ms Ahmed listened with great interest on the way juveniles are rehabilitated at the RYC and CYC.

Presentation and interactive discussion on the minimum age of criminal responsibility and marriage of minors in the context of the Children's Bill and global trends

OCO, 07 October 2019

The OC convened several stakeholders at the OCO to present her stand on the minimum ages of criminal responsibility and of marriage respectively. She stressed upon the necessity to set the minimum age of criminal responsibility at an age not lower than 14 years. As for the minimum age of marriage, she emphasised her recommendation that children's place is at school and not in a marriage.





After the presentation, the OC answered the queries related to the Children's Bill and also listened to the comments of participants who attended the presentation.

Workshop on Child's Right to Education

Northlands Primary School, Triolet
30 October 2019

The OC was invited at the Northlands Primary School to conduct a sensitisation workshop with the school personnel on the rights of the child to education. The OC also talked about the issue of violence at school and the need to protect children from all forms of school-based violence. More than 40 staff were sensitised on the importance of protecting and promoting the rights of children.



*The Committee on the Rights of the Child recommends that States parties widely disseminate the General Comments No. 13 (2011, para.8) on the right of the child to freedom from all forms of violence "**within government and administrative structures, to parents, other caregivers, children, professional organizations, communities and civil society at large.**"*



Capacity building for the OCO's staff

29 November 2019

Capacity building is a necessary exercise for any organisation to improve staff competencies and service delivery. The OC organised a half-day training with the officers of the OCO on how to prioritise tasks at different levels. She based herself on the model developed by Brian Tracy, a well-known specialist in the training and development of individuals and organisations.

"People with clear written goals, accomplish far more in a shorter period of time than people without them could ever imagine."

~ Brian Tracy



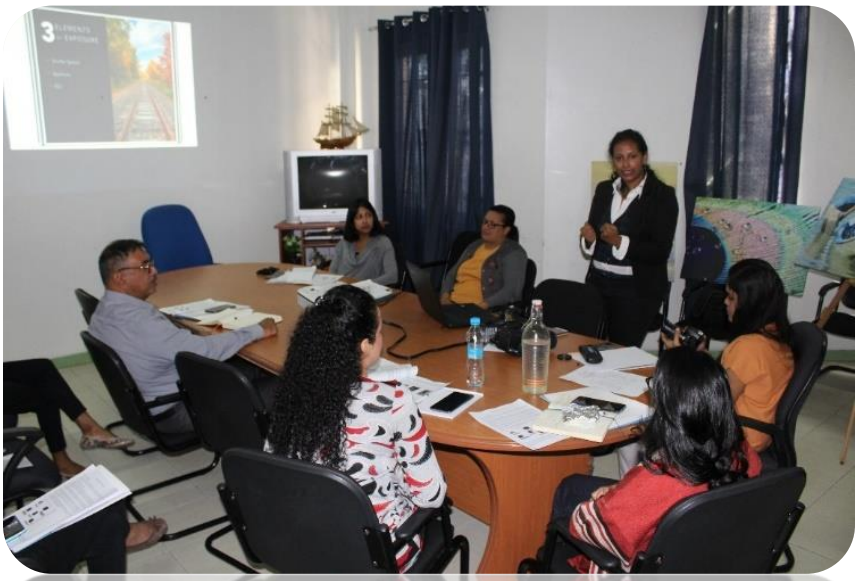


Interesting discussions on the concepts of empowerment, employee motivation and effective delegation were conducted with all staff based on models developed by motivational public speaker and self-development American-Canadian author, Brian Tracy.

Training on Photography

15 June 2020

Basic photography skill is a desired and required competency at OCO, both for investigators and the supporting administrative staff. During the course of investigations and field visits, it is crucial to take pictures of living conditions of the children concerned as part of evidence gathering. Also, activities organised by the OCO throughout the year are captured in photographs and included in the Annual Reports.



Ms Appavoo, trainer in Photography, explaining the types of photography through a PowerPoint presentation

To enhance the photography skills of the officers of the OCO, a one-day workshop was organised by the Civil Service College (CSC) and led by Ms S. Appavoo, Professional Photographer. The workshop covered several areas such as the types of photography, the ethics and laws in photography, photo editing and a practical session.



OCO officers attending the training



Investigator S. Johaheer participating in a demonstration during the training

Universal Children's Day

19 – 22 November 2019

*In a spirit to mark the Universal Children's Day and the **30th anniversary of the Convention on the Rights of the Child,** the Ombudsperson for Children's Office organised an activity week from 19 to 22 November 2019. The slogan chosen to mark the celebration of these events were **"Tou zanfan ena drwa a zot lanfans".***



19 NOVEMBER 2019

Film projection: "Wonder" movie, Rajiv Gandhi Science Centre, Bell Village



20 NOVEMBER 2019

Interactive Session on "Anou coz drwa zanfan", Goldcrest Hotel, Quatre Bornes



21 NOVEMBER 2019

Recreational Day in collaboration with Early Childhood Care and Education Authority (ECCEA), Municipal Council of Vacoas-Phoenix



22 NOVEMBER 2019

Universal Children's Day Celebrations and presentation of awards for the Story-telling Competition, Paul Octave Wiehe Auditorium, Reduit



22 NOVEMBER 2019

Banquet at "Le Maghreb Restaurant" with participants from the Universal Children's Day Celebrations, Trianon

Universal Children's Day Celebration 2019 and the 30th Anniversary of the United Nations Convention on the Rights of the Child

The Universal Children's Day is celebrated globally on 20 November to mark the day on which the General Assembly of the United Nations adopted the Declaration of the Rights of the Child, in 1959, and the Convention on the Rights of the Child (CRC), in 1989. The year 2019 was a special year as it marked the 30th anniversary of this momentous day and an opportunity for the international community to renew their commitment to protect and promote the rights of children.

The UNCRC is the most widely ratified international human rights treaty and noteworthy progress in the children's agenda has been achieved in the past thirty years. However, important challenges remain, particularly in relation to children in disadvantaged and vulnerable circumstances and children with disabilities.

Press conference on the "Celebration of the 30th Anniversary of the Convention on the Rights of the Child

Conference Room of the OCO, 18 November 2019

Aligned with the global commitment to ensure that child participation be central to the 30th anniversary celebrations, the Ombudsperson for Children's Office (OCO) organised a series of activities to mark this event. The aim of this press conference was to inform the public on the various events being organised by the OCO in view of empowering young children to become civic actors and human rights defenders, and sensitising policy makers on the importance to protect and promote children's rights in the Republic of Mauritius.



The OC stressing on the significance of providing children with a space to share their expertise and experience. Each member of the press was provided with a calendar of activities being organised by the OCO from 19 to 22 November 2019 to mark the 30th Anniversary of the CRC.

"Really, children will support anything that is empowering to them."

~ Robert Rodriguez

Universal Children's Day

OMBUDSPERSON FOR CHILDREN'S OFFICE

Celebration of the 30th Anniversary of the Convention on the Rights of the Child

CALENDAR OF ACTIVITIES	
Date: Monday 18 November 2019 ***Time: 10 00 hrs*** ***Venue: Conference Room, OCO***	***- Press Conference***
Date: Tuesday 19 November 2019 ***Time: 09 00 hrs – 13 00 hrs*** ***Venue: Rajiv Gandhi Science Centre, Bell Village***	***- Opening Ceremony*** ***- Film projection with children from residential care institutions: 'Wonder' movie*** ***Wonder: Synopsis*** *Wonder is a 2017 American comedy-drama film directed by Stephen Chbosky and written by Jack Thorne, Steven Conrad, and Chbosky. The movie starred Julia Roberts, Owen Wilson, Jacob Tremblay, Izabela Vidovic, Mandy Patinkin, and Daveed Diggs. 'Wonder' tells the inspiring and heart-warming story of August Pullman. Born with facial differences that, up until now, have prevented him from going to a mainstream school, Auggie Pullman becomes the most unlikely of heroes when he enters the local fifth grade. As his family, his new classmates, and the larger community all struggle to discover their compassion and acceptance, Auggie's extraordinary journey will unite them and prove you can't blend in when you were born to stand out.*
Date: Wednesday 20 November 2019 ***Time: 09 00 hrs – 15 00 hrs*** ***Venue: Goldcrest Hotel, Quatre Bornes***	***- Official Ceremony*** *in the presence of His Excellency Mr Vincent Degert, Ambassador and Head of the Delegation of the European Union, and Honourable Ms Kalpana Devi Koonjoo-Shah, Minister of Gender Equality and Family Welfare* ***- Interactive workshop*** *with children from Safire, Rehabilitation Youth Centre and Correctional Youth Centre (Boys and Girls) on the theme: "Anou Coz Drwa Zanfan"*

CALENDAR OF ACTIVITIES (CONTINUED)	
Date: Thursday 21 November 2019 ***Time: 10 00 hrs – 15 00 hrs*** ***Venue: Municipal Council of Vacoas-Phoenix***	***- Recreational Day*** *in collaboration with Early Childhood Care and Education Authority (ECCEA): Celebrating the Universal Children's Day with pre-primary students*
Date: Thursday 21 November 2019 ***Time: 13 30 hrs – 15 30 hrs*** ***Venue: Paul Octave Wiehe Auditorium, Réduit***	***- Meeting with children*** *in connection with Universal Children's Day 2019*
Date: Friday 22 November 2019 ***Time: 10 00 hrs – 12 30 hrs*** ***Venue: Paul Octave Wiehe Auditorium, Réduit***	***- Grand Show entitled "Anou Selebre 30 an Konvansion Drwa Zanfan" organised by the OCO with the participation of*** *children from Rodrigues, SOS Village, Mauritius Scouts Association, Mauritius Girl Guides Association and Quatre Bornes State Secondary School* ***- Award Ceremony for Story Telling Competition (Pre-primary school teachers)***
Date: Friday 22 November 2019 ***Time: 18 00 hrs – 20 00 hrs*** ***Venue: Le Maghreb Restaurant, La City Trianon, Quatre Bornes***	***- Closing Ceremony/Dinner/Vote of thanks***

"Let individuals create real wealth, empower them, create something that they can leave for their children."

~ John Sununu

Preparatory Meetings for the Universal Children's Day Celebration 2019

Several meetings were held with children, representatives of SOS Children's Village Bambous, Mauritius Girl Guides Association, Mauritius Scouts Association and the Early Childhood Care and Education Authority as well as the Art teacher of Quatre Bornes SSS in view of preparing the series of activities being organised to celebrate the Universal Children's Day 2019.



The OC holding a briefing session with the Director and Coordinators of the Early Childhood Care and Education Authority to discuss the modalities of the joint activities being organised to mark the celebrations of the Universal Children's Day 2019.



Rehearsal at Quatre Bornes SSS

13 November 2019







The OC firmly believes that formulating clear objectives and setting realistic timeframes are crucial to planning an event. The Grand Show entitled "Anou selebre 30 an Konvansion drwa Zanfan", held on 22 November 2019, involved complex time management, scheduling and coordination with the rest of the calendar of activities. The Quatre Bornes SSS fully collaborated with the OCO and provided its Multipurpose Hall for conducting rehearsals. The success of this Grand Show is a testimony of the hard work of all collaborators and participants!

Film projection of the "Wonder" movie

Rajiv Gandhi Science Centre,
19 November 2019

The World Day for the Prevention of Child Abuse was launched in 2000 by the Women's World Summit Foundation. This day is celebrated every November 19th in synergy with the Universal Children's Day (November 20th). It aims to highlight the issues of abuse against children and calls for actions from people and stakeholders from all walks of life. In this context, the OCO organised a film projection whereby the movie "Wonder" was played and discussed with 200 children living in vulnerable conditions who attended the event.







Bella, a young participant commenting on the hurdles, that young children of her age go through, such as bullying, and on how youngsters can become agents of change and promote their peer's empowerment.

Interactive Session on "Anou coz drwa zanfan"

Goldcrest Hotel, Quatre Bornes, 20 November 2019

The child's right to be heard is one of the underpinning principles of the United Nations Convention on the Rights of the Child. This right remains one of the most challenging and difficult right to implement across the world. It is even practically non-existent for vulnerable and marginalised children, particularly those placed in alternative care institutions and children in conflict with the law. In this context, the OCO organised an interactive session entitled "Anou coz drwa zanfan" with 100 children from Rehabilitation Youth Centres, Correctional Youth Centres and the NGO Safire, in view of raising awareness on children's rights and providing children with the opportunity to have their voices heard.



*An important highlight of this event was the signing of an agreement between the Head of the Delegation of the European Union (EU) in Mauritius, H.E. Vincent Degert, and the Ombudsperson for Children, Ms Rita Venkatasawmy, regarding the funding of a project entitled "**Protecting and Promoting the Rights of Children in the Republic of Mauritius**".*



The specific objectives of the project are to empower children through a better knowledge of their rights and responsibilities, reduce the prevalence of violence against children, especially the girl child, and bring awareness amongst stakeholders working with children and the public at large on the UNCRC and issues affecting the rights of children.

"This is an opportunity to raise awareness of the importance of protecting and promoting children's rights. The European Union shows its commitment by supporting the actions of the Ombudsperson for Children to protect children's rights in the face of violence and abuse by granting a funding of Rs 8 million for this project." **– His Excellency, Mr. Vincent Degert, Ambassador and Head of the European Union delegation**

"From January to September of this year, the Child Development Unit recorded 4800 cases of child abuse. This figure is challenging: one case is already one case too many!" declared the **Hon. Ms. Kalpana Koonjoo-Shah, the Minister of Gender Equality and Family Welfare**, at the launching of the Interactive Session. She commended the commitment of the Ombudsperson for Children and the initiative of the European Union and said that her ministry will give its full support to the protection of children's rights in Mauritius.

Voices of Children: Voices for Children!

The United Nations Committee on the Rights of the Child selected the theme of ***"Children as human rights defenders"*** *for the 30th Anniversary of the Convention on the Rights of the Child. This calls for the international community to reinforce its efforts to put children as their top priority in their agenda by empowering children to become agents of change. As part of this event,* ***children of Safire presented a brief and poignant testimony on how such platforms are influential for the empowerment of their peers****. The OC believes that children play a crucial role in this process and embody a powerful and undisputable voice for change. They can provide a valuable and relevant perspective on the reality of a child's life together with meaningful ideas to push forward the children's agenda.* ***Youth testimonies can have a broader and more impactful influence for change when compared to adults lobbying on their behalf, by emphasising realities, feelings, apprehensions and most notably deconstructing beliefs and stereotypes!***



"Je m'adresse à mes amis qui sont ici et qui sont actuellement dans le RYC et CYC. Je vous demande de vivre votre vie. Cela me peine de vous voir dans ces institutions tandis que moi, je suis libre. Vous n'avez pas cette même liberté. Je vous demande de faire un effort : vous avez des droits. Faites les bons choix et donnez-vous la chance de réussir." (Extract of a child's testimony)

Any celebration is incomplete without a cake!



From far left, H.E. Vincent Degert, Head of the European Union (EU) delegation, the Hon. Minister of Gender Equality and Family Welfare, Ms. Kalpana Devi Koonjoo-Shah, Ms Rita Venkatasawmy, Ombudsperson for Children, together with children from Safire cutting a special cake on the occasion of the 30-year milestone of the Convention





Investigator Mr. I. Bawamia animating a session on "Pourquoi aimes-tu ton pays?" and a quiz on "Les droits de l'enfant : Je découvre, je comprends !"



Investigator Ms. S. Mauree explaining the UN Convention on the Rights of the Child as well as the role and functions of the OCO.



The OC deliberating with the children and young people on the role of the Ombudsperson for Children and on the importance of being empowered on their rights and responsibilities

"Our goal is to provide them with a platform so that they can express themselves on different topics, and their rights and duties, among others. We also need to listen to them."

~ R. Venkatasawmy, Ombudsperson for Children

"We worry about what a child will become tomorrow, yet we forget that he is someone today."

~ Stacia Tauscher

Recreational Day in collaboration with Early Childhood Care and Education Authority (ECCEA)

Municipal Council of Vacoas-Phoenix,
21 November 2019

The Early Childhood Care and Education Authority in collaboration with the Ombudsperson for Children's Office organised a Recreational Day to mark the celebration of the Universal Children's Day 2019. Approximately 500 preschool children attended the event. It started with a parade from the parking of London Way, Vacoas, to the Town Hall of Vacoas-Phoenix. A cultural show focusing on the rights and responsibilities of children was beautifully presented by students from 6 preschools.



Honorable Ms. Leela Devi Dookun- Luchoomun, Deputy Prime Minister and Minister of Education and Human Resources, Tertiary Education & Scientific Research (far right in front row) and Ms Rita Venkatasawmy, Ombudsperson for Children (second from the right, front row) highly acclaimed the talent and enthusiasm of the children who participated.

"States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts."

~ Article 31(1), UNCRC



By means of a story, the OC explained to the young children the importance of their rights to play and to participate in cultural and recreational activities, which impact positively on their development and help them achieve their full potential!





Children, in all their enthusiasm and innocence, expressing themselves on their rights through various performances during the event. The list of schools which participated in the event is provided in Appendix J.



Child reciting a poem on children's rights.



A beautiful dance performance by children celebrating their rights!

"Let the children free; encourage them; let them run outside when it is raining; let them remove their shoes when they find a puddle of water; and, when the grass of the meadows is damp with dew, let them run on it and trample it with their bare feet; let them rest peacefully when a tree invites them to sleep beneath its shade; let them shout and laugh when the sun wakes them in the morning."

~ Dr Maria Montessori

Universal Children's Day Celebrations and presentation of award for the story-telling competition

Paul Octave Wiehe Auditorium, Reduit
22 November 2019

The week of activities organised by the OCO to commemorate the celebrations of the Universal Children's Day and the 30th anniversary of the Convention on the Rights of the Child culminated in a Grand Show. More than 100 children participated in this event in front of around 600 spectators. The chosen theme of the event was ***"Anou selebre 30 an Konvansion Drwa Zanfan."***



Rodrigues is an integral part of the Republic of Mauritius and this Grand Show would not have been complete without the participation of children from Rodrigues. For the celebration of the Universal Children's Day and the 30th anniversary of the CRC, a ***delegation of 21 children and 6 adults from Rodrigues were welcomed by the OCO****. Mr. Jean Cledino Edouard (far left, front row, in picture), member of the Child Mentoring Committee of CDU Rodrigues, prepared this brilliant delegation of child artists.*

Rewarding value-based and peaceful stories for children!









In April 2019, the OCO launched a creative story-writing competition targeting all teachers of pre-primary schools of the Republic of Mauritius. This initiative aimed at promoting a culture of peace among young children in pre-primary schools through the creation of quality pedagogical and creative stories. On the occasion of the Universal Children's Day 2019 celebrations, the best stories were awarded in recognition of their creativity and ability to convey values and peace messages. A trophy along with educational and pedagogical tools were gifted to the winner, the first and second runner ups, and one special prize awardee.

"If you want your children to be intelligent, read them fairy tales. If you want them to be more intelligent, read them more fairy tales."

~ Albert Einstein

Welcome to the Grand Show: ABRACADABRAA ZIM BADABOUM!





The show brought to life a world of mystical characters including the Magician and the Princess Rapunzel from the 'Kingdom of the Happy Children'. The focus was on the celebration of the Convention on the Rights of the Child. The audience was magically transported into a mesmerising adventure on how the UNCRC came to be in 1989.

In the picture on the left, the Magician is consulting her magical crystal to visualise how the Universal Children's Day is being celebrated across the globe. With her magical words 'ABRACADABRAAZIM BADABOUM', a myriad of wonderful performances unfolded, including various dance items and songs that were executed by the young participants!

Children singing and dancing – impressive performances!



An African dance by the children of the SOS Children's Village, Bambous



A wonderful poem entitled "Le Droit des Enfants" performed by Gesha Askoorum with Jordan Edouard playing the guitar, both from SCOUTS



A powerful song interpreted by the choral of SOS Children's Village, Bambous



A Nepalese dance gracefully performed by the students of Quatre- Bornes SSS

"There's nothing more contagious than the laughter of young children; it doesn't even have to matter what they're laughing about."

~ Criss Jami



The long-awaited Princess Rapunzel made her grand entry, much to the delight of the audience! Princess Rapunzel addressed the audience and explained that combing her mane of hair took time, which delayed her arrival to the Grand Show. She undoubtedly charmed the audience and thanked the Ombudsperson for Children for inviting her.



Hats off to these talented child artists!



The young members of the SCOUTS performing a sketch on "Droit de l'Enfant" which was highly appreciated by the audience.



An elegant traditional Chinese dance by the dancers of the Chinese Cultural Centre who marvelled the viewers.



The dancers performing a graceful Chinese folk dance!



A modern dance beautifully executed by the children of Mauritius Girls Guide Association!

"It's never too late to have a happy childhood."

~ Berkeley Breathed

An enjoyable moment for the children!



The students of Quatre Bornes SSS performing a beautiful Rajasthani Dance!



The young participants from Rodrigues inspiring everyone with the song "la maltraitance de l'enfant".



The song "la maltraitance de l'enfant" was written and composed by Mr. E. Cledio.



A Rodrigues traditional dance magnificently performed by the Rodriguan child artists. The audience was enthralled by the appealing beat of the music!

"Every child is an artist."

~ Pablo Picasso



The OC awarding the first prize to the Cavendish Institute, winner of the creative story-writing competition!



Our deepest appreciation to Ms. K. Oodit- Naga, Art Teacher at the Quatre Bornes SSS, and her students for their contribution in designing the costumes for the show and in showcasing graceful and lovely dance items!



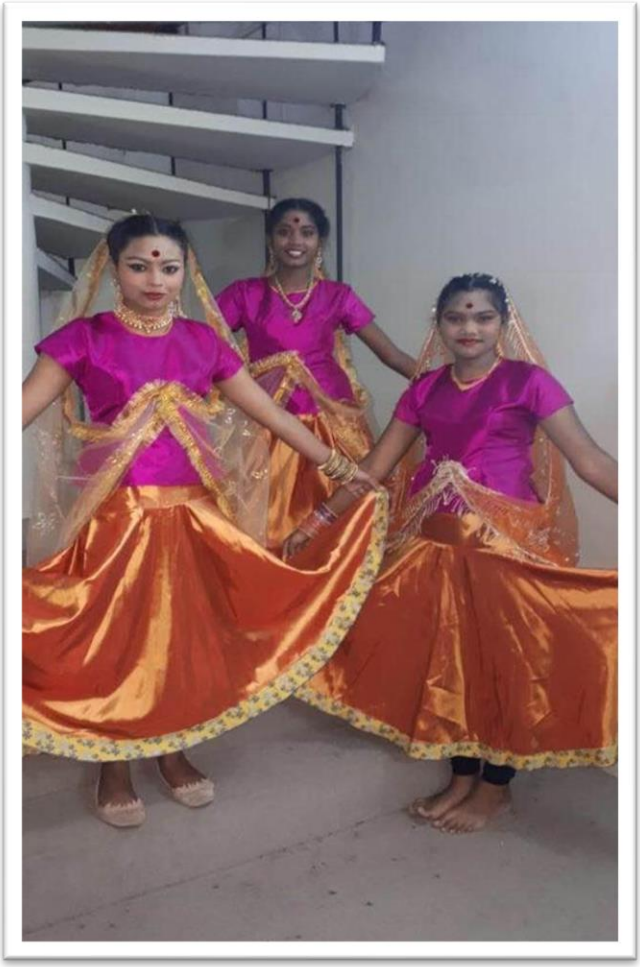
The girls of Quatre Bornes SSS, fascinating the audience by performing on a Mauritian Sega!



The show culminated on a sega dance whereby all participants joined in to dance to the exhilarating beat of the sega music!

As rightly pointed out by Ryunosuke Satoro, "individually, we are one drop. Together, we are an ocean". This truly captures the reason behind the success of the activities organised to mark the celebrations of the Universal Children's Day as well as the 30th anniversary of the Convention on the Rights of the Child. The Ombudsperson for Children applauded the fruitful collaboration and unflinching support of the Quatre Bornes SSS, SOS Children's Village (Bambous), Safire, Early Childhood Care and Education Authority, Mauritius Scouts Association, Mauritius Girls' Guides, and the Commission for Child Development and Others of Rodrigues!

Some backstage glimpses!









A memorable day for all of us!







Banquet at "Le Maghreb Restaurant"

Trianon, 22 November 2019

The various activities, particularly the Grand Show, called for careful and considerable planning and coordination among all participants and guests to ensure that the spirit of the UNCRC is remembered by everybody! As a closure to the week's activities and an appreciation for the dedicated involvement of the key stakeholders of the Grand Show, a banquet was organised by the Ombudsperson for Children's Office at "Le Maghreb Restaurant" at Trianon.



"If you make children happy now, you make them happy twenty years hence by the memory of it."

~ Kate Douglas Wiggin











The young children enjoyed the beautiful setting. It was also an opportunity for them to bond with their peers over dinner.

"The best way to make children good is to make them happy."

~ Oscar Wilde





There cannot be any celebration without cakes! After dinner, all the children and guests got together for the most awaited moment- the cake cutting!





The OC handing over tokens to Mr. Jean Edouard (left picture) and Ms. Michaella Carli (right picture), both from the Commission for Child Development and Others of Rodrigues, in recognition and appreciation of the efforts put in by the Rodriguan participants in the conception of the two items they presented at the Grand Show. Our deepest appreciation to the Commissioner - Ms. Franchette Gaspard-Pierre Louis – for her unflinching support and collaboration in promoting the rights of children of the Republic of Mauritius!

Creating fond memories!







After the cake cutting, Mr. Jean Edouard entertained the children by playing the guitar while Anjelly Shane Legentil accompanied him by playing the accordion. The exuberating music appealed to all the guests who could not help clapping and moving to it! The children had fun showing their brilliant dance moves! It was definitely an evening that the children would remember and cherish for long. This Universal Children's Day Celebrations week was widely covered by the media and press. ***Extracts from Le Mauricien and Le Défi Quotidien are included in the next pages.***

"Each day of our lives we make deposits in the memory banks of our children."

~ Charles R. Swindoll

Extract from the newspaper Le Défi Quotidien published on Friday 29 November 2019 (pp.50-51)

Le Défi Quotidien - Vendredi 29 novembre 2019 50

DIS MOI
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Océan Indien

Journée mondiale de l'Enfance

Rita Venkatasawmy : « Que serait l'enfance sans rêves ? »

À l'occasion de la Journée mondiale de l'Enfance célébrée le 20 novembre et du 30ème anniversaire de la Convention relative aux droits de l'enfant, la directrice du Bureau de l'Ombudsperson pour les enfants, Rita Venkatasawmy, a organisé une série d'activités du 19 au 22 novembre 2019. La semaine a été placée sous le thème 'Chaque enfant a droit à son enfance.' Une session interactive pour le plus grand bonheur de ces 800 gosses. Un moment de rêve pour eux.

> Pourquoi l'Ombudsperson a décidé d'organiser une semaine d'activités cette année?

La pierre angulaire de toute cette célébration n'est autre que la Convention relative aux droits de l'enfant. Cette journée demeure très spéciale cette année, car elle marque les 30 ans de la Convention relative aux droits de l'enfant. Nous avons donc tenu à célébrer de façon grandiose les droits de l'enfant. Le 20 novembre est un moment fort de réflexion et de mobilisation qui nous rappelle notre engagement en faveur des enfants.

La promotion et la vulgarisation de la Convention relative aux droits de l'enfant sont l'une des missions de l'Ombudsperson for Children's Office. Selon la Section 5 (c) de l'Ombudsperson for Children's Act, «(...) the Ombudsperson shall promote compliance with the Convention ».

Les célébrations restent incomplètes sans la participation de nos amis rodriguais. Une délégation de 21 enfants et de 6 adultes a été accueillie lors des célébrations.

> Dites-nous davantage sur les activités qui ont occupé l'agenda de l'Ombudsperson cette semaine.



De plus, nous ne pouvons travailler en isolation. Nous devons conjuguer un effort commun pour la réalisation des engagements pris en faveurs des enfants. Il y a eu une étroite collaboration avec la SSS Quatre-Bornes, SAFIRE, SOS Children's Village, Mauritius Scouts Association, Girls' Guides, la ECCEA et la Commission for Children's Development de Rodrigues.

> Comment avez-vous géré les difficultés à monter un spectacle ?

Il y a un grand travail en amont derrière tout spectacle : l'encadrement et la motivation des enfants ; la coordination avec les collaborateurs ; les rencontres régulières avec les encadreurs ; les rencontres avec les enfants autour des déjeuners ; les costumes et le maquillage ; la musique, parmi tant d'autres choses. D'ailleurs, les filles de la SSS Quatre-Bornes sous la houlette de leur professeur Kaushal Naga ont assuré la présentation du spectacle sous forme d'histoires et ont

Extract from the newspaper Le Défi Quotidien published on Friday 29 November 2019 (pp.50-51) - continued

L'expression d'amour d'un enfant n'a pas de prix

La journée du mercredi 20 novembre a été particulièrement riche. Une journée interactive avec la participation d'une centaine de jeunes du RYC et du CYC ainsi que ceux pris en charge par l'Ong SAFIRE. Il est fondamental d'écouter la voix des enfants. Cette session interactive a permis aux jeunes de s'exprimer librement et d'avoir des échanges d'idées dans un cadre bienveillant. L'après-midi a cédé la place aux jeux et au 'dance floor'.

La journée a aussi été marquée par la signature d'un accord pour le financement du projet intitulé 'Protecting and Promoting the Rights of Children in the Republic of Mauritius' entre l'Ombudsperson pour les enfants et Vincent Degert, ambassadeur et chef de la délégation de l'Union européenne. Ce projet cible les enfants en situation de vulnérabilité, ayant pour objectif de sensibiliser les enfants à leurs droits à travers des activités pédagogiques. De plus, ce projet vise à réduire la prévalence de violences envers les enfants avec une attention particulière accordée à la petite fille. Finalement, le projet vise aussi à la sensibilisation des acteurs travaillant avec les enfants.

La Journée mondiale pour la prévention des abus envers les enfants est célébrée en synergie avec la Journée mondiale de l'enfance. Pour marquer la journée du 19 novembre, une projection d'un film a eu lieu au Rajiv Gandhi Science Centre. Le film 'Wonder' a été choisi pour sensibiliser de manière pédagogique enfants ainsi qu'éducateurs à la violence et à l'intimidation en milieu scolaire. Plus de 200 enfants en situation de vulnérabilité ont pu apprécier ce film.

Une journée récréative a été organisée en collaboration avec l'ECCEA (Early Childhood Care and Education Authority) à la municipalité de Vacoas/Phoenix.

La semaine d'activités marquant la célébration a culminé avec le grand show à l'Auditorium Octave Wiehé. Notre prérogative étant toujours d'encourager la participation des enfants, ce show a permis à plus d'une centaine d'enfants de différents milieux d'être sous les feux des projecteurs en démontrant leurs talents sur scène

C'était un spectacle haut en couleur et riche en émotions. Une audience de 600 personnes venant des quatre coins de l'île était là pour célébrer les droits de l'enfant. Qui dit spectacle d'enfants dit rêve et étincelle. Les personnages Princess Rapunzel, la Magicienne et les conteurs ont rendu ce spectacle magique. Que serait l'enfance sans rêves?

Pour clore les activités de la semaine relatives à la célébration de la Journée internationale de l'enfant, tous les participants du grand show ont été conviés à un grand banquet. Une soirée mémorable.

>Comment avez-vous assuré l'organisation de cette semaine chargée avec votre petit effectif?

Je dis toujours, un petit bureau avec une grande mission.

Un petit effectif mais efficace. J'ai un personnel engagé et surtout des enquêteurs polyvalents qui ne se limitent pas au travail bureaucratique mais qui se démènent en coulisses pour assurer le succès d'un spectacle. Le travail d'équipe est essentiel au sein d'une organisation.

fourni un support artistique.

Notre institution a une relation privilégiée avec la Commission for Children's Development de Rodrigues. La Commissaire Franchette Gaspard-Pierre Louis est toujours disposée à collaborer avec le bureau de l'Ombudsperson. Nous avons grandement apprécié la collaboration de la délégation de Rodriguaise pour ce spectacle, renforçant ainsi l'amitié entre Maurice et Rodrigues. Deux belles prestations, sous la houlette de Jean Cledino Edouard, auteur-compositeur et interprète, qui ont fait le bonheur des petits et des grands.

>Qui dit activités dit financement. Comment est-ce que ces activités ont été financées?

L'État mauricien finance les activités de la Journée mondiale de l'enfance. Je remercie le ministère des Finances d'avoir soutenu cette semaine d'activités dans l'intérêt des enfants.

Le projet financé par l'Union européenne à hauteur de Rs 8 M ouvrira les portes de bon nombre d'opportunités.

>Le mot de la fin...

À l'heure de se dire au revoir, un petit garçon court vers moi et me fait la plus belle des accolades. L'expression d'amour d'un enfant n'a pas de prix.

Extract from the newspaper Le Défi Quotidien published on Friday 29 November 2019 (pp.50-51) - continued

DISMOI DroitS huMains Océan Indien

'Drwa Zanfan' par Jean Cledino Edouard, alias Doyal Edouard (auteur-compositeur-interprète)

'Nou zanfan dan sa le monde la, nu pann demandé pou la.
Donne nou zot lamour, zot tendresse.
Laisse nou causer.
Laisse nou exprimer.
Nou conn raisonner, nu talent illimité, nu pas badiner.
Ala nou vini, nou pas pu gagne peur pou batir sa le monde la.
Nou zenfant bon Dieu, nou finn rassembler pou amene la paix.
Ala nous vini, nous pas pu gagne peur pou vine déclarer ki nou ena nu drwa ek nou responsabilités.
Ena zanfan pe souffert pe viv dans ene lenfer.
Nou bizin maryé piké, nou pas reste les bras croisés.
Mobilisé, nou dessann lor terrain, nu al guet ki pe passer.
Zordi, nou pe celebrer 30 ans Convention drwa ban zanfan.
Merci ban lotorité !
Merci ban ONG !
Bocu lalite zot finn amener pou protez drwa tous ban zanfan.
Anou santé, nou danser, nou crier !
Nou crier vive ban zanfan dan le monde !

Projection du film 'Wonder' pour les enfants placés en institutions le 19 novembre au Rajiv Gandhi Science Centre





Signature de l'accord entre L'Ombudsperson pour les enfants et l'Union européene pour le financement d'un projet de protection des droits de l'enfant au Gold Crest Hotel.





La danse classique chinoise, interprétée par le groupe du Chinese Cultural Centre.

Extract from the newspaper Le Défi Quotidien published on Friday 29 November 2019 (pp.50-51) - continued



Qui dit célébration, dit gâteau !

La dance populaire du Rajasthan interpretée par les charmantes filles de Quatre-Bornes SSS qui a fait voyager vers l'Inde.

La belle et douce princesse a captivé l'assistance.

Remise des prix pour la Creative Short-Story Writing Competition des écoles maternelles. Bravo à Cavendish Institute pour avoir remporté le meilleur prix !

Musique traditionnelle rodriguaise.

L'incontournable sega mauricien pour terminer en beauté.

DIS-MOI (Droits Humains-Océan Indien) est une organisation non gouvernementale qui aide à promouvoir la culture des droits humains dans la région du sud-ouest de l'océan Indien, notamment les Seychelles, Maurice, Rodrigues, Madagascar et les Comores. Fondée en 2012, l'organisation milite pour la défense et l'enseignement des droits humains. Vos dons sont les bienvenus.

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Extract from the newspaper Le Mauricien published on Tuesday 19 November 2019 (p.7)

le mauricien actualité | générale mardi 19 novembre 2019 7

JOURNÉE MONDIALE DE L'ENFANCE

Une semaine d'activités autour du thème « Tou zanfan ena drwa a zot lanfans »

Une délégation de Rodrigues au pays cette semaine pour participer au « grand spectacle » proposé par le bureau de l'Ombudsperson for the Children ce vendredi

L'Ombudsperson for the Children, Rita Venkatasawmy, a présenté un calendrier d'activités s'échelonnant sur la semaine en cours en marge de la Journée mondiale de l'enfance. Le thème arrêté pour cette année pour les activités nationales est "*Tou zanfan ena drwa a zot lanfans*". Les enfants « *les plus vulnérables* » seront à l'avant-plan, et une délégation comprenant des enfants de Rodrigues fera le déplacement pour participer aux événements.

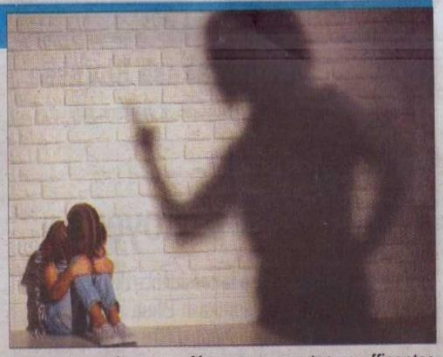
« *J'aurais certainement préféré que, pour chacune de nos activités cette semaine, tous les enfants de Maurice puissent être présents* », a d'emblée précisé l'Ombudsperson for the Children lors d'une rencontre avec la presse ce 18 novembre. « *Cependant, comme cela n'est pas réalisable, nous avons ciblé des groupes d'enfants les plus vulnérables, comme ceux qui sont au sein des Residential Care Institutions (RCI).* » Pour Rita Venkatasawmy, « *il n'y a pas que les ateliers de travail, les conférences et autres exercices du même acabit pour faire passer des messages et éveiller les consciences* ». Elle ajoute : « *Quand nous avons affaire aux enfants, il est plus indiqué de les mettre en condition, comme dans des échanges interactifs, des activités ludiques qui les amèneront à partager et à découvrir. (...) Certaines personnes, en prenant connaissance du programme d'activités pour marquer la Journée de l'enfance cette année, diront que "nek ena lamizman !". En effet, nous avons élaboré une série d'activités ludiques et récréatives parce que nous souhaitons mettre les enfants de l'avant. Et ce n'est pas en les faisant s'asseoir à écouter des discours que nous allons réaliser quelque chose de concret !* »

De fait, la semaine d'activités a commencé ce 19 novembre avec la projection de l'excellent drame *Wonder*, sorti en 2017, avec, au générique, le tout jeune Jacob Tremblay, dans la peau d'un enfant affecté par une malformation physique au visage depuis sa naissance, ainsi que Julia Roberts et Owen Wilson, qui incarnent ses parents. « *Ce film démontre à quel point ce sont les enfants qui, très souvent, mènent la vie dure aux autres enfants !* » a précisé Rita Venkatasawmy en évoquant le douloureux phénomène de "*bullying*" présent dans notre système éducatif.

Le calendrier d'activités comprend ce mercredi 20 une partie protocolaire en présence du nouvel ambassadeur de l'Union européenne à Maurice, Vincent Degert. « *Un atelier de travail interactif, avec des jeunes de l'Ong Safire et ceux des RYC et CYC*, a indiqué l'Ombudsperson for the Children, *se tiendra de 9h à 15h à l'hôtel Gold Crest.* » Le jeudi 21, la mairie de Vacoas accueillera une « *journée récréative, organisée avec la collaboration de l'Early Childhood Care and Education Authority (ECCEA)* ».

Dans la même journée, l'Auditorium Octave Wiehe de Réduit hébergera, de 13h30 à 15h30, une rencontre avec des enfants dans le cadre de l'Universal Childrens' Day 2019. Et point d'orgue aux célébrations marquant la Journée de l'enfance, ce vendredi 22 sera organisé « *un grand spectacle par et pour les enfants, avec la participation d'une foule d'enfants, dont une délégation de Rodrigues, des villages d'enfants SOS, des associations de Scouts et des Girls Guides, entre autres; ils seront plus d'une centaine sur scène et tout autant dans la salle* ». Une cérémonie de remise de prix est également au programme en vue de « *récompenser les gagnants de la compétition que le bureau avait organisée pour le préprimaire autour du thème "Anou selebre 30 an konvansion drwa zanfan"* ». Le bureau de l'Ombudsperson for the Children recevra le même soir, de 18h à 20h, « *tous les enfants qui ont été impliqués dans nos activités et leurs encadreurs au Maghreb Restaurant pour un dîner* ».

Rappelons que la Journée mondiale de l'enfance est observée chaque 20 novembre depuis 30 ans, avec la signature de la Convention internationale relative aux Droits des enfants.



« Les causeries et conférences ne sont pas suffisantes pour combattre les violences contre les enfants »



Extract from the newspaper Le Mauricien published on Monday 25 November 2019

QUOTIDIEN INDÉPENDANT D'INFORMATION ET D'OPINION

le mauricien

LUNDI 25 NOVEMBRE 2019 - RS 15 FONDÉ EN 1908, CE JOURNAL FUT DIRIGÉ PAR RAOUL RIVET DE 1922 À 1957 LEMAURICIEN.C

RODRIGUES

Une vingtaine d'enfants présents pour la Journée de l'enfance

L'artiste Doyal Edouard et Michaella Carli, tous deux de la Commission du développement des enfants de l'île Rodrigues, étaient de passage à Maurice en fin de semaine dernière. Raison : la tenue des activités marquant la Journée mondiale de l'enfance, observée par le bureau de l'Ombudsperson for the Children le 20 novembre.

À cet effet, une série d'activités avait ponctué la semaine : projection du film *Wonder*, atelier interactif avec les jeunes vulnérables, issus des CYC et RYC, entre autres, et un grand spectacle pour clore les festivités. C'est dans le cadre de cette activité précise qu'une délégation de 21 enfants, âgés entre 8 et 11 ans, a fait le déplacement de Rodrigues pour être présents et participer au programme. « *Pour la précédente participation,* indiquent M. Carli et D. Edouard, *nous étions venus avec une toute petite délégation. À l'issue de cette participation, le bureau de l'Ombudsperson for the Children a souhaité avoir une plus grande participation de Rodrigues. De ce fait, cette année, nous sommes venus plus nombreux.* » Et avec un programme « *davantage élaboré et travaillé pour coïncider avec le 30e anniversaire de la signature de la CIDE* », soutiennent nos interlocuteurs.

En effet, poursuit Doyal Edouard, « *j'ai planché pendant plusieurs semaines sur l'idée et je m'en suis sorti avec quelques morceaux que j'ai écrits spécifiquement dans le cadre de cet anniversaire symbolique* ». Ainsi, la vingtaine d'enfants de Rodrigues, âgés de 8 à 11 ans, ont « *répété pendant deux semaines les deux danses et un chant qui composent le numéro que nous avons présenté* », précise Doyal Edouard.

L'artiste ajoute : « *Le texte de la chanson est un hymne aux droits des enfants. Il reprend l'importance de reconnaître la place et la valeur des enfants dans toute société et, en ce sens, épouse les valeurs universelles qui y sont attachées.* » Sur un peu plus d'un quart d'heure donc, les enfants de la délégation de Rodrigues ont laissé exprimer leurs talents. Ils étaient accompagnés à l'accordéon par deux autres jeunes, soit Anjelly Shane Legentil, 12 ans, et Yoel Prosper, 11 ans. « *Nous n'avons pas voulu que le numéro soit présenté en play-back* », explique Doyal Edouard. « *Pendant que nous faisons des démarches,* continue Michaella Carli, *nous avons appris qu'il y a cette école d'accordéon, et nous avons pu avoir ces deux enfants qui nous accompagnent sur scène.* »



Les 21 enfants de Rodrigues encadrés par Michaella Carli et Doyal Edouard

Les deux membres de la Commission du développement des enfants de Rodrigues font également ressortir que « *le travail entre les groupes d'enfants s'est très bien passé* », poursuivant : « *La vingtaine d'enfants a été choisie via l'Action catholique des enfants, les scouts et les écoles primaires de l'île. Comme ils évoluent déjà au sein des groupes, ils n'ont pas eu de difficultés à travailler ensemble ! Un bel esprit de camaraderie et d'équipe a prévalu tout le temps.* »

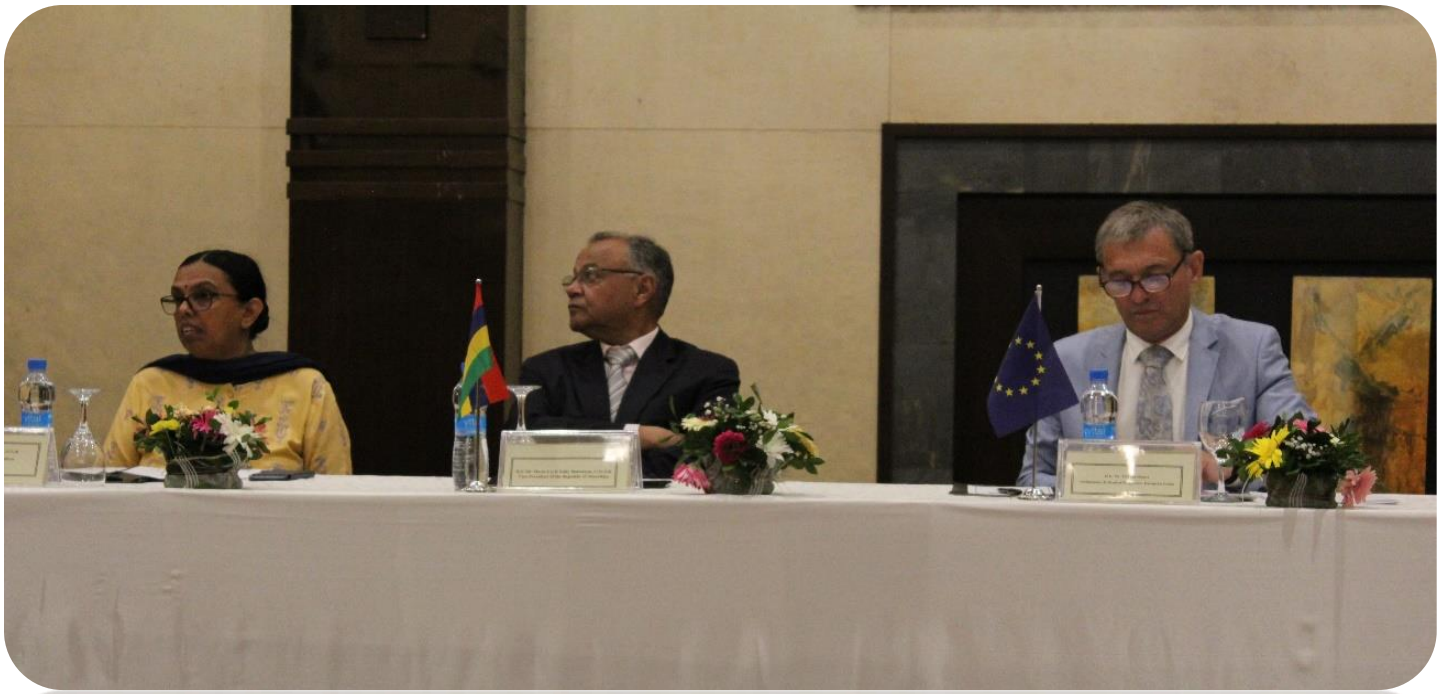
Workshop on the theme "Promoting the rights to be heard and to participate"

Intercontinental Hotel, Balaclava
31 January 2020

On 31 January 2020, the Ombudsperson for Children's Office in collaboration with the delegation of the European Union to the Republic of Mauritius organised a full day workshop on the theme "Promoting the Rights to be heard and to participate'' at the Intercontinental Resort, Balaclava. Around 100 participants attended the workshop, among whom were more than 60 secondary school students aged 14 to 18 years old with educators from the North of Mauritius, and young people from the Rehabilitation Youth Centre (RYC). The aim of this workshop was to sensitise children and young people about their rights to be heard and to allow them to express themselves freely on issues pertaining to them.



Participants from different institutions gathered for the official opening ceremony.



The opening ceremony was graced by the presence of eminent personalities including His Excellency Mr Vincent Degert (far right), Ambassador & Head of Delegation, European Union, and His Excellency Mr Marie Cyril Eddy Boissézon (centre), Vice President of the Republic of Mauritius.



"Children must be taught how to think, not what to think."

~ Margaret Mead,

Cultural Anthropologist





Children and educators listening attentively to the distinguished guests' speeches.



Welcome Address by Ms Sharona Pillay Mauree and Ms Yecha Rhungapen-Veeramootoo, Investigators at the OCO



In her address, Ms Rita Venkatasawmy, the Ombudsperson for Children, explained the purpose of this workshop. She underlined the importance of enabling children to voice out, without any hindrance, concerning sensitive issues affecting them directly.

This interactive and child-friendly platform constitutes one activity of the larger project funded by the European Union in collaboration with the OCO, entitled "Protecting and Promoting the Rights of Children in the Republic of Mauritius (PPRCM)", and aimed at sensitising children about their rights through various pedagogical activities.

The OC highlighted that it is the duty of the State to make sure that the right of children to participate is being implemented as stipulated in Article 12 of the UNCRC (see box on the right). In this context, it is not only important to allow children to express themselves, but consideration should be given to creating optimum environments and settings in which children can voice out their opinions.

"States 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."

~ Article 12(1), UNCRC



Une personne d'autorité peut violer vos droits et il faut savoir dire 'non, je connais mes droits, ceci n'est pas acceptable'

~ His Excellency,
Mr Vincent Degert.

In his speech, His Excellency Mr Vincent Degert, Ambassador & Head of Delegation, European Union, emphasised on children knowing and identifying their rights. He encouraged them to be aware of the risks that are present in their environment. He also stressed the importance of children being able to express themselves by voicing out their opinions and, in the process, developing their self-confidence.

Cet atelier va vous sensibiliser pour devenir des agents de changements et vous pourrez partager ces connaissances acquises autour de vous."

~ His Excellency,
Mr Marie Cyril Eddy



His Excellency Mr Marie Cyril Eddy Boissézon, Vice President of the Republic of Mauritius, also addressed the audience. He talked about the 30th anniversary of the Convention on the Rights of the Child and its importance in making sure that children's rights around the world are respected irrespective of their differences.

"Children need systems that are inclusive and driven by them, systems that will enable them to respond to their feelings and needs at any time."

~ Jeroo Billimoria



A powerful poem on the rights of children

Ms Gesha Askoorum, a young aspiring poet, recited one of her poems, accompanied by Mr Jordan Edouard, a young guitarist.

THE POEM

(Language: French & Mauritian Creole)

Les droits des enfants ayant peu de force que l'homme,
Mais sont certainement respectés par la loi des enfants.
L'enfant, innocent comme tout et fragile comme la plume d'un oiseau,
peut être content, peut être malheureux,
peut être souffrant, peut être fort,
s'asseyant dans un petit coin obscur
en réfléchissant la vie pénible qu'il passait
en réfléchissant les différences, la pauvreté et la richesse et en pensant une solution pour l'égalité.
Le droit aussi connu comme une liberté,
une liberté de confiance et de précision qui mènera vers le bon chemin et qui ressemble à la vie principale de l'enfant.
Et c'est là que je me suis dit que l'enfance n'est pas toujours le paradis, il faut savoir combattre, combattre contre le mal, le méchant et vaincre pour la beauté qui est le droit de ses enfants.

Drwa zanfan
Nou, bann zanfan, nou viv lor enn sel later avek diferan relizion, miltikiltirel,
diferan fason priye, diferan fason viv.
Nou tou enn sel kalite dimounn
avek enn sel kouler disan ki rouz.
Bann lalwa ek respe zanfan res parey pou zot tou.
Nou bann zanfan aktiel nou lexanp fitir zenerasion.
E par nou mem nou vinn bann bon sitwayin pou ki nou kapav zer sa lemond la.
Nou, bann zanfan, nou kapav manze, bwar,
nou kapav zwe me nou pa bizin inflianse par ladrog ki pe fini sa pei-la.
Nou pa bizin inflianse par move frekantasion ki pe detrir nou zenes.
E touzour ena enn panse pozitif.
Nou, bann zanfan, nou kapav ris swa pov.
Nou kapav ena lapo nwar swa lapo blan.
Bizin dir Non a Rasis
parski bondie ki finn met nou lor sa later la.
Respekte nou bann zanfan,
respekte nou drwa.
kouma enn gran dimounn apel Robert Baden-Powell ti dir
''Soyez prêt''.
Nou tou ansam lame dan lame
pou batir enn lemond pli meyer.

(Author: Gesha Askoorum)

His Excellency Mr Marie Cyril Eddy Boissézon, Vice President of the Republic of Mauritius, conveying his encouragement and his appreciation for the workshop that has been organised to promote the rights of the children of Mauritius. As he so rightly quoted in his speech, ***"Children are likely to live up to what you believe of them"****.*





From left to right, Ms Rita Venkatasawmy, the Ombudsperson for Children; His Excellency Mr Vincent Degert, Ambassador and Head of Delegation, European Union; His Excellency Mr Marie Cyril Eddy Boissézon, Vice President of the Republic of Mauritius; and Ms Lata Jhugroo, Secretary of the OCO



Following the official opening of the workshop, all participants engaged actively in a bonding exercise by greeting each other. The Ombudsperson for Children (OC) then proceeded to explain about her mandate, the role of the OCO, and the various kinds of child rights violations which can be reported at the OCO, such as child sexual abuse, bullying, violence in educational settings and school infrastructure issues among others. She informed participants about how the OCO conducts sensitisation campaigns on children's rights. She also talked about the responsibilities of children to show respect towards others at school.

A video projection, entitled "C'est quoi les droits de l'enfant?", was also shown to the participants for a better understanding of their rights. The OC emphasised the importance of expressing themselves and giving their opinions on decisions concerning their lives, while respecting adults.

"...in serving the best interests of children, we serve the best interests of all humanity."

~ Carol Bellamy



Students present were divided into several groups to carry out focused discussions.



The Ombudsperson for Children talking about her role as per the Ombudsperson for Children Act 2003, the powers of her Office and the importance of the Convention on the Rights of the Child.



The OC further explained that children have rights, irrespective of age, race, religion and sex, such as the rights to health, education, play and freedom of expression among others. The OC encouraged the participants to voice out as much they can on any harassment or discrimination that they may face at their schools.

During this interactive session, she talked about how bullying is a serious issue among young people these days. Bullying at school may take several forms such as physical, sexual, emotional or cyber bullying, and can have long-lasting psychological effects on the bullied. She stressed upon the right for every child to live and study in a peaceful and secure environment.

The OC and the participants discussed on ways to prevent bullying among children. Most of them said that they witnessed some of their friends being bullied at school, especially during recess time, and they thought that this should not happen anymore. They all wished that their school environment could be free from all forms of bullying.

"The greatest gift we can give to our children is to raise them in a culture of peace."

~ Louise Diamond



As part of the session, the OC engaged with the participants about the definition, causes, consequences and health risks of teenage pregnancy, an important issue affecting our youth. The OC carried out a role play with the participants to describe the issue of teenage pregnancy and propose ways to deal with it.



After the projection of a video entitled "La participation, c'est quoi?", Mr I Bawamia, Investigator at the OCO, helped the children understand that effective participation depends on two conditions. Firstly, respect for others is a sine qua non, keeping in mind that everyone has a different opinion and that consideration should be given to others' views. Secondly, peace and dialogue are two crucial elements to create non-violent contexts that facilitate communication and active participation from children. Mr Bawamia also emphasised the need for children to be able to express their opinions freely, while respecting their parents' opinions too.

Voices of children







In this workshop, participants from the different institutions were randomly assigned to five workgroups representing a specific topic each, namely

1. *Bullying;*
2. *The Right to Education;*
3. *Teenage Pregnancy;*
4. *The Right to Play, Rest and Leisure; and*
5. *The Right to Health.*

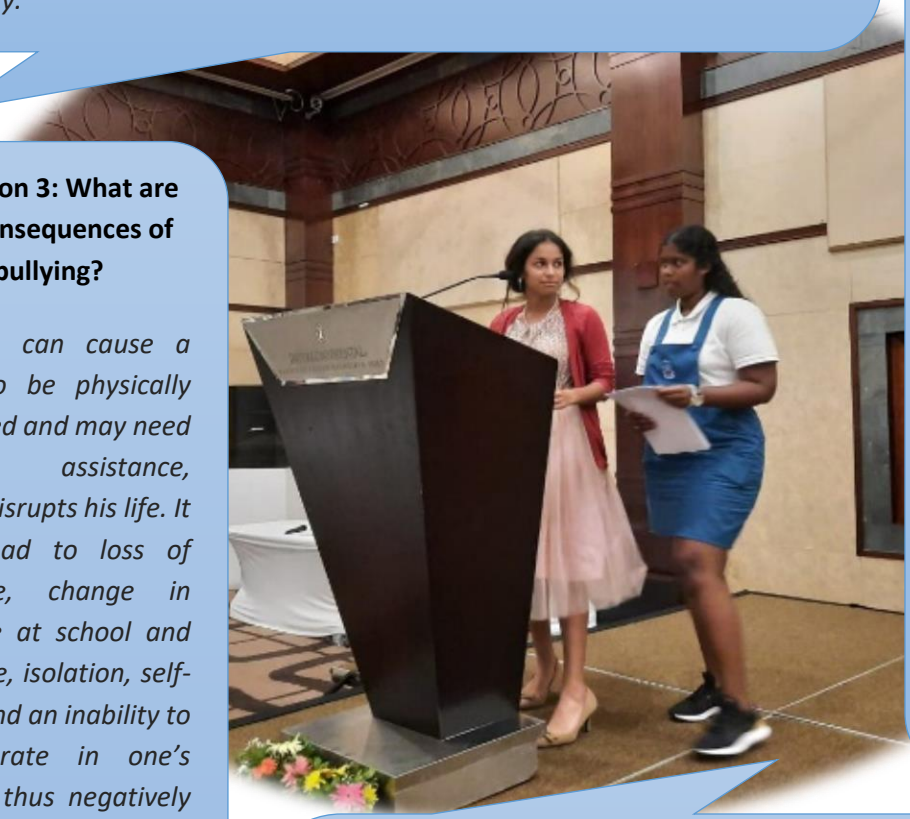
Four key questions related to each theme were provided to the workgroups. The investigators from the OCO were allocated to each group to facilitate the brainstorming and discussions around these questions. They ensured that every child around the table had the opportunity to voice out their views and thoughts.

At the end of this exercise, spokespersons from each workgroup were invited on stage to present and share summaries of their group's discussions. This activity highlighted the open-mindedness and ability of all the participants to reflect on these issues.

Feedback of Workgroup 1: Bullying

Question 1: What do you understand by the term 'bullying'?

Children have defined the term 'bullying' as using physical force to cause harm on someone else to make them behave as per their wish. They also believe that the victims suffer in silence and that bullying does not stop until the victim voices out their suffering. A bullying situation usually involves the victim(s), the one(s) causing harm and the spectators. Bullying can also be described as a negative judgmental attitude against a child's social class, race, religion and disability.



Question 2: What are the types of bullying?

According to the participants, some of the types of bullying include physical and psychological harassment, sexual abuse, cyber bullying, aggression, threats against others. Moreover, peer pressure is a form of bullying which may include forcing others to take illicit substances, consume alcohol or smoke. Emotional bullying can be in the form of taunts against someone's clothing style, physical appearance, verbal abuse which display jealousy, racism and discrimination. Children believe that emotional bullying can cause more harm than physical bullying since words hurt more than actions.

Question 3: What are the consequences of bullying?

Bullying can cause a child to be physically wounded and may need medical assistance, which disrupts his life. It may lead to loss of appetite, change in attitude at school and at home, isolation, self-harm and an inability to concentrate in one's studies thus negatively impacting the school grades. Children also believe that bullying can completely change a child's character and personality in a negative way. It can eventually cause stress, anxiety, depression which may even lead to suicide.

Question 4: What do you think can be done to prevent bullying? As a child, what steps can you take individually?

In order to prevent bullying, more sensitisation campaigns should be organised at schools and children should be encouraged to participate in recreational activities such as sports and games. This would help them to build self-confidence and develop team spirit. Children also proposed that an 'anti-bullying day' should be organised where artists can be invited to make posters about the effects of bullying. As an individual, children believe that they should communicate more, build good relationships with their friends, and also be a good person so that others can learn from their behaviour.

Feedback of Workgroup 2: The Right to Education

Question 1: What is meant by 'Education'?

Children have defined the term 'education' as the key for success. It is the most important factor to get a good job, to promote a better future. They believe that education will help them to support their family financially. Education also enables them to behave respectfully at home and in society. Moreover, education empowers them as individuals.



Question 2: Is education only limited to academic learning?

Education does not only happen at school, but begins at home. Learning does not only take place at school, but also on the playground, through activities and in society. Education is not limited to academic learning, but also involves acquiring good values, manners and good behaviour at home and in society. Children believe that education from early childhood enables a child to have what it takes to become a successful adult.

Question 3: What are the factors which prevent a child to get access to education?

The main factor which the participants talked about is poverty. They expressed that poverty is the primary reason why a child does not attend school. They often lack basic school materials such as school uniforms, school bags, shoes and stationery. They find the price of the bus pass too high, and that it should rather be free for everybody since they don't have enough money to afford it. Teenage pregnancy is also a factor which prevents some children from studying at school. Moreover, some children have learning difficulties such as dyslexia and do not have access to appropriate learning centres which suit their needs.

Question 4: What needs to be done for every child to get access to education, and what can you do as an individual?

Children proposed that the government should offer free bus pass and should cancel the Parent Teacher Association (PTA) fees at school. The social security aid should also be increased since it is not enough. They also requested the Government to provide them with free lunch since some children do not have food at school. The participants also think that more teachers should be hired since some schools lack staff. Moreover, they expressed that they want a moral values class, where they can learn about the reality of life, and not just academic subjects. They think that they would benefit greatly from this initiative. Finally, to encourage students to attend school, teachers should treat every student equally and with respect.

Feedback of Workgroup 3: Teenage Pregnancy

Question 1: What is meant by 'teenage pregnancy'?

Children have defined the term 'teenage pregnancy' as indulging in sexual activities and getting pregnant before the age of 18.

Question 2: Who is concerned with teenage pregnancy?

The girl and the boy who indulge in sexual activity are both concerned parties. However, the participants believed that the girl is mostly concerned as she is the one who has to carry the baby for the next nine months, as well as giving birth. Her body is directly affected by this change, which will also impact on her education. They also believe that society will be judgmental towards the girl and this will affect her psychologically. The boy is concerned too when it comes to supporting the girl by providing the baby with all its basic necessities.

Question 3: In case of teenage pregnancy, how is the baby and the mother affected?

The mother's body and health will both be affected by the pregnancy as her body will go through major changes. She might be too young to accept this change and she might get health complications which is unsafe for her. The participants also believe that a teenage mother lacks the maturity and resources to take care of a baby. The latter too will not have a proper and healthy upbringing.



Question 4: What can be done to prevent teenage pregnancy? Suggestions?

Teenagers should abstain themselves from having sexual intercourse. In case they do engage in sexual activities, they should use protection. There should be more talks about sexual education at school. The participants believe that consent should be obtained from both parties before having sexual intercourse. Moreover, they believe that, if a teenage mother does give birth to her baby and is unable to take care of him, she should put him up for adoption since there are many couples who are unable to conceive.

Feedback of Workgroup 4: The Right to Play, Rest and Leisure

Question 1: Why should a child rest, play, take part in leisure and artistic activities?

Children believe that leisure is important for a good physical and mental health. It is also important to take rest to concentrate better at school. Social activities are important to make new friendships and create more social bonds. Activities also serve as a means to relax and avoid stress.

Question 2: How many of you practice leisure activities? How many times per week?

Most of the students reported that they practiced sports and artistic activities such as football, judo, swimming, kick-boxing, dancing and playing the guitar. They usually spent three days a week doing physical exercises. They mostly practiced their hobbies during the weekend.

Question 3: Do you think that there are enough facilities available to practice leisure activities?

Children expressed that there are not enough facilities available to practice sports, for example, transport as some sports centres are far from their place of residence. They also talked about how musical classes are not easily accessible to them. They explained that sports equipment is expensive and wished that sponsors could provide them with the right equipment. They also talked about pollution and the lack of security in recreational places such as beaches, mountains and lakes, which prevent them from visiting those places.



Question 4: What can be done to promote more leisure activities for children? What can you do on an individual level?

The students said that more school trips could be organised such as during every term. More recreational activities should be organised by the Government such as fairs, fun activities in leisure parks and courses in sport centres. They believe that children should be motivated and encouraged to join sports clubs where coaches could be available to them. This would prevent them from getting involved in illegal activities such as taking drugs and consuming alcohol. Parents should restrict small children from spending too much time on mobile phones, computer games and the internet. They should encourage their children from a young age to practice sports and they should plan more family outings in nature.

Feedback of Workgroup 5: The Right to Health

Question 1: What do you understand by the term 'Right to Health'?

Children answered that the definition of the term 'Right to Health' is that each and every child deserve to be in good health since their birth. Parents should make sure vaccinations are given to their babies. They described 'good health' as being both physical and mental health. They believe that every person should be provided with the proper health care; vaccinations, medicines, good sanitation at school and at home, clean food and infrastructure.

Question 2: What are the health issues faced by youngsters?

They described health issues as physical and mental health issues. Physical health issues include obesity, epilepsy, diabetes, injuries caused by bullying, sexually transmitted diseases, malnutrition, respiratory problems and health complications due to teenage pregnancy. Mental health issues include depression, stress, anxiety, social isolation which can lead to suicide, peer pressure, and engaging in substance abuse such as drugs, alcohol and cigarettes.



Question 3: Which factors can cause health issues in young people?

Students explained that the factors causing health issues in children are poor family structure; lack of care from parents; academic failure leading to depression; bullying which affect emotional and physical health; loss in self-esteem; and peer pressure which can push youth into using drugs. They also believe that lack of leisure and activities can cause stress and obesity.

Question 4: What can be done to protect the right to health and what can you do as an individual?

They believe that the Government should build more recreational parks and provide more incentives and information to protect children's health. They also said that the use of pesticides on fruits and vegetables should be reduced since it causes many diseases. The Government could organise sensitisation campaigns to promote healthy lifestyle among children and educate them about the harmful effects of drugs and issues relating to teenage pregnancy. As individuals, children should be motivated to practice physical activities such as dance and sports, and leisure activities such as music, art and drama. This could help them in developing their self-esteem and self-confidence and in discovering their hidden talents.

Work session with secondary school educators and officials from Rehabilitation Youth Centres



Educators engaged in an active discussion about bullying, violence and other issues faced by students at their schools. They also proposed ways to reduce the prevalence of these issues.

"To ensure compliance, States parties should undertake a number of implementation measures in accordance with articles 4, 42 and 44, paragraph 6, of the Convention, and ensure that the best interests of the child are a primary consideration in all actions, including [...] providing information and training on article 3, paragraph 1, and its application in practice to all those making decisions that directly or indirectly impact on children, including professionals and other people working for and with children [...]"

~ General Comment No.14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1)

The Educators highlighted some of the challenges they face with secondary school students...

"I think there is an increase in the number of children coming from at-risk regions to our school and this causes major class disruptions and bullying problems. The school lacks a holistic approach to tackle these issues."

"Peer pressure arises mostly from a small group of students in our school who have family issues and behavioural problems."

"We believe that it is not the educators' duty to counsel students."

"There seems to be a lack of a proper mechanism to deal effectively with cases of bullying in schools."

"We are not trained to deal with students who have special needs. We do not feel empowered enough to deal with violence at school."

The Educators proposed potential solutions...

- *A holistic education model should be promoted in secondary schools.*
- *Given that educators are not skilled enough to deal with violence and similar issues at school and that students might not be comfortable to talk about their personal issues with them, regular contact with Counsellors or Psychologists should be provided to students.*
- *There should be a security panel consisting of educators and other staff members to supervise students during lunch time on a roster basis.*
- *Sanctions should be taken at school level in cases of violent behaviour. If they fail to work, legal action should be taken.*
- *Educators must be trained on how to better understand and respond with empathy to students with challenging behaviours.*
- *Educators recommend that the curriculum must be reviewed for prevocational students to better suit their learning needs.*

Recommendations made by the Ombudsperson for Children

- ***In the case of teenage pregnancy, educators should be better informed about available organisations dealing with these issues such as Mouvement d'Aide à la Maternité (MAM) and Mauritius Family Planning and Welfare Association (MFPWA), among others.***
- ***Educators should not stigmatise teenage mothers, but rather should continue to support their right to education, and sensitise the whole school on the health and social risks of teenage pregnancy and parenthood in a non-judgmental and inclusive way.***
- ***All behavioural issues have underlying causes and each child is a separate individual with a unique history. It is important to introduce individualised care plans for students at school to understand the roots of their violent behaviours and to come up with appropriate personalised interventions.***
- ***Exclusive approaches, such as transferring a child to another school due to his/her challenging behaviours without any attempt to treat the issue within their original school environment, must be avoided. Such transfers may have adverse psychological effects on the child, for example, feeling rejected or worthless, and this may further worsen his/her mental states and behaviours.***
- ***A weekly national meeting platform for educators from all educational zones could be designed and hosted by a well-established institution. This initiative can provide an opportunity for various educators to come together, discuss the challenges that they face in their schools, share good practices and propose potential solutions. These recommendations could eventually be formulated into a policy paper.***

The participants said they learnt a lot from this workshop!

At the end of this event, the participants thanked the Ombudsperson for Children for this platform. They appreciated the fact that they participated actively and that their views were valued. The OC reminded the participants that with rights come responsibilities. She also emphasised that all children should respect the norms and values of the society they live in.

Film projection of the movie Wonder for children

MCine Caudan,
Port Louis
29 February 2020

With the support of the European Union under the project "Protecting and Promoting the Rights of Children in the Republic of Mauritius", the OCO organised a projection of the movie 'Wonder' at the MCine Caudan, Port Louis. A group of 160 children from various organisations including the RYC, CYC, Probation Hostel, NGO Safire, Mère Teresa Centre, Mouvement pour le Progrès de Roche Bois, Future Hope and Teen Hope, accompanied by 30 adults, were invited. The objective of this event was to sensitise vulnerable children on the negative effects of discrimination and bullying on the child victim.



The movie 'Wonder' highlighted themes such as empathy, compassion and acceptance and, most importantly, children promoting the empowerment of their peers. 'Wonder' was highly appreciated by the young audience and even elicited a big applause at the end of the movie!

"A film has the potential to kindle such a spark of inspiration in an individual that it can alter the course of human progress."

~ Abhijit Naskar, Neuroscientist and Author

Film projection of the movie 'Wonder' for children from NGOs and institutions



The OC welcomed the children and explained the importance of non-discrimination and the effects of bullying. The activity aimed at promoting responsible behaviours amongst the young people through sensitising them on their rights and how these are linked to their responsibilities.

"I think empathy is a beautiful thing. I think that's the power of film though. We have one of the most powerful, one of the greatest communicative tools known to man."

~ Michelle Rodriguez



Investigator I. Bawamia giving a brief introduction of the film



Real cinema experience with popcorn

Celebration of the International Women's Day

Sodnac SSS
06 March 2020

The Ombudsperson for Children (OC) was invited as Guest of Honour at the Sodnac State Secondary School (SSS) on Friday 06 March 2020 on the occasion of the celebration of the International Women's Day.

Every girl can grow into a strong and educated woman!





*More than **1000** students were present to listen to the message of the OC. During her address, the OC laid particular importance on the challenges being faced by young girls across the world.*

*Aligned with the UN Sustainable Development Goal 5: **"Empowering women and girls"**, the OC stressed on the need for young girls to be empowered through education.*

Celebration of the International Women's Day

The OC sensitised the students on the issue of teenage pregnancy and on how it can potentially impact on their life. Teenage pregnancy is often linked to high school dropout rates. Teenage mothers are also likely to have low educational attainment, which inevitably create socio-economic pressures on their families. She also stressed the need to provide necessary assistance to support the compulsory education of girls till the age of 16.

"Education represents a lifeline to development and a pathway to growth and leadership for young girls. Early marriage and cohabitation keep the girl out of school."

~ R. Venkatasawmy, OC



Celebration of the International Women's Day



The Head girl of Sodnac SSS handed over a bouquet to the OC as a gesture of appreciation for her presence and message addressed to the students. The students found the OC's words both insightful and inspiring!





Celebration of the International Women's Day

The OC had the opportunity to engage in meaningful conversations pertaining to the rights of the child with the staff of Sodnac SSS. She shared her thoughts on how educators can contribute effectively to ensure that the education of young girls is better supported.





The Rector of Sodnac SSS invited the OC to view an exposition of works related to the International Women's Day in the school's library.

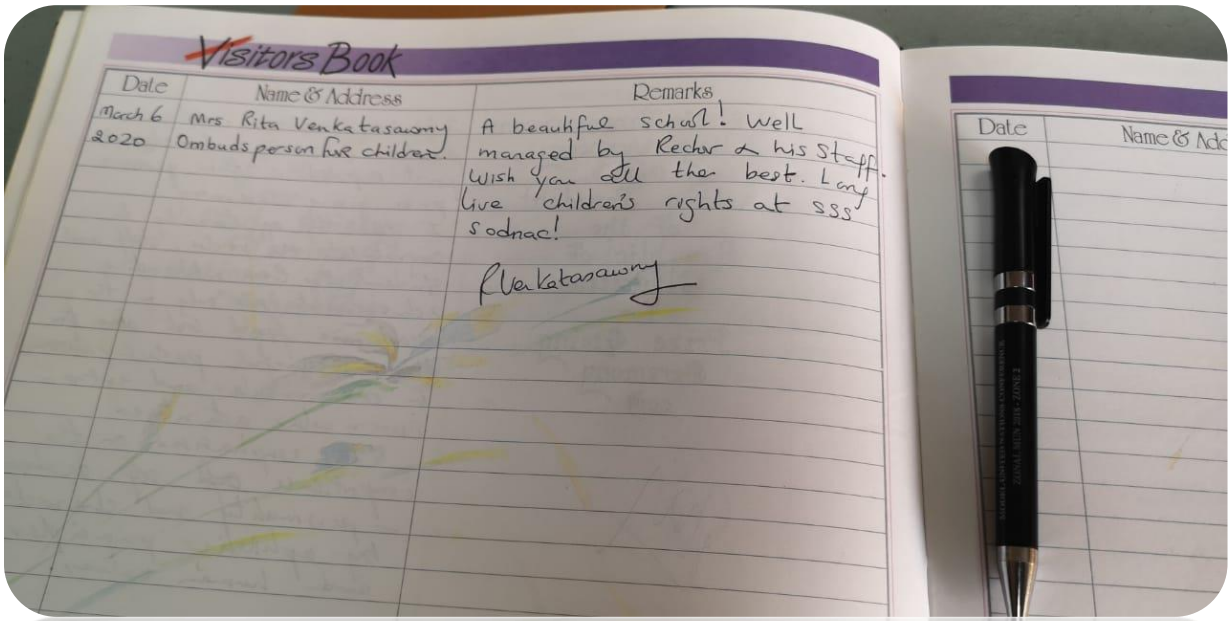
A memorable visit for both the school and the OC!





"When I approach a child, he inspires in me two sentiments — tenderness for what he is and respect for what he may become."

~ Louis Pasteur



Celebrations for the 52nd Anniversary of the Independence Day and 28th Republic Day of Mauritius

Ombudsperson for Children's Office
11 March 2020



It has been a tradition since the setting up of the OCO to celebrate these two national events with the officers of all institutions sharing the same building, namely the Citizen Advice Bureau and the Civil Status Office.

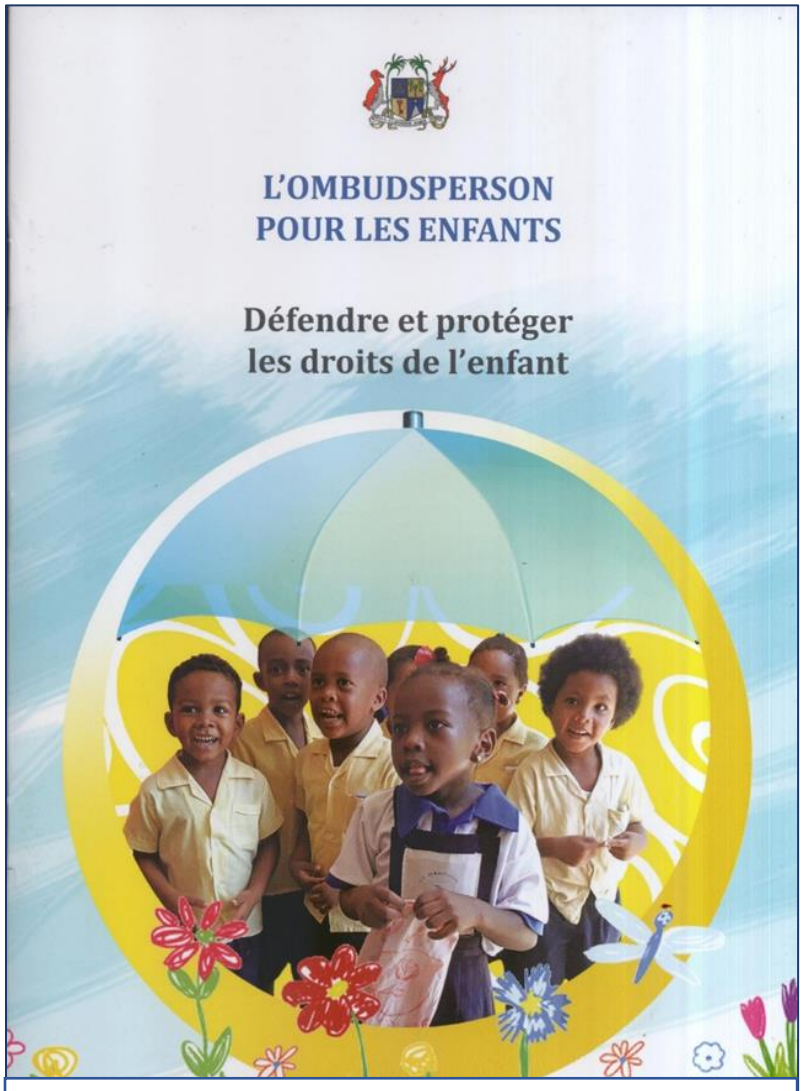
The OC, whilst addressing the attendees, highlighted on the importance of working hard to contribute to the prosperity of our island. She also expressed her concern about the novel coronavirus, COVID-19, and appealed to the officers to be vigilant. She ended with the hopeful words that our country be protected from this rapidly spreading virus.



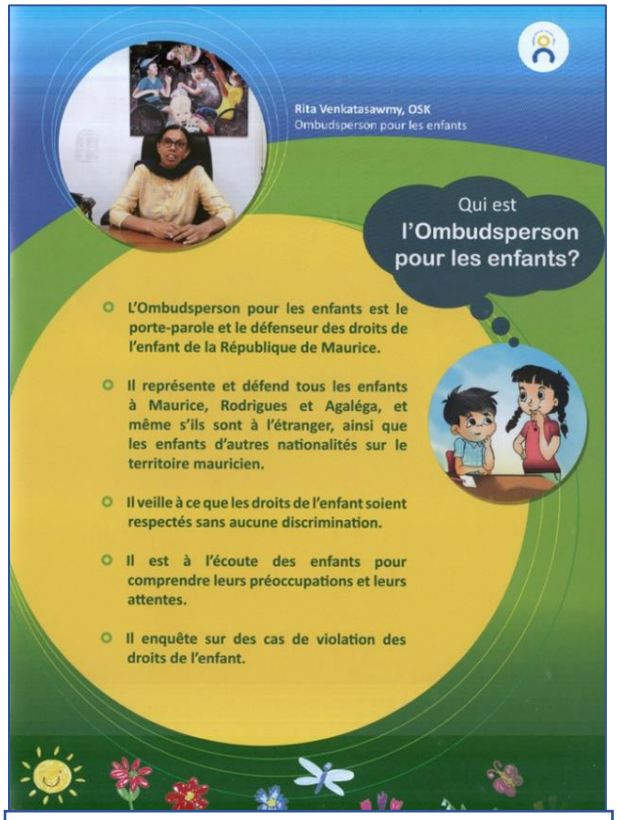
Publication of a new brochure for the OCO

June 2020

The OCO has the duty to inform the public on its role and functions so that they are aware of the procedures in place to file a complaint. This year, for the 4th edition of the brochure, the OC changed its format into a more appealing and user-friendly one. Here are a few illustrations of some of the pages of the brochure:



Front cover of the brochure



Who is the Ombudsperson for Children?

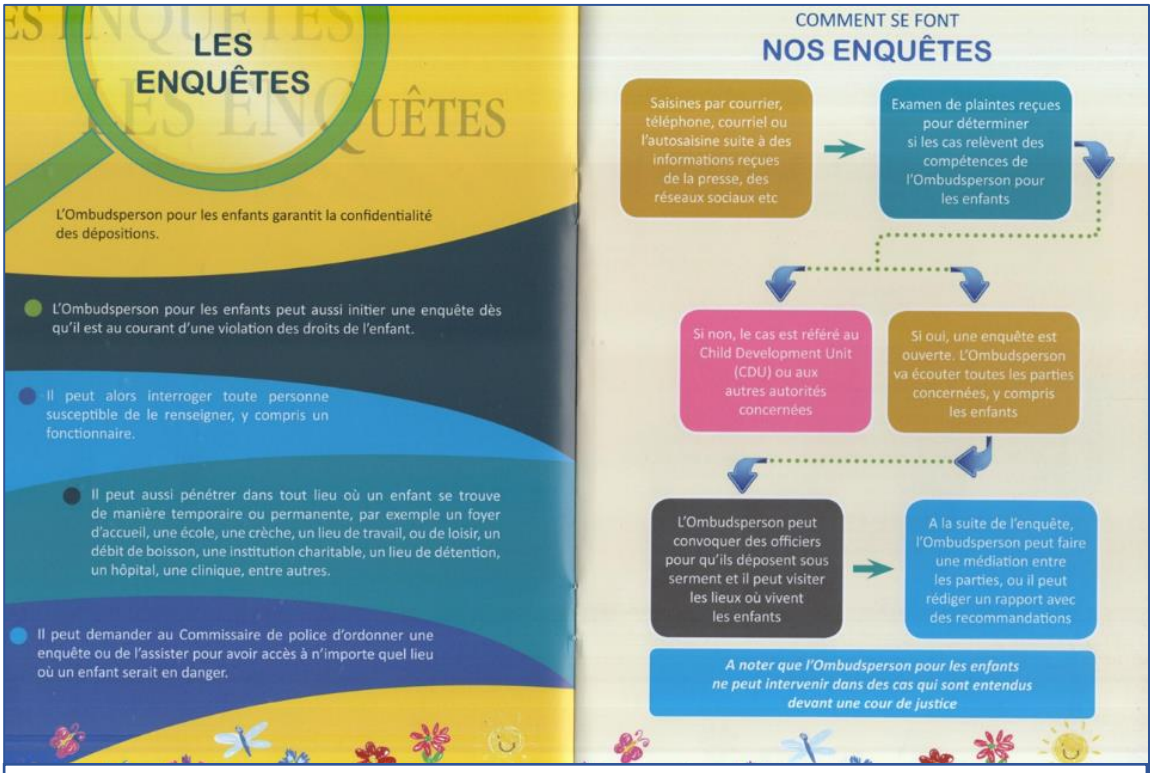


What does the Ombudsperson for Children do?

Publication of new brochure of OCO



Who can contact the Ombudsperson for Children?



Investigation procedures at the Ombudsperson for Children's Office

Sensitisation Campaign on Child Rights on Radio

Radio Plus, 15 June 2020 to 10 July 2020

The calendar of activities for the second half of this reporting year was disturbed because of the national restrictions and curfew imposed due to the novel Coronavirus, COVID-19. Hence the OCO had to change its strategy to promote the UN Convention on the Rights of the Child as required by section 5 of the OCA 2003. The OC decided to reach out to the public, including children, by means of the radio. In collaboration with Radio Plus, a series of short messages on the articles of the UNCRC were broadcasted in the morning radio show on weekdays for four weeks from 15 June to 10 July 2020. On the last day of each week a quiz was organised, and the winners were rewarded by the OCO. The messages broadcasted during the four-week programme are reproduced in the following tables:

- ***Week one: 'Drwa a ledikasion' (15 – 19 June 2020)***

DATE	MESSAGE/QUIZ
15.06.2020	*Lartik 28 UNCRC: drwa fondamental a ledikasion, ki inklir zanfan dan sitiasion andikap.*
16.06.2020	*Komemorasion 16 Zin 1976 mouvman Soweto, kot zanfan ti gagn kout bal akoz zot ti pe rod zot drwa a ledikasion.*
17.06.2020	*Drwa a ledikasion se osi aprann dan enn lanvironnman ki sekirize ek pena violans.*
18.06.2020	*Lartik 29: ledikasion global ek holistik enn zanfan.*
19.06.2020	***Kwiz: Lekel ki vre ladan?*** 1. *Kan mo mal konport mwa lekol, personn pa gagn drwa fer mwa nanye.* 2. *Ledikasion ed nou devlop tou nou bann talan, pa zis aprann, lir, ekrir, konte.* 3. *Konvansion Drwa Zanfan konsern sertin zanfan selman.*

- ***Week two: 'Non-diskriminasion' (22 – 26 June 2020)***

DATE	MESSAGE/QUIZ
22.06.2020	*Lartik 2 UNCRC: Drwa pou proteze kont tou form diskriminasion.*
23.06.2020	*Pran bann mezir pou ed zanfan dan sitiasion andikap akoz zot osi ena mem drwa ki tou zanfan.*
24.06.2020	*Konsiderasion spesial sirtou a zanfan ki viv dan bann kondision difisil.*
25.06.2020	*Drwa pou proteze kont tou form diskriminasion se enn pilie fondamantal dan konvansion drwa zanfan.*
26.06.2020	***Kwiz: Lekel ki vre?*** 1. *Tou zanfan san eksepsion ena mem drwa.* 2. *Zanfan ki viv dan sitiasion difisil pa bizin drwa. Zot bizin travay pou aste manze.* 3. *Zanfan dan sitiasion andikap bizin nou sinpati, zot pa bizin ena drwa.*

- ***Week three: 'Proteksion kont violans' (29 June – 03 July 2020)***

DATE	MESSAGE/QUIZ
29.06.2020	*Lartik 19 Konvansion drwa zanfan dir ki tou zanfan ena drwa pou proteze kont tou form violans, ki li fizik, verbal, emosionel, ou sexiel.*
30.06.2020	*Violans fizik kouma bate, pinse, morde, brile ou pinision korporel ena bann konsekans grave lor zanfan.*
01.07.2020	*Kan enn zanfan li regiliereman viktim imiliasion, menas, lindiferans, izolasion, manipilasion ou kan kontigne blam li pou tou move kiksoz ki arive, apel sa violans sikolozik lor enn zanfan.*
02.07.2020	*Bann diferan form violans sexiel kont zanfan pa limite a zis relasion sexiel.*
03.07.2020	***Kwiz: Lekel ki vre?*** *A. Pinision korporel pa enn violans.* *B. Violans ek maltretans anpes zanfan viv so lanfans ek grandi korekteman.* *C. Fer zanfan get foto ou fim pornografik se pa violans.*

- ***Week four: 'Konvansion lor drwa zanfan' (06 – 10 July 2020)***

DATE	MESSAGE/QUIZ
06.07.2020	*Konvansion drwa zanfan inn adopte par LasanbleZzeneral Nasion Zini le 20 Novam 1989 e finn ratifie par Moris an 1990.*
07.07.2020	*Konvansion drwa zanfan ena 54 lartik ki etabli drwa sivil, ekonomik, sosial, kiltirel ek politik pou tou zanfan. Li baze lor kat pilie fondamantal:* ▪ *Non-diskriminasion,* ▪ *lintere siperyer zanfan bizin prime,* ▪ *drwa a lavi, sirvi ek developman, ek* ▪ *drwa pou ki tou zanfan kapav exprim zot lor tou kiksoz ki konsern zot.*
08.07.2020	*Konvansion drwa zanfan met lanfaz lor bann kondision ek kiksoz ki zanfan bizin pou protez li ek pou li grandi kouma enn bon sitwayin.*
09.07.2020	*Biro Ombudsperson for Children finn kree an 2003 pou asire ki drwa ek bezwin zanfan respekte dan Moris. Ninport ki dimounn ki panse ki drwa enn ou plizir zanfan pa pe respekte, bizin kontakte biro Ombudsperson ki pou ouver enn lanket.*
10.07.2020	***Kwiz: Lekel ki vre?*** *A. Zanfan vinn malelve kan zot ena drwa.* *B. Drwa se bann valer kouma lape, lamitie, respe ek solidarite.* *C. Drwa zanfan konsern zis Ombudsperson pou Zanfan.*

Winners of the Quizzes on Radio

Ombudsperson for Children's Office

June – July 2020

The winners of the radio quizzes got the opportunity to personally meet the Ombudsperson for Children and her team. They were awarded special prizes at the Ombudsperson for Children's Office.



Left picture: *The OC handing over storybooks as prize to the winner of week one, Ms K. Lacharmante*

Bottom picture: *Mr Bawamia, Investigator, presenting additional gifts to the winner in the presence of the OC, and Investigators Jogarah and Rhungapen-Veeramootoo*



Essay writing on the experiences of children during the COVID-19 lockdown

June – July 2020

OMBUDSPERSON FOR CHILDREN'S OFFICE

CONCOURS D'ÉCRITURE POUR LES ENFANTS

Le Bureau de l'*Ombudsperson for Children* organise un concours d'écriture pour les enfants âgés de 10 à 12 ans. Le thème choisi est :

« Ma plus belle expérience de partage durant la période de confinement liée à la Covid-19 »

Les textes peuvent être rédigés en français, en anglais ou en créole. Neuf jeunes auteurs seront primés et recevront en récompense des livres de contes. Les meilleurs textes seront publiés avec l'accord des parents.

À vos plumes chers enfants !



Les conditions générales de participation au concours d'écriture :

- **Âge** : De 10 à 12 ans
- **Longueur du texte** : À ne pas dépasser 350 mots
- **Langues** : Français, anglais OU créole
- **Nombre limite de texte par auteur** : 1
- Les auteurs doivent faire mention de leur **nom**, leur **âge**, leur **numéro de téléphone**, leur **adresse** et le **nombre de mots** de leur texte.
- **Date limite pour les envois** : Le lundi 27 juillet 2020 à 15h30
- **La méthode d'envoi : via l'addresse email suivante:** ombudschild@govmu.org OU par voie postale à l'Ombudsperson for Children's Office, 1er étage, NPF Building, Rue des Artistes, Beau-Bassin

The lockdown period in Mauritius was experienced in different ways by the children of our country. Their routine was undeniably changed as not only schools and libraries were closed, but also all other sports, leisure and recreational places were shut.

No doubt, parents played an important role in making this time less harsh on their children. Social media was witness to the diverse indoor activities parents planned for their children such as cooking, drawings and indoor games amongst others. It should not be forgotten that for some children, especially those with mental health issues and those living in precarious conditions, the confinement has been particularly challenging.

In line with article 12 of the UNCRC, which promotes the right of the child to express themselves, the OC organised an essay writing competition on the theme: ***"Ma plus belle expérience de partage durant la période de confinement liée à la Covid-19".*** *Advertisements (as shown on the right) were published in both written and audio-visual press to invite children across the country to participate. As at 27 July 2020, 281 essays were received.*

Meetings at the Ombudsperson for Children's Office 2019/2020

Multi-stakeholder networking is sine qua non to protecting and promoting the rights of children!

The Ombudsperson for Children (OC) firmly believes that networking is one of the key strategies that must be used to advance the children's agenda and, in this spirit, every stakeholder must work together to achieve a shared purpose – protecting and promoting children's rights! Every year, the OC organises several meetings at her office with various governmental bodies and civil society organisations to gather information about particular issues/cases, discuss the links between the presenting issues (micro level) and their systemic implications (macro level) and recommend solutions. This ongoing collaboration reinforces the capacity of the OCO to understand the field experiences of stakeholders and to ensure that their practices are compliant with the UNCRC.

"There is immense power when a group of people with similar interests gets together to work toward the same goals."

~ Idowu Koyenikan



Meeting on violence against children, 7 August 2019

Further to a 2-day-workshop entitled ***"Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence"*** *that was organised by the OCO on 24 and 25 July 2019, a validation meeting was subsequently conducted at the OCO on 7 August 2019. Key representatives were invited for the meeting and recommendations that emerged during the workshop were further refined.*



Meeting with representatives from Muvman Liberasyon Fam (MLF), 23 September 2019

Following the publication of the Children's Bill on 13 September 2019 by the then Ministry of Gender Equality, Child Development and Family Welfare, the issue of the minimum age for marriage remained a concern for many activists working with children, more specifically, with the girl child. Subsequently, the OC held consultations with different relevant organisations on the minimum age for marriage.

Representatives of the MLF, a women activist group fighting for the rights of women and the girl child, met the OC and the officers of the OCO to discuss the issue of the age of sexual consent and the minimum age for marriage on 23 September 2019.

"Educating girls is one of the most powerful tools to prevent child marriage."

~ Girls not brides,

The Global Partnership to End Child Marriage

Meeting with Brigade pour la Protection des Mineurs (BPM) in connection to violence against children, 06 January 2020

Following reports in the press on an increasing number of cases of violence against children, including substance abuse, the OC met the officers of the BPM to take stock of the situation and actions being taken by this unit on the field. The BPM explained that they carry out crack down operations, sensitisation in schools and counselling of child victims and child perpetrators. The main outcome of this meeting is a collaboration with the Port-Louis Metropolitan-North Division of the BPM to tackle the problem of drug abuse and violence against children in that region.





Meeting with Ms Anjum Heera, Psychologist at the NGO MKids in relation to the workshop on teenage pregnancy, 17 March 2020

In the face of growing concerns regarding violation of children's rights, the requisite for governments to involve non-state actors in human rights implementation is clear in the UNCRC.

Meeting with stakeholders in connection with children living in extreme poverty, 08 July 2020

Article 3 of the UNCRC says that children's best interests must be a primary consideration in all actions that affect them. This includes taking decisions around their welfare and support. In this context, the OC invited several NGOs working with the local population in less developed areas to brainstorm on the problems faced by the children and families living in vulnerable conditions and on their root causes.

NGOs like ***Kolektif Drwa Zanfan Morisien, Safire, Lovebridge, Action Familiale, Muvman Drwa Ene Lakaz, Planete Enfants, Youth for Human Rights and Komite Konzwin Abitan Lamyant*** *responded positively. The main outcome of this meeting was that the OCO will organise a 2-day networking forum with the inhabitants of Résidence Anoska and NGOs working in the region.*



Meetings outside the Ombudsperson for Children's Office 2019/2020

Representatives of the OCO are frequently invited by governmental and civil society organisations to attend meetings, workshops, seminars and case conferences organised by them on different themes. The OCO is often solicited to intervene on topics related to the roles and functions of the OC and the promotion of children's rights at these events. The OC also carries out courtesy visits to various institutions and officials for the advancement of the children's agenda. Some examples are illustrated below.



Seminar on Internet Safety and Child Protection, Police Training School, Curepipe, 12 September 2019

The US Embassy in collaboration with the National Children's Council and the Mauritius Police Force organised a seminar on ***"Internet Safety and Child Protection: Challenges, Trends and Best Practices"*** *which was held at the Police Training School, Les Casernes Curepipe. Representatives from various Ministries, the Mauritius Police Force as well as Prison Officers attended the seminar. The OC delegated Ms S. Johaheer, Investigator and Ms I. Polixene, Management Support Officer, to attend the seminar.*

"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace."

~ Kofi Annan



60th Anniversary of the Mauritius Mental Health Association (MMHA), Rose Hill, 30 October 2019

The MMHA has been working for the welfare and education of children with mental disabilities for the past 60 years. The OC attended the 60th anniversary of the MMHA as a sign of appreciation for the work being carried out by this NGO in the promotion of the rights of its child beneficiaries.





Sensitisation programme on the theme 'Support Services available to parents for their school-going aged children', Residence Bethleem, Rose Belle, 13 February 2020

In view of informing parents on the importance of education and on the support services provided by various institutions, the Ministry of Education, Tertiary Education, Science and Technology organised a sensitisation programme on the above-named theme. Investigator, Ms B. Jogarah, was one of the panel members representing the OCO. She described the role of the OCO as a watchdog to ensure that ALL school-going aged children enjoy without any discrimination the support services provided to them by the State.

Courtesy visit to the Commissioner of Prisons, Mr Mario Nobin, 23 June 2020

The OC has always worked in close collaboration with the Commissioner of Prisons. Under the Reform Institutions Act 1988, the Commissioner of Prisons is responsible for the RYC and CYC for both boys and girls. Since Ms Rita Venkatasawmy's appointment as OC in 2014, she has continually promoted the best interests of children who are in conflict with the law and who are deprived of their liberty.



From left to right: Ms Rita Venkatasawmy, OSK, Ombudsperson for Children; Mr Karl Mario Nobin, PMSM, the newly appointed Commissioner of Prisons; and Ms Swamber, Confidential Secretary at the OCO

In June 2020, Mr Karl Mario Nobin, PMSM was appointed as the new Commissioner of Prisons. The OC, accompanied by Ms Anjanee Swamber, Confidential Secretary at the OCO, paid a courtesy visit to him and discussed avenues for further collaboration.

Mr Nobin showed great interest in the work done by the OC to ensure that the rights of all children, including those in conflict with the law, are respected. He promised his full collaboration and that of the staff of RYC and CYC.

The OC, on her part, reassured him that her office will continue its work to sensitise the staff of the RYC and the CYC as well as the inmates on their rights and responsibilities as per the UNCRC.

Workshop on Covid-19 impact on sexual and reproductive health rights, Labourdonnais Waterfront Hotel, 18 July 2020

The Mauritius Family Planning and Welfare Association in collaboration with the European Union organised a workshop on the occasion of the World Population Day 2020 entitled "Covid-19 Impact on Sexual and Reproductive Health Rights" at the Labourdonnais Waterfront Hotel in Port Louis on 18 July 2020. The OCO was invited to delegate an Officer to participate in a panel discussion to talk on the theme of adolescent sexual and reproductive health rights and the Children's Bill. Investigator Mr I. Bawamia, who was delegated to represent the OC, talked on the said topic from a human rights perspective and referred to General Comment No 4 of the UN Committee on the Rights of the Child on 'adolescent health and development'.



Investigator, Mr I. Bawamia (second from the right), addressing the audience during the panel discussion

Field visits by the OC and her team

The sections 6(d) and 6(e) of the OCA 2003 provide that the OC shall ensure that children under the care, or supervision of, a public body are treated fairly, properly and adequately; that the legal rights of children in care are protected; and that the placement facilities conform to norms and guidelines. In this regard, regular visits are carried out at schools, NGOs and shelters among others by the OC and her team throughout the year.

Visit to SOS Children's Village (SOSCV) of Bambous, 31 August 2019

Visits to Residential Care Institutions (RCIs) are important for the OC to gather information on the living conditions of child residents. Very often, these visits are carried out on Saturdays so as to meet a maximum number of children in the RCI. The pictures on this page depict the OC discussing with staff of the SOSCV of Bambous (on the right) on their plans to improve their RCIs. The OC also interacted with the child residents (at the bottom) to listen to their experiences.





Visit to Nénuphar Centre, Long Mountain Hospital, 17 January 2020



Situated in the peaceful setting of Long Mountain Hospital, the Nénuphar Centre provides a conducive environment to the rehabilitation of young people suffering from drug addiction problems.

During the visit, the OC and her team had the opportunity to observe the young adolescents who were admitted at the Centre while they were carrying out their daily activities. The OC had an interesting exchange with the medical doctors on the rehabilitation techniques being used at the centre. The doctors also told the OC about the challenges they face in the course of their duties.



Visit to Baie du Tombeau Community Centre, 17 January 2020



Investigator, Ms. S. Johaheer, taking down notes on a child-related issue being presented by a community member of Baie du Tombeau.

Visit to 'Lizié Dan La Main' Centre, Curepipe, 21 January 2020

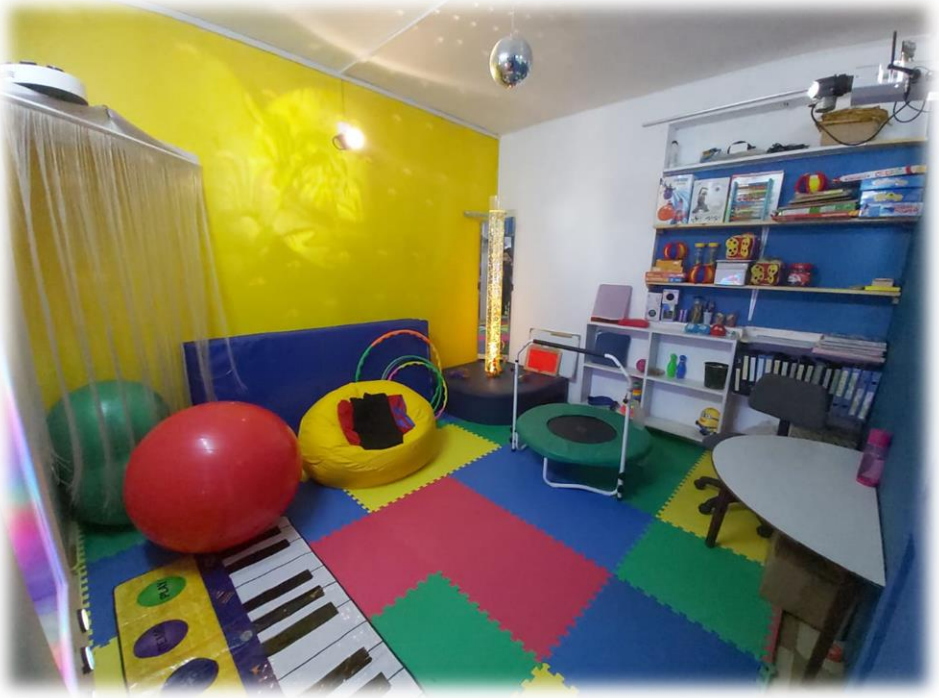




*Article 29(1)(a) of the Convention on the Rights of the Child stipulates that a child's education shall include "**the development of the child's personality, talents and mental and physical abilities to their fullest potential**". In this context, Investigator Ms Y. R. Veeramootoo, conducted a visit at the NGO 'Lizié dan la Main' which works for the rehabilitation of blind and partially sighted people living in Mauritius. This visit aimed at better understanding the work being carried out by them and subsequently identifying good practices which promote the fundamental rights of children with disabilities.*

Visit to 'Association des Parents des Déficients Auditifs (APDA)', Curepipe, 21 January 2020

Children with disabilities are a vulnerable segment of the population whose interests have to be protected by all relevant stakeholders. The OCO's visit to APDA was an opportunity to evaluate whether the rights, needs and interests of children with disabilities are being given full consideration by this NGO, and to identify good practices in the empowerment of their beneficiaries.



Visit to L'Odysseé du Savoir Alternative Primary School, Pierre Fonds, 11 February 2020



In view of identifying initiatives that contribute to the implementation of the UNCRC, Investigator Ms. B. Jogarah visited L'Odysseé du Savoir Primary School. She observed the children during some of their daily school activities. She also had valuable discussions with the educators on the strategies they use to promote the rights of their students, particularly their rights to participation and to be heard.

Visit at the Safire Pedagogical Farm, Verdun, 26 February 2020



Investigator, Ms S. Johaheer, carried out a field visit to the pedagogical farm of Safire situated at St Pierre and interviewed Mr. Bernard Delangue, Farm Coordinator of Safire. It was an opportunity to learn on the good practices of this NGO targeted to street children. Safire is one of the very few NGOs in Mauritius specifically dedicated to working with the population of street children.

Visit to Triolet State Secondary School (SSS), 03 March 2020



Given the growing rate of violence and bullying reported in schools, the OC had an interactive session with the students of Triolet SSS on the topics of rights of the child, forms of violence and impact of bullying. The activity aimed at promoting responsible behaviours amongst the young people.

Visit to Brigade pour la Protection des Mineurs (BPM), Western Division, Rose Hill, 4 March 2020



Ms S. Johaheer, Investigator, visited the BPM at Rose-Hill to take stock of the work being carried out by this institution on the field. For this purpose, she (centre in picture) interviewed Sgt. Auheeburn (left in picture) and WPC Madré Ravina (right in picture). She also assessed the child-friendly infrastructure of the BPM.

Visit to Raoul Rivet Govt School, 05 March 2020





The Ombudsperson for Children animating a session on rights and responsibilities of children with students of Raoul Rivet Government School.

"Youngsters also need to be valued as reliable social agents"

- R. Venkatasawmy, Ombudsperson for Children

Visit to Rivière des Créoles Government School, 23 July 2020



During the visit, the OC had a brief interactive session with Grade 4 students on the importance of sharing, alluding to the theme of the story-writing contest, ***"Ma plus belle expérience de partage durant la période de confinement liée à la Covid – 19"****, that was launched by the OCO, in the presence of the Headmaster, Mr Cathan, and the Principle School Inspector, Mr Soorkia. The visit also served the purpose of meeting the non- teaching staff and briefing them on the role of the OC.*

The OC engaging with the school management staff of Rivière des Créoles Government School on post-confinement measures within the context of children's rights



Sensitisation Campaigns in Citizen's Advice Bureaux

As per the OCA 2003, the OC shall promote the rights and best interests of children through regular awareness and sensitisation activities. For the past years, the OCO, in collaboration with the Prime Minister's Office, has been organising sensitisation activities on the rights of the child and related issues in the 35 Citizen Advice Bureaux (CABx) across the island. For the present reporting period, the theme of the campaign was ***"Child Abuse and Parental Alienation"****.*



At the CAB of Beau-Bassin on 07 August 2019, the OC engaged in an interactive dialogue with the participants on the issue of parental alienation. She also emphasised its negative impact on the well-being of the child through role plays.

At the CAB of Montagne Blanche on 15 August 2019, Investigator, Ms. Sharona Pillay Mauree, explained the role and objects of the OCO. The session was interactive and allowed for discussions with participants on the topic of parental alienation.





At the CAB of Grand Bois on 30 January 2020, Investigator Ms. Yecha Rungapen-Veeramootoo, addressed the audience in the presence of the PPS Hon. Dr Ismael Rawoo. She explained the mandate and functions of the OCO.



On 06 February 2020 at CAB of Rose-Hill, Investigator Ms Bhavnah Jogarah, spoke with the pupils of the Loreto College of Rose Hill on the mandate of the OCO and sensitised them on parental alienation as a form of violence against the child.

Sensitisation Campaigns in Citizen's Advice Bureaux



On 13 February 2020, Investigator Ms. S. Johaheer presented on the objectives of the OCO and the role of the OC at the CAB Triolet. She also talked on how parental alienation affects the child.



Investigator Mr. Ismail Bawamia was at the CAB of Bel Air on 05 March 2020 to emphasise the importance for a child to be in contact with both parents in cases of separation.

PROMOTION OF CHILDREN'S RIGHTS IN RODRIGUES

Promotion of Children's Rights in Rodrigues

As an integral part of the Republic of Mauritius, Rodrigues also needs to comply to the requirements of the United Nations Convention on the Rights of the Child (UNCRC). Each year, funds are earmarked in the Budget to allow the OCO to fulfil its mandate, that is, to defend and protect the rights of children in the Republic of Mauritius including Rodrigues. During the reporting year of 2019-2020, the Ombudsperson for Children (OC) and her team carried out one mission to the Island of Rodrigues which comprised of 4 main initiatives as shown in the diagram below. Further missions to Rodrigues had not been possible due to the COVID-19 pandemic. However, the OC remains in regular contact with officials of Rodrigues administration to monitor the implementation of children's rights.



The launching of the Ombudsperson for Children's Office's Annual Report 2018/2019

Cultural and Leisure Centre,
Mon Plaisir
27 January 2020

The OC launched the Ombudsperson for Children's Office's Annual Report 2018/2019 in the presence of Mr Louis Serge Clair, GCSK, Chief Commissioner (far left in photo), Ms Rose Marie Franchette Gaspard Pierre Louis, CSK, Commissioner for Child Development and Others (second from the right in photo), and Ms M.T Agathe, PMSM, 3rd Island Region Member (far right in photo). The launching ceremony was held in the presence of stakeholders who work in the field of child rights in Rodrigues and local college students.



In her address, Ms Rose Marie Franchette Gaspard Pierre Louis, CSK, Commissioner for Child Development and Others, acknowledged the valuable work carried out by the OC and the OCO. She added that the Commission works in close collaboration with the Officers of the OCO and implements recommendations made by the OC in her Annual Reports. She emphasised the urgency to protect these children from all forms of violence. The Commissioner also gave the assurance that more officers would be deployed in different regions of Rodrigues to ensure that children's rights are protected.



The OC gave a presentation on the chapter dedicated to Rodrigues in her Annual Report 2018/2019, entitled ***"Enhancing the management of child abuse cases in Rodrigues"****. She laid emphasis on the increasing number of cases of child abuse and the importance to manage these cases in a timely and effective manner. She appreciated that, despite limited financial, technical and human resources, the Child Development Unit (CDU) of Rodrigues was utilising the skills of its dedicated personnel to their maximum potential to manage cases of child abuse professionally.*

The OC also talked about the positive effects of child-friendly environments. Violence-free and conducive environments are needed to ensure that children are evolving within safe and supportive communities for the realisation of their fundamental rights. She also underlined the importance of increasing extra-curricular activities in schools and implementing the "École des Parents" programme to raise awareness on the basic rights of children.

Visit to pre-primary schools in view of "Promoting a Culture of Peace"

27 to 29 January 2020

With a view to assess articles 28 and 29 of the Convention on the Rights of the Child regarding the access of all children to quality education, the OC carried out visits to pre-primary schools in Rodrigues. During these visits, interactive sessions were conducted with the young children on the theme of "Promoting a Culture of Peace".



The following pre-primary schools were visited by the OC and the OCO's Secretary from 27 to 29 January 2020 in Rodrigues:

(i) Abeilles Pre-Primary School, Malartic
(ii) Bon Accueil Pre-Primary School, Grande Montagne
(iii) Capucines Pre-Primary School, Nassola
(iv) Coccinelle Pre-Primary School, Mt Lubin
(v) Rivière Banane Pre-Primary School, Rivière Banane
(vi) Tourterelle Pre-Primary School, Baie Topaze
(vii) Les Papillons Pre-Primary School, Roche Bon Dieu
(viii) Le Dauphin Pre-Primary School, Grande La Fouche Corail

Brief history on the developments in pre-primary education in Rodrigues

Pre-primary education is compulsory for children between the ages of 3 and 5 years old in Rodrigues. At present, there are 33 pre-primary schools in Rodrigues. The timeline below outlines the developmental milestones of pre-primary education in Rodrigues from 1981 to 2019 (Source: Coordinator, "Association des Ecoles Maternelles de Rodrigues (AEMR)").

1981

- *The AEMR was founded. Fifteen pre-primary schools and 45 teachers were registered.*

1981-1996

- *School fees were paid by parents.*

1997-2007

- ❖ *The annual grant of Rs 200 per child aged more than 4 years old came into force.*
- ❖ *The "Bridging the Gap" project came into operation whereby parents were encouraged to send their children to school for at least 2 years.*
- ❖ *The majority of parents could not afford to pay schooling fees for their children due to their social situation. Most of households were mono-parental and received meagre incomes.*
- ❖ *On humanitarian grounds, the educators could not stop children from attending school.*
- ❖ *At the time, a pre-primary teacher earned on average Rs 1,000 to Rs 1,500 per month. With the advent of the 'Pre-School Trust Fund', teachers of 3 pre-primary schools benefitted from a salary support of Rs 6,500 per month.*

2007-2014

- *The number of pre-primary schools increased to 30 with a work force of approximately 60 teachers.*

2010

- *A sum of Rs 400 was granted per head to those children who were in need of special attention.*

2014

- *The Rodrigues Regional Assembly provided a grant to AEMR to allow a remuneration of Rs 8000 to each pre-primary teacher plus an end-of-year bonus. A total of 26 new teachers were recruited.*

2017

- *The salary of pre-primary teachers was revised.*

2019

- *The Conditions of Employment for Pre-Primary Employees were revised according to the Pre-Primary School Employees Remuneration Regulations 2019 which came into operation on 24 October 2019.*

During visits at the various pre-primary schools, the OC took note of the environmental features including facilities available at the schools that can help stimulate and develop the children's interests, aptitudes and self-confidence. Each class had 20 to 30 children. This is in line with section 3(6) of the Pre-Primary School Employees (Remuneration) Regulations 2019 which stipulates that "there shall be at least one teacher for every 30 children". The OC also had interactive sessions with the teachers and motivated them to conduct active pedagogical activities such as play, storytelling, and indoor and outdoor games. She emphasised the importance of these pedagogical tools in raising children's awareness on their rights, developing life skills, adopting a culture of peace and non-violence, learning to respect each other and promoting creative talents.



The OC further laid emphasis on the General Comment No. 1 on article 29(1) of the UNCRC on the aims of education (Committee on the Rights of the Child, 2001)[84], which proposed guidelines on how education of children should look in practice. The following is a summary of these points as presented by the United Nations Children's Fund (UNICEF; n.d.)[85]:

- *Education must be child-centred and empowering. This applies to the curriculum as well as the educational processes, the pedagogical methods and the environment where education takes place.*
- *Education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views in accordance with article 12 (1) and to participate in school life.*
- *Education must respect the strict limits on discipline reflected in article 28 and promote non-violence in school.*
- *Education must include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.*

[84] Committee on the Rights of the Child (2001). *General Comment No.1 (2001): Article 29(1) The aims of education.* Geneva: United Nations.

[85] United Nations Children's Fund (n.d.). *The Right to an Education is one of the most important principles in becoming a Rights Respecting School.* Retrieved on 27 July 2020 from www.unicef.org.uk/rights-respecting-schools/the-right-to-education/

Observations and suggested areas of improvement for pre-primary schools (PPS) in Rodrigues

Observations	Suggested Areas of Improvement
PEDAGOGICAL SKILLS:	
• *Teachers are motivated to impart the best education to children.* • *Children are inculcated with discipline through singing and theatrical performance.*	• *A continuous professional development process could be introduced for teachers to upgrade their skills.* • *A Resource Centre equipped with local pedagogical tools could be set up.* • *Teachers of all pre-primary schools could be encouraged to write stories, which can be published and placed in the Resource Centre for other schools to get access to and use in their teaching.*
INFRASTRUCTURE:	
• *Infrastructure in some PPS were in a dilapidated state. For instance, broken tiles were found in a classroom at a PPS. The matter was reported in 2018.* • *Window panes were broken at one of the PPSs. Repairs had not been carried out yet due to access difficulties to the building.* • *The Officer-in-charge for both the PPSs informed that these repairs had been reported to the Association of Pre-Primary Schools, but no action had been initiated as of yet.* • *Chairs for children were found to be too high and uncomfortable in some PPSs.*	• *Infrastructure needs to be improved to provide a conducive and safe learning environment to children.* • *An acceptable chair size must be provided to children to prevent physical health issues and hazards.*

Observations	Suggested Areas of Improvement
SUPERVISION:	
• *There seemed to be insufficient supervision from officials of the Inspectorate Division.* • *At 09 00 hours, a PPS was still closed and children were waiting outside the school's premises.* • *In one PPS, children were left unattended while teachers were having a meeting.*	• *A closer supervision by School Inspectors is needed to ensure that teachers are complying with their work-related rules and regulations and performing their duties well.* • *Meetings with staff and parents need to be organised either before or after the classes.*
HELPER:	
• *It was reported in all PPSs that the services of a Helper were part-time (one hour in the morning and one hour in the afternoon), which was insufficient especially when the teachers were absent.*	• *The services of full-time Helpers must be hired to improve the environmental cleanliness and teaching-learning efficiency in PPSs.*
EDUCATIONAL MATERIALS AND INDOOR AND OUTDOOR GAMES:	
• *A lack of educational materials and indoor and outdoor games were found in nearly all PPSs, and some outdoor games were out of order.*	• *More educational materials and indoor and outdoor games must be provided to children in their schools to enhance their pedagogical development.*

"Classroom environment is one of the most important factors affecting student learning. Simply put, students learn better when they view the learning environment as positive and supportive."

~ Joan Young, Author of the book "Encouragement in the Classroom"

"Children need models rather than critics."
~ Joseph Joubert





Studies shows that creative play supports children and young people's holistic development. The children of Capucines, Coccinelle and Bon Accueil Pre-Primary Schools were captivated by the story of 'Chaperon Rouge' enacted by the OC with hand puppets. She adapted the story within the Rodriguan context illustrating how the 'méchant loup' was punished by 'grand-mère' for having stolen 'tou limon'.

"Play is often talked about as if it were a relief from serious learning. But for children play is serious learning. Play is really the work of childhood."

~ Fred Rogers



The OC engaged in creative play with the children using local materials as pedagogical tools to empower them on the importance of respect and tolerance for one another.

Visit to Foyer Marie Madeleine de la Croix

Baladirou

27 January 2020

The OC is mandated as per section 6 of the OCA 2003 to ensure that placement facilities are safe for children and conform to child-related national and international norms and laws, especially the UNCRC. In line with this function, a visit was carried out at Foyer Marie Madeleine de la Croix at Baladirou, Rodrigues. The OC met the children and took note of the infrastructural conditions of this residential care institution (RCI).

OBSERVATIONS

- *At the time of the visit, 21 children were living at the RCI including three underaged children.*
- *Both boys and girls of different ages ranging from 2 to 22 years old live together at the RCI.*
- *It was reported that the elder children were in conflict with each other and also had behavioral issues. This situation did not create a conducive environment for the well-being and development of the younger children.*
- *Some mattresses and bed sheets were torn and worn out.*
- *Clothes were kept haphazardly around the rooms.*

PROPOSED AREAS OF IMPROVEMENT

- *It is advised that the under-aged children could be placed in a day nursery so as to allow carers to dedicate their time to cleaning the RCI environment.*
- *The elder boys should be shifted to another block.*
- *Studies have shown that infrastructure has an impact on the behaviours of children. It is proposed that children must be provided with cabinets with dedicated storage space for each child's clothes; new mattresses and bed sheets; and indoor and outdoor games. The RCI's kitchen must also be upgraded with better utensils.*

"Children do not constitute anyone's property: they are neither the property of their parents nor even of society. They belong only to their own future freedom."

~ Mikhail Bakunin

Courtesy meeting with the Commissioner for Child Development and Others

28 January 2020

The OC had a meeting with Ms Rose Marie Franchette Gaspard-Pierre Louis, CSK, Commissioner for Child Development and Others. The OC briefed the latter on the various visits she carried out at pre-primary schools and the residential care institution at Baladirou. She elaborated on the observations she made and the outcomes of these visits. The main points of matters discussed are provided on the next page.

"In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration."

~ Article 4 (1), African Charter on the Rights and Welfare of the Child



The OC (on the right) and the Commissioner (on the left) discussing on the proposed recommendations and the way forward to promote the rights of children in Rodrigues.

MAIN POINTS DISCUSSED AT THE OC'S MEETING WITH THE COMMISSIONER OF WOMEN AFFAIRS AND OTHERS

Pre-primary schools

- *The infrastructural conditions in some pre-primary schools need to be improved.*
- *School Helpers must be employed on a full-time basis.*
- *Teachers should be encouraged to write stories with enhanced creativity and by using local materials. The Commissioner informed that a competition would be organised for entrepreneurs to design hand puppets for the purpose of children's creative play, which is planned to be launched on the celebration of the International Day of the African Child (16 June).*
- *It was proposed that the story project of the special prize winner of the Story-telling Competition of the OCO, Grande La Fouche Corail Government School, be published.*
- *The setting up of a Resource Centre for pre-primary schools could be considered.*

Foyer Marie Madeleine de la Croix (FMMC)

- *There was an urgent need to place under-aged child residents of FMMC in a day nursery. The OC was informed that there were two nurseries in Rodrigues and that the necessary would be done.*
- *For the infrastructure issues, the Commissioner informed that funds have already been earmarked in the budget for the construction of a new block for the elder children and the improvement of the RCI's environment.*

Informal foster care

- *The OC proposed that children of FMMC could be placed in informal foster care during week-ends. The Commissioner stated that the matter would be taken up at the level of the Rodrigues Regional Assembly.*

European Union funded project

- *The Commissioner was made aware of the European Union funded project of the OCO which aimed to protect the rights of children, especially vulnerable ones, in the Republic of Mauritius. In this context, it was planned that a film projection would be organized in July 2020[86] during the winter school holidays with children aged between 13 and 18 years old.*
- *A round table on the theme of "Children's Rights to be Heard and to Participate" would also be organised for Students' Councils and/or children in Grade 10, 11 and 12.*

Training for Peace Ambassadors – Caravane de la Paix

- *The OC informed the Commissioner that a training would be conducted from 14 to 17 April 2020[87] for a group of young people in Rodrigues who will later act as Peace Ambassadors. The training will be followed by a "Caravane de la Paix" covering different regions of Rodrigues.*

[86] The activities proposed by the OCO for Rodrigues would be rescheduled as per the evolution of the Covid-19 pandemic.

[87] Rodrigues was in a lockdown period, so the training has not yet been organised.

Interview with MBC Radio of Rodrigues



The OC was invited by the MBC Radio Station Rodrigues for an interview in "Le Mag" program broadcasted live on MBC radio on 28 January 2020 at 17 00 hours. The OC answered questions pertaining to the 30th anniversary of the of the UNCRC. She elaborated on the one-week activity which was organised in Mauritius, whereby 21 children and 6 adults from Rodrigues participated actively in the event. She reflected on the need for a shift in mindset within the society towards ensuring the respect of children's rights.

The interview also focused on the present mission to Rodrigues, that is, the launching of her Annual Report 2018/2019 and visits to pre-primary schools in view of promoting a culture of peace. The OC stated that the media has an important role to play and she has always collaborated with the media for promoting the rights of children. Finally, the OC announced the upcoming training for a group of young people of Rodrigues who would be designated as 'Ambassadors of Peace' followed by a "Caravane de la Paix" activity, both scheduled in April 2020.

Meeting with the Child Development Unit (CDU) of Rodrigues

Integrated Family Centre, Malabar, 28 January 2020

The OC held a meeting with the CDU Officers whereby she raised issues regarding the infrastructure of pre-primary schools and the local RCI. She explained how child-friendly environments impact positively on children. She reiterated that boys and girls at the RCI should reside in separate blocks. It was also recommended by the OC to have a triage of the cases reported to CDU. The meeting also focused on the importance to maintain a register for new cases and existing ones, to keep a file for each child, to organise case conferencing when needed, and to formulate appropriate care plans.



The OC also briefed the CDU Officers on the organisation of a training programme to be held in April 2020 to empower young people to become Peace Ambassadors. The discussions were productive and CDU Officers were enthusiastic to collaborate on this project.

Courtesy Visits in Rodrigues

27 January 2020

During the mission, the OC paid courtesy visits to Le Dauphin Pre-Primary School and the Grande La Fouche Corail Government School. The latter was the special prize winner of the story telling competition organised by the OCO.



The OC pictured with the Head Mistress, a teacher and students of Le Dauphin Pre-Primary School

"The child awakens to a universe. The mind of the child to a world of wonder. Imagination to a world of beauty. Emotions to a world of intimacy. It takes a universe to make a child both in outer form and inner spirit. It takes a universe to educate a child. A universe to fulfill a child."

~ Thomas Berry



The OC handing a copy of her Annual Report 2018/2019 to Mr Jacques Enrico Allas, Acting Head Master of Grande la Fouche Corail Government School

OVERSEAS MISSION

3-day workshop on the promotion and protection of children's rights in the Republic of Djibouti

09-11 September 2019

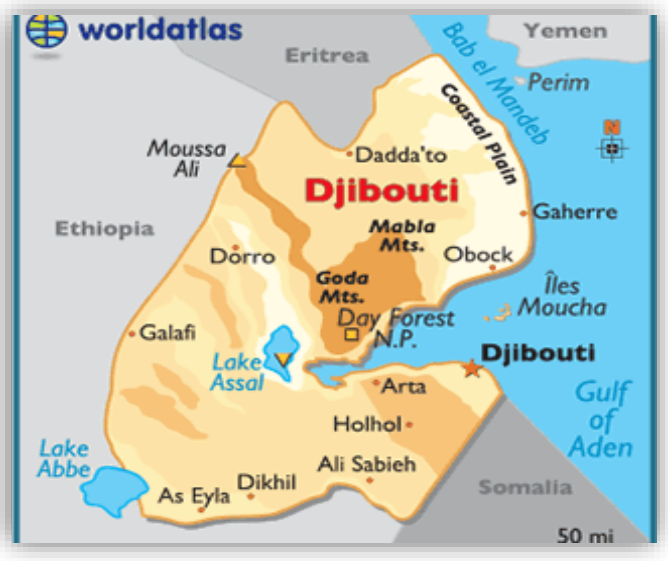
*A delegation of two officers from the OCO was invited by the International Organisation for Migration (IOM), Djibouti, to facilitate a 3-day workshop on the theme **"la gestion des enfants en situation de vulnérabilité à Djibouti"** in collaboration with the Ministry of Women and Family of the Republic of Djibouti from 09 to 11 September 2019.*

This initiative was discussed during the visit of H.E Ms Moumina Houmed Hassan, Minister of Women and Family, Republic of Djibouti, and her collaborators, in Mauritius from 22 to 24 July 2019. This delegation was inspired by the work of the OCO. The Minister had solicited the collaboration of the OC in reinforcing the capacity of the technical personnel of her Ministry and relevant stakeholders for the setting up of a centre for vulnerable children in Djibouti.



The picture above was taken at the official opening ceremony of the workshop in Djibouti with the officials and participants. Ms R. Venkatasawmy, OC (front row, 3rd from the left), and Ms. Lata Jhugroo, Secretary of the OCO (front row, 5th from the left) were warmly welcomed by H.E Ms. Moumina Houmed Hassan, Minister of Women and Family (front row, 4th from the left) and Ms. Lalini Veerassamy, Head of Mission, IOM.

About the Republic of Djibouti and the situation on children



The Republic of Djibouti is located in the horn of Africa. It lies in North East Africa on the Gulf of Aden at the southern entrance to the Red Sea. It shares borders with Ethiopia, Eritrea and Somalia. Djibouti is a significant transit location for migrants including children crossing especially from Ethiopia, over to Yemen and ultimately to the Arabian Peninsula. Some migrant children who do not leave the country end up living on the streets of Djibouti City, the capital.

In 2018, the Government of Djibouti through the Ministry of Women and Family in collaboration with IOM launched a study on the situation of street children. The study was funded by the European Union. It was conducted by the 'Direction des Statistiques et des Etudes Démographiques (DISED)' who met a total of 1,137 children and carried out a survey on their living conditions in the streets of Djibouti. Among those surveyed, 633 children aged 0 to 9 years old, of which 30.8 per cent (i.e. 195) were girls. The rest of the children were aged between 10 to 17 years old, with 12.7 per cent (i.e. 64) of them being girls. This qualitative study revealed that 84.8 per cent of children in street situation were from Ethiopia, 9.1 per cent from Djibouti and 5.5 per cent from Somalia. The children were found begging on the streets or offering their services such as washing cars or shining shoes. These children were very exposed to risks, abuses and vulnerabilities.



Ethiopian migrant youth wake up on the beach in Djibouti City, where thousands live as street children. Photo credit: Muse Mohammed/IOM

An overview of the 3-day workshop in Djibouti

Day One:

- Opening Ceremony
- Reflections on the identification of vulnerable children

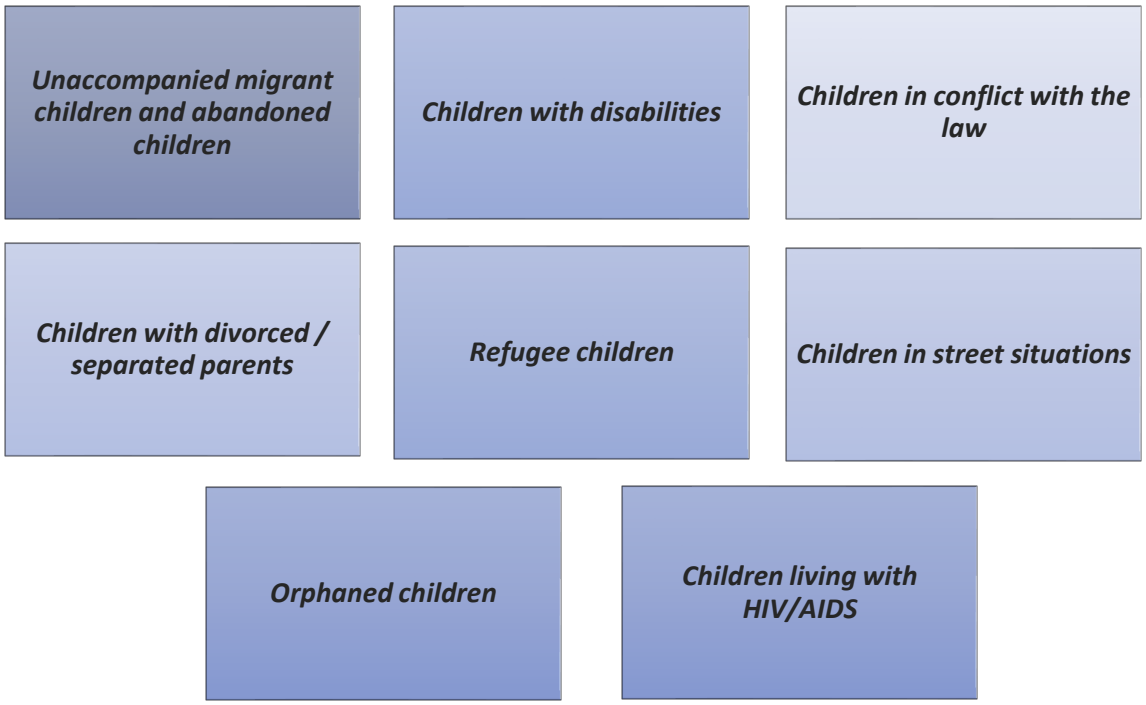


H.E Ms Moumina Houmed Hassan, Minister of Women and Family (second from the right) addressing the participants at the Opening Ceremony



The first day of the working session focused on the reflection on the rights of the child in the Republic of Djibouti. It was followed by interactive discussions on identifying who were the vulnerable children of Djibouti, these children's needs, and the barriers to fulfilling these needs and rights. Emphasis was laid on the importance of the UNCRC. The OC used role plays to facilitate the engagement of the participants with these topics.

Who are the vulnerable children of Djibouti?



The participants identified the above-stated groups of children as particularly vulnerable in Djibouti, mainly because of the dire circumstances they live in and their higher probabilities of facing violations of their rights. However, as affirmed by the Minister of Women and Family during the opening ceremony of the 3-day workshop, the Government of Djibouti in collaboration with its partners are committed to learning from the Mauritian experience to tackle these issues, starting with the setting up of a centre for vulnerable children.

Protection of children's rights in the Republic of Djibouti

The aim of the Government of Djibouti is to protect the rights of these vulnerable children against all types of violence, abuse and exploitation. This country has ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and its two optional protocols in 2011, as well as the African Charter on the Rights and Welfare of the Child (ACRWC) in 2009 – all without reservations.

The UNCRC is a treaty specific to children's right. It sets out the civil, political, economic, social, health and cultural rights of children. The ACRWC provides for the fundamental rights of the African child including specific groups such as refugee children, children with disabilities and juveniles.

The right to education: An undeniable right for children of Djibouti

The participants at the workshop recognised the fundamental importance of articles 28 and 29 of the UNCRC which provides for the right and goal of education for children respectively. They unanimously agreed that every child in Djibouti has the right to education, which is key to child development. They subsequently identified strengths and weaknesses in the attainment of this right within the education system of Djibouti and agreed on potential recommendations, as shown in the table provided below:

STRENGTHS
✓ ***Access to free education in public schools***
✓ ***Access to school for children from 6 to 16 years old***
✓ ***Textbooks provided to vulnerable groups***
✓ ***Existence of community day care centres***
✓ ***Availability of tutoring classes***
✓ ***Opportunity to those who have left school earlier to reintegrate education***
✓ ***Educational reforms***
✓ ***LEC (Lire, Écrire et Compter) programme***
✓ ***The presence of informal schools***
✓ ***Access to school for children with special needs***
WEAKNESSES
➢ ***Lack of care for children after 16 years old***
➢ ***Lack of experienced educators for children with special needs***
RECOMMENDATIONS
❖ ***Authorities must work in collaboration with all relevant stakeholders to strengthen the education system in Djibouti in compliance with articles 28 and 29 of the UNCRC.***
❖ ***Training must be provided to the educators to cater for children with special needs.***

Day Two:

➢ Discussions on child abuse and neglect, and animation techniques



On the second day of the working session, the OC deliberated on the notions of child abuse and neglect. The discussion also focused on the identification of such cases. The OC emphasised strongly on the use of animation techniques to sensitise the participants on the effects of violence against children.

What are child abuse and neglect?

The OC elaborated extensively on what constitute child abuse and neglect as defined in the General Comment No. 13 on 'the right of the child to freedom from all forms of violence' (Committee on the Rights of the Child, 2011)[88]. The participants agreed that child abuse and neglect include:

- *any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation;*
- *Physical abuse – actions, such as hitting or burning, that result in any type of bodily harm;*
- *Sexual abuse includes sexual contact and exploitation;*
- *Emotional abuse – behaviors that impact a child's emotional development or self-worth; and*
- *Substance abuse – exposure to drugs, being around drugs or drug-impairment of the caregiver.*

[88] Committee on the Rights of the Child (2011). *General Comment No.13: The right of the child to freedom from all forms of violence.* Geneva: United Nations.

How to identify cases of child abuse and neglect?

Participants understood that adults in charge of children need to have a good sense of observation to be able to identify child abuse. Some characteristics that are indicative of actual or potential abuse against children can include the following:

- *The child appears secretive and withdrawn.*
- *The child's usual behaviours change drastically.*
- *There are visible traces of injury or torture on the child's body.*

How to protect children from violence?

The OC reflected with the participants on strategies that could be implemented to protect children from violence. The following two main methods were identified by the participants within the context of Djibouti:

1. ***Adoption of the right sensitisation strategy to:***
   - *sensitise children on all forms of abuse using a systemic approach; and*
   - *educate parents on the prohibition of the UNCRC on corporal punishment.*

2. ***Use of animation techniques to educate people on the effects of violence on children, such as:***
   - *role plays;*
   - *drama; and*
   - *story-telling.*

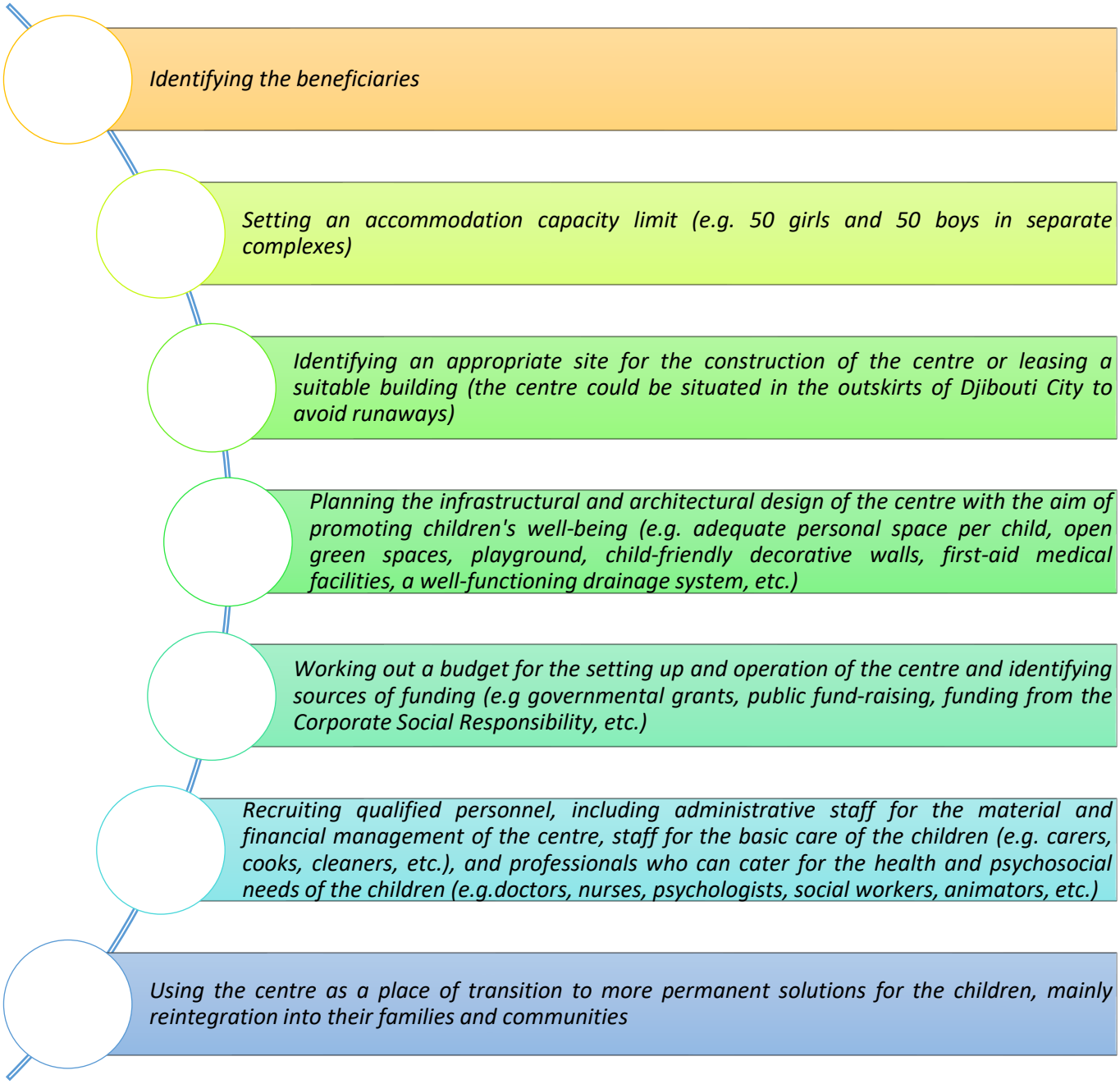


The OC also flagged that sensitisation should be consultative and evaluated. Data collection and evidence gathering is of utmost importance in order to advocate for change on a macro level. This can be achieved by hosting small consultative workshops, distribution of research questionnaires and having meetings with children to listen to what they have to say on matters that concern them.

Day Three:

➢ Rationale, aims and objectives of setting up a centre for vulnerable children in Djibouti

The final day of the workshop focused on formulating the rationale, main aims and objectives of setting up a centre for vulnerable children to protect them against all forms of violence and to reduce their vulnerabilities. The OC emphasised on the following pre-requisites to setting up such a centre:



Four key objectives identified for the setting up of a centre for vulnerable children in Djibouti

Objective 1:

To respond to the primary or vital needs of children

- ***Shelter*** *– Every child has the right to live in a safe and decent accommodation as promoted by article 39 of the UNCRC.*

- ***Clothing*** *– A committee must be set up to cater for the clothing needs of children of different ages living at the centre.*

- ***Food*** *– The food needs of the children could be secured through food aid from the Government,the generosity from the public, food donations from supermarkets (especially those foods reaching expiry), cultivation of crops and initiating children to agriculture and farming.*

Objective 2:

To ensure the access of children to primary health care

- ***Each child to have a health history card***
  - *A health care plan must be established for each child. A picture of the child must be affixed in the health card. The general health history of the child must be recorded, including the name, age (age might be unknown in cases where children migrate without their birth certificate), weight, and a health diagnosis.*

- ***Personnel***
  - *The services of doctors and health care providers must be solicited from local and international organisations (e.g. the United Nations, "Medecins Sans Frontières", etc.)*
  - *Qualified personnel are needed for children with special needs.*
  - *Personnel must be trained on active listening skills and quality communication with children.*
  - *The social workers/animators must be trained in pedagogical activities such as storytelling, music, singing, dancing, theatre, agriculture, embroidery, other creative activities and sports to promote the right of the child to participate fully in cultural and artistic life and gain access to various artistic, recreational and leisure activities on an equal basis with their peers.*

- ***Medicines and health equipment***
  - *It must be ensured that the children have access to medicines and health equipment. These could be acquired through calls for donation.*
  - *The use of known local medicinal plants can also improve the children's health.*

Objective 3:

To facilitate the educational development of every child

- ***Education – Each child should have access to quality education (articles 28 and 29 of the UNCRC).***
  - *The level of education of each child must be evaluated.*
  - *The learning needs of each child must be assessed and provided accordingly.*
  - *The personnel responsible for the education of the children must be qualified and show dedication and commitment to their work.*

Objective 4:

To promote the reintegration of the child within their family or community

- ***Reintegration of a child into their familly or community is a form of empowerment.***
  - *An age limit by which a child should transition from the centre must be established.*
  - *The child must be empowered to integrate society and live a decent life.*
  - *Clear criteria on the reintegration of the child in a family must be agreed upon.*

Concluding remarks

The workshop was extremely valuable to both the facilitators and the participants. A wealth of reflections and perspectives relevant to both the contexts of Mauritius and Djibouti on the management of vulnerable children were generated, in particular regarding the setting up of a centre for vulnerable children in the country, and the promotion and protection of all children's rights. The participants were highly appreciative of this initiative.



GLOBAL LIST OF OCO's ACTIVITIES 2019-2020

CONFERENCE AND MEETINGS AT THE OCO

SN	DATE	THEME	MEMBERS/PARTICIPANTS
1.	07.08.19	Courtesy call and working session of the African Union (AU) about the Campaign to End Child Marriage (CECM) in Africa	Ms Bocoum, AU Special Rapporteur on the Campaign to End Child Marriage in Africa, Ms Nena Thundu, Senior Policy Officer and AU CECM Project Coordinator and Ms Twambo Mumba, AU CECM Communications Officer
2.	04.09.19	Meeting in connection with the Universal Children's Day	Representatives of SOS Children's Village Bambous, Mauritius Girls' Guide Association, Mauritius Scouts Association, Ms K. Naga from Quatre Bornes SSS
3.	17.09.19	Pre-meeting in connection with the Universal Children's Day	Representatives of SOS Children's Village Bambous, Mauritius Girls' Guide Association, Mauritius Scouts Association, Ms K. Naga from Quatre Bornes SSS
4.	23.09.19	Meeting with Muvman Liberasyon Fam (MLF) in connection with the Children's Bill	Representatives from the Muvman Liberasyon Fam, Rajni Lallah and Lindsey Collen
5.	23.09.19	Interview	La Vie Catholique
6.	26.09.19	Interview	Weekend newspaper
7.	30.09.19	Meeting with Mr Ali Jookhun	Mr Ali Jookhun, OSK, Social Worker
8.	30.09.19 – 04.10.19	Visit by Ms Hibo Ahmed, Head of Service, Social and Cultural Department, Office of the Ombudsman, Republic of Djibouti	Ms Hibo Ahmed
9.	01.10.19	Preparatory meeting regarding Universal Children's Day	Representatives from the Mauritius Scouts Association, Ms Seebacus- Gollap Lutchmee and Mr Denis Legrand, SOS Children's Village Bambous, Mauritius Girls' Guide Association, Ms K. Naga from Quatre Bornes SSS

10.	07.10.19	Presentation and interactive discussion on the minimum age of criminal responsibility and marriage of minors in the context of the Children's Bill and Global trends	Media, child rights activists, Civil Service officials, members from the *Brigade pour la protection des Mineurs* and representatives from NGOs
11.	14.10.19	Meeting in connection with the European Union project	Ms Lalita Nosib, Project Manager from the Delegation of the European Union to the Republic of Mauritius and the Republic of Seychelles
12.	18.10.19	Meeting in connection with Universal Children's Day	Officials from the Early Childhood Care and Education Authority (ECCEA)
13.	23.10.19	Meeting in connection to the mission to the Republic of Djibouti	Ms Celine Lemmel and Tania Labour, Junior Project Assistant from the International Organization for Migration
14.	31.10.19	Meeting in connection with the European Union project	Ms Lalita Nosib, Project Manager from the Delegation of the European Union to the Republic of Mauritius and the Republic of Seychelles
15.	12.11.19	Meeting with representatives from Safire	Mr Edley Maurer, Project Manager, Safire
16.	13.11.19	Universal Children's Day rehearsals	Representatives from Safire, Mr Edley Maurer and child participants
17.	14.11.19	Meeting with officials from ECCEA in connection with Universal Children's Day	Director and Coordinators of ECCEA
18.	18.11.19	Press Conference in connection with the Universal Children's Day activities	Media representatives
19.	25.11.19	Interview	Mauritius Broadcasting Corporation (MBC)
20.	29.11.19	Capacity-building activity	OCO's staff

21.	03.12.19	Meeting in connection with the awareness campaign against corruption	Mr Rajen Bablee, Director of Transparency Mauritius
22.	11.12.19	Meeting with officials from the US Embassy in Mauritius in connection with the preparation of the US Department of Labor's findings on the worst forms of child labor for the reporting period of January to December 2019	Chelsea Bergesen, Economic Officer, Smita Bheenick, Economic Specialist, Sandrine Koa Wing, Economic and Commercial Assistant
23.	17.12.19	Interview	Mr Dylan Uppiah from Zordi Newspaper
24.	19.12.19	Interview	Ms Ah-Lin from L'Express Newspaper
25.	26.12.19	Meeting in connection with the update of trafficking in persons report for Mauritius	Mr Mike Elkin, Political Officer from the US Embassy
26.	06.01.20	Meeting with *Brigade pour la Protection des Mineurs* (BPM) in connection with violence against children	Mr Ghoorah and officials from BPM
27.	08.01.20	Interview	ION News
28.	10.01.20	Interview	Ms Tooriah Prayag, Editor in Chief of Weekly Newspaper
29.	02.03.20	Meeting with representatives from MAM and Action Familiale regarding workshop on teenage pregnancy	Ms Priscilla Poignoux from *Mouvement d'Aide* à la *Maternité* (MAM) and Ms Roseline Casset from Action Familiale
30.	18.03.20	Internal meeting in connection with the workshop on teenage pregnancy	Officials from MKids
31.	09.06.20	Videocall with representatives from NGOs in relation to teenage pregnancy	Officials from MAM, Action Familiale and Mauritius Family Planning

32.	11.06.20	Meeting on matters relating to violence against children	The Head of the Child Development Unit and her team
33.	15.06.20	Meeting related to the issue of squatters	Mr Bruno Laurette from Civil Service and Mr Danny Phillipe, President of *Collectif Urgence Toxida* (CUT)
34.	15.06.20	Training Programme on photography organised by the Civil Service College	OCO's staff
35.	22.06.20	Meeting regarding issues at residential care institutions	Mr Gilbert Lebreux and Mr Roger Mangiur from the Don Bosco shelter
36.	01.07.20	Systemic investigation on NGOs providing shelter to children and issues related to untrained social workers	Mr Sawdagur – National Social Inclusion Foundation
37.	03.07.20	Investigation into a case of sexual assault of a minor (3 years) at Résidence Anoska	Ms V. Jodhoa, Officer-in-Charge, Alternative Care Unit (ACU)
38.	08.07.20	Meeting with stakeholders in connection with 'The situation of Mauritian children living in extreme poverty'	Ms Rajini Lallah (Komite Kanzwin Abitan Lamyant), Mr Edley Maurer (Safire), Ms Melanie Vigier de la Tour Bérenger (KDZM), Mr Yannick Cornet (Planète Enfants), Ms Priscilla Bignoux (Action Familiale), Mr Purmanand (YHRIMU), Ms Delphine Ahnee (Drwa Enn Lakaz), Ms Prisalle Noël and Sabrina Puddoo (Lovebridge), Ms Patricia Adèle Félicite (Caritas) and Ms Roseline Casset (Action Familiale)
39.	21.07.20	Preparatory meeting on the rationale, objectives and expected outcomes of a networking forum between community members of Résidence Anoska and child professionals	Mr Krisnen Purmanund (Youth for Human Rights International); Ms Kalyanee (T1 Diams); Ms Pricilla Bignoux (Action Familiale); Ms Natalie Edoo, (SOS Children's Villages); Ms Hon Fat (Dis Moi); Ms Yen Mee (Lovebridge); Mr Edler (Safire); Ms Trishna Jogessur (NEF); Ms Ravaton (NSIF); Ms Elena Abdool Raman, Coach; Ms Bhujan (ECCEA); Ms Fostin (ECCEA); Ms

			Nobin, DHM (Midlands Govt School); Sergent Mungroo (BPM); and Ms Domah, SFWPO (Ministry of Gender Equality and Family Welfare)
40.	04.08.20	Second preparatory meeting with respect to the 2-day networking forum of 12-13 August 2020	Mr Krisnen Purmanund (Youth for Human Rights International); Ms Kalyanee (T1 Diams); Ms Pricilla Bignoux (Action Familiale); Ms Natalie Edoo (SOS Children's Villages); Ms Hon Fat (Dis Moi); Ms Yen Mee (Lovebridge); Mr Edler (Safire); Ms Trishna Jogessur (NEF); Ms Ravaton (NSIF); Ms Elena Abdool Raman, Coach; Ms Victore (ATD); Soeur Solange (MAM); Ms Bhuja (ECCEA); Ms Fostin (ECCEA); Ms Nobin, DHM (Midlands Govt School); Sergent Mungroo (BPM); and Ms Domah, SFWPO (Ministry of Gender Equality and Family Welfare)
41.	10.08.20	Third preparatory meeting with respect to the 2-day networking forum of 12 – 13 August 2020	Mr Krisnen Purmanund (Youth for Human Rights International); Ms Kalyanee (T1 Diams); Ms Pricilla Bignoux (Action Familiale); Ms Natalie Edoo (SOS Children's Villages); Ms Hon Fat (Dis Moi); Ms Yen Mee (Lovebridge); Mr Edler (Safire); Ms Trishna Jogessur (NEF); Ms Ravaton (NSIF); Ms Elena Abdool Raman, Coach; Ms Victore (ATD); Soeur Solange (MAM); Ms Bhuja (ECCEA); Ms Fostin (ECCEA); Ms Nobin, DHM (Midlands Govt School); Sergent Mungroo (BPM); and Ms Domah, SFWPO (Ministry of Gender Equality and Family Welfare)
42.	17.08.20	Meeting with Lovebridge	Ms Sabrina Puddoo & Ms Noel Prisille, Representatives from Lovebridge

43.	20.08.20	Une rencontre avec la presse: *"Protéger et Promouvoir les droits de l'enfant à Résidence Anoska"*	Member of the Press: Casimir Jean Stewelderson – L'Express Isabelle Lyady – Radio One Beekash Roopun – L'Express Haarisah Peerallee – Top FM Stephan Douce – Top FM Jean Marie Gangaram – 5-Plus Urvashi Beekary-Bhunjun – MBC Nitin Gopal – MBC Melanie V. Geeron – Radio Plus Défi Media Sarah Jane Labrasse – Le Mauricien Members of *Résidence Anoska*: Marie Juliette Pascaline Labiche Mavouse M. Lourdes Andor Son Azie Joseph Riene Ville Beguthe Ricall Pierre Louis
44.	21.08.20	Meeting with the OC regarding a workshop training on children's rights	Media Trust representatives: Kannen Kathapermall Fateema Capery Ashok Beeharry Jean Claude Le Roy
45.	21.08.20	Meeting with the OC in relation to Parental Alienation	Dr Oodally

CONFERENCE AND MEETINGS OUTSIDE THE OCO

SN	DATE	THEME	ORGANISER(S) & VENUE
1.	16.08.19	Awareness/training session on the different forms of child abuse with emphasis on corporal punishment, emotional abuse and neglect	The Cubies IPS Nursery/Pre-primary school, Rose Hill
2.	29.08.19	Radio programme	Radio Plus, Port Louis
3.	31.08.19	Meeting with children of SOS Children's Village	SOS Children's Village, Bambous
4.	04.09.19	Radio programme	Wazaa FM, Ebène
5.	04.09.19	Visit at the J&J Auditorium in connection with the Universal Children's Day preparation	J&J Auditorium, Phoenix
6.	12.09.19	Seminar on Internet Safety and Child Protection: Challenges, Trends and Best Practices	Ministry of Defence and Rodrigues at the Police Training School, Les Casernes, Curepipe
7.	16.09.19	Opening of the 29th meeting of Heads of National Drug Law Enforcement Agencies, Africa (HONLAF) and Launching of the National Drug Control Master Plan 2019-2023	Ministry of Defence and Rodrigues in collaboration with the United Nations Office on Drugs and Crime at the Ravenala Attitude Hotel, Balaclava
8.	18.09.19	Radio programme	Top FM, Port Louis
9.	24.09.19	Chief Guest at a workshop on child sexual abuse and teenage pregnancy in Mauritius	Gold Crest Hotel, Quatre Bornes
10.	27.09.19	Training programme on the role and activities of the Office of the Ombudsperson for Children	Ministry of Gender Equality, Child Development and Family Welfare, Gold Crest Hotel, Quatre Bornes

11.	02.10.19	Case conference	Ministry of Gender Equality, Child Development and Family Welfare, Port Louis
12.	02.10.19	Workshop for chairpersons of Anti-Corruption committees and integrity officers	Ministry of Civil Service and Administrative Reforms in collaboration with the Independent Commission Against Corruption, Ebony Ballroom, Hennessy Park Hotel, Ebène
13.	04.10.19	Meeting with the rector of Quatre Bornes SSS, Ms Naga and students participating in the Universal Children's Day celebrations	Quatre Bornes SSS
14.	05.10.19	Talk on children's rights	Dis-Moi, Head Office, Quatre Bornes
15.	10.10.19	Symposium on Inclusive Education	Mauritius Institute of Education (MIE), Lecture Theatre, MIE, Réduit
16.	12.10.19	Meeting in connection with the Universal Children's Day	SOS Children's Village, Bambous
17.	12.10.19	Preparatory meeting in connection with the Universal Children's Day	Mauritius Scouts Association, St Pierre
18.	19.10.19	Chief Guest at the JOTA-JOTI opening	Mauritius Scouts Association, Pointe Jerome Youth Training Center, Mahebourg
19.	26.10.19	Preparatory meeting with the Mauritius Girls' Guide and the Mauritius Scouts Association in connection with the Universal Children's Day celebrations	Baden Powell House, Trianon
20.	30.10.19	Guest at the 60th Anniversary of the Mauritius Mental Health Association	Mauritius Mental Health Association, Stanley, Rose- Hill

21.	30.10.19	Workshop on child's rights and techniques to handle pupils with difficult behaviours for pre-primary and primary school teachers	Northlands School, Triolet
22.	31.10.19	Film projection in connection with the Universal Children's Day preparations	Rajiv Gandhi Science Centre, Bell Village
23.	11.11.19	Meeting with Lalita Nosib, Project Manager, Delegation of the European Union to the Republic of Mauritius and to the Republic of Seychelles	European Union, Port Louis
24.	13.11.19	Rehearsal in connection to the Universal Children's Day	Quatre Bornes SSS
25.	21.11.19	Recreational Day in collaboration with the Early Childhood Care and Education Authority (ECCEA)	Municipal Council of Vacoas-Phoenix
26.	21.11.19	Meeting with children in connection with the Universal Children's Day	Paul Octave Wiehe Auditorium, Réduit
27.	22.11.19	Dinner with participants from the Universal Children's Day celebrations and guests from Rodrigues	Le Maghreb Restaurant, Trianon
28.	24.11.19	Guest at the official ceremony to mark the International Day for the Elimination of Violence against Women	Ministry of Gender Equality and Family Welfare, Paul Octave Wiehe Auditorium, Reduit
29.	28.11.19	Consultative workshop on stakeholders' engagement on domestic violence-perpetrators' rehabilitation programme	Ministry of Gender Equality and Family Welfare in collaboration with the United Nations Development Programme and the Australian High Commission, Westin Turtle Bay Resort and Spa, Balaclava

30.	29.11.19	Guest on the occasion of St Andrews Day	British High Commissioner Keith Allan and Marja Medendorp- Allan, Westminster House, Floreal
31.	02.12.19	Guest speaker at the *"Cérémonie d'ouverture des stages de formation pour animateurs et encadreurs jeunesse et préparateurs physiques"*	Ministry of Youth Empowerment, Sports and Recreation, and the *'Commission de la Jeunesse et des Sports de L'Océan Indien'*, Gold Crest Hotel, Quatre Bornes
32.	02.12.19	Meeting regarding school absenteeism among children of Résidence Bethleem, Rose Belle	Ministry of Education, Tertiary Education, Science and Technology, Zone 3, Rose Belle
33.	03.12.19	Guest at the celebration of the International Day of Persons with Disabilities 2019	Ministry of Social Integration, Social Security and National Solidarity, Cape Town Hall, Castel
34.	05.12.19	Guest speaker at the Office of the Director of Public Prosecutions (ODPP)	ODPP, 13th Floor, Garden Tower, Poudrière street, Port Louis
35.	05.12.19	Consultative workshop to devise an information, education and communication (IEC) strategy and costed action plan	Ministry of Gender Equality and Family Welfare, Gold Crest Hotel, Quatre Bornes
36.	06.12.19	Guest at the Lofty Mountains and Flowing Water Guqin Music Concert	Chinese Embassy in Mauritius, the Ambassador's Residence, Beau Bassin
37.	09.12.19	Forum-debate to commemorate the International Corruption Day 2019	Independent Commission against Corruption (ICAC), Subramanium Bharati Lecture Theatre, Mahatma Gandhi Institute, Moka
38.	10.12.19 & 11.12.19	Two-day consultative workshop on the Observatory for Gender-based Violence (GBV)	Ministry of Gender Equality and Family Welfare, Westin Turtle Bay Resort and Spa, Balaclava
39.	10.12.19	Debate on Human Rights	European Union Delegation, Rajiv Gandhi Science Centre, Bell Village

40.	13.12.19	Guest at a reception in honour of the Diplomatic Corps in Mauritius	Le Maritim Hotel, Ruins of Balaclava
41.	15.12.19	Open day at the Alternative School *L'Odyssée du Savoir*	Pierrefonds, Medine Unicity Education Hub
42.	15.12.19	Guest at the annual concert of the Rehabilitation Youth Centre	Rehabilitation Youth Centre, Beau-Bassin
43.	15.12.19	Guest at the official opening of the 26th edition of the Civil Service Kermesse by the Prime Minister of the Republic of Mauritius	Public Officers' Welfare Council, Gymkhana, Vacoas
44.	16.12.19	Annual Patients' Day at the New Psychiatric Hospital, Brown Sequard Mental Health Care Centre (BSMHCC)	BSMHCC, Beau Bassin
45.	19.12.19	Christmas reception	Mr Keith Allan, British High Commissioner, Westminster House, Floreal
46.	23.12.19	Presentation of the Best Kid Tik Tok award	Radio Plus, Caudan Arts Center, Port Louis
47.	08.01.20	Guest for the first award ceremony organised by CEDEM in connection to a Behavioural Change Programme for the children of the residential care centre	CEDEM, Floreal
48.	14.01.20	Meeting on '*Jeunes en Détresse*'	Curepipe
49.	16.01.20	Meeting with Mr Stephan Toussaint, Minister of Youth Empowerment, Sports and Recreation	Citadelle Mall, Port Louis
50.	17.01.20	Interview with Defi-Media	OC's residence, Floreal

51.	19.01.20	Reception organised to celebrate Chinese New Year 2020	Chinese Embassy in Mauritius, InterContinental Hotel, Balaclava
52.	21.01.20	Meeting with the Vice- President of the Republic of Mauritius, Mr Eddy Boissézon	Quatre Bornes
53.	24.01.20	Australia Day 2020, celebration of 50 years of Diplomatic Relations between Australia and Mauritius	High Commissioner of Australia, L'Aventure du Sucre, Beau Plan, Pamplemousses
54.	28.01.20	Workshop with CEDAW expert on women's rights on the theme "*Les institutions oeuvrant pour la protection des droits humains en France"* in the context of the European Union Funded Project 'Promotion of Respect for Human Rights in Mauritius and Rodrigues'	Rajsoomer Lallah Lecture Hall, Office of the DPP, Port Louis
55.	29.01.20	Validation workshop for Norms and standards governing the SEN Sector	Ministry of Education, Tertiary Education, Science and Technology in collaboration with the Special Education Needs Authority, Gold Crest Hotel, Quatre Bornes
56.	29.01.20	Half-day workshop on "*Les procédures du Comité des Nations Unies sur l'élimination de toutes les formes de discrimination à l'égard des femmes : Les enjeux pour Maurice"*	National Human Rights Commission in collaboration with the Delegation of the European Union to the Republic of Mauritius, Le Sirius, Labourdonnais Waterfront Hotel, Port Louis
57.	29.01.20	Reception on the occasion of the visit to Mauritius of women's rights expert from the CEDAW UN Committee, Ms Nicole Ameline	Résidence de France, Floreal
58.	30.01.20	Follow-up meeting regarding school absenteeism among children of Résidence Bethleem, Rose Belle	Conference Room, Directorate Zone 3, Ministry of Education, Rose Belle

59.	03.02.20	Training on Commercial Sexual Exploitation of Children (CSEC)	Ministry of Gender Equality and Family Welfare, National Women Development Centre, Phoenix
60.	06.02.20	Meeting in connection with the Human Rights Training Course project	Ministry of Youth Empowerment, Sports and Recreation, Citadelle Mall, Port Louis
61.	13.02.20	Sensitisation programme in Résidence Bethleem on the theme Support Services available to parents for their school going aged children	Atelier Sa Nou Vizé, Rose Belle
62.	25.02.20	Radio programme	Top FM, Port Louis
63.	25.02.20	Lunch and speed networking event in honour of the International Women's Day	*Chargé d'Affaires* of the Embassy of the United States of America, Ms Judes E. DeBaere, Clemens House, Floreal
64.	25.02.20	Case conference regarding child behavioural problem at school	Osman Peerun Government School, Médine Camp de Masque
65.	26.02.20	Meeting with Farm Coordinator of Safire, Mr Bernard Delangue	Educational Farm, Safire, Dagotière, Verdun
66.	27.02.20	Radio programme	Défi-Media, Port Louis
67.	28.02.20	Guest for the launching of project 'VIA', an exhibition of 8 photos of models portraying victims of domestic violence, in the context of the International Women's Day 2020	Raise Brave Girls Association, Kendra Shopping Mall, St Pierre
68.	02.03.20	Radio programme	Radio One, Port Louis
69.	06.03.20	The OC as Special Guest at Sodnac State Secondary School on the occasion of the International Women's Day 2020	Sodnac SSS, Quatre Bornes

70.	05.03.20	Meeting with *Brigade pour la protection des Mineurs* in connection with the identification of best practices by the OCO	Rose Hill
71.	06.03.20	Case conference at Guy Rozemont Government School	Tranquebar, Port Louis
72.	18.03.20	Radio programme	Wazaa FM, Ebène
73.	06.04.20	Talk at the Shelter for Women and Children in Distress Trust Fund during the confinement period	Shelter for Women and Children in Distress Trust Fund, Forest Side
74.	14.05.20	Talk conducted at the Rehabilitation Youth Centre during the confinement period	Rehabilitation Youth Centre, Beau Bassin
75.	08.06.20	Visit to SOS Femmes Shelter in relation to a systemic investigation on a place of safety for children	SOS Femmes Shelter, Coromandel
76.	08.06.20	Visit to Gender Links Safe Haven in connection with a systemic investigation on place of safety for children	Gender Links Safe Haven, St Pierre
77.	10.06.20	Meeting in connection with a systemic investigation on place of safety for children	Passerelle Women Centre, Rose Hill
78.	10.06.20	Meeting in connection with a systemic investigation on place of safety for children	Chrysalid Centre, Bambous
79.	11.06.20	Meeting regarding the story-writing contest organised by the OCO on the theme '*Ma plus belle expérience de partage durant la période de confinement liée à la Covid-19*'	MBC, Moka

80.	11.06.20	Meeting with officers from the Ministry of Housing and Land Use Planning regarding the follow-up on children in squatter families	Ebène Tower, Ebène
81.	17.06.20	Forum on the UNCRC and its optional protocols	Children's Foundation, Vacoas
82.	23.06.20	Courtesy visit to the Commissioner of Prison, Mr Mario Nobin	Beau Bassin
83.	30.06.20	Case conference	Ministry of Education, Tertiary Education, Science and Technology
84.	02.07.20	Radio programme	Wazaa FM, Ebène
85.	10.07.20	Radio programme	Kool FM, MBC, Réduit
86.	13.07.20	Meeting with Ms Kalpana Devi KOONJOO-SHAH, Minister of Gender Equality and Family Welfare regarding a case of sexual assault of a 3-year-old minor	Ministry of Gender Equality and Family Welfare, Port Louis
87.	13.07.20	A Gender Champions lunch to say farewell in honour of Her Excellency Ms Jenny Dee, The Australian High Commissioner	The Australian High Commissioner, Port Louis
88.	15.07.20	Interview in relation to two infants aged 10 and 11 months respectively needing help at Candos Hospital	Wazaa FM (The show "Ena enn simé"), Ebène
89.	16.07.20	Meeting with stakeholders to protect children's rights	National Empowerment Foundation (NEF), Garden Tower, Port Louis
90.	17.07.20	Case conference involving the Association des Parents de Déficients Auditifs (APDA)	Ministry of Education, Tertiary Education, Science and Technology

91.	18.07.20	Radio programme on the problem of child abuse	Radio Mauritius (Hindi Programme), MBC, Réduit
92.	18.07.20	Workshop on 'COVID-19 Impact on Sexual and Reproductive Health Rights'	Mauritius Family Planning and Welfare Association, Labourdonnais Waterfront Hotel, Port Louis
93.	23.07.20	Meeting with the staff of Midlands Government School	Midlands
94.	25.07.20	Project *"Rakont mwa to rev"* by children living in poverty at St Joseph College, Curepipe	Lovebridge, Curepipe
95.	27.07.20	Film projections on 'Chagos Nou L'Heritaz' and '1968'	MC Cine Trianon
96.	28.07.20	Meeting with community members of Résidence Anoska	Résidence Anoska
97.	28.07.20	Case Conference	Henry Buswell Govt School, Rose Hill
98.	30.07.20	Training session on child protection and the role of the OCO	Mr Bernard d'Argent, ANFEN, Rose Hill
99.	06.08.20	Talk by the OC regarding child abuse and domestic violence perpetrated on children	Education Directorate, Zone 3, Sookdeo Bissoondoyal State College, Rose Belle
100.	09.08.20	Address by the OC on the occasion of a pacific walk to raise awareness on violence against minors	Mr H D Ghoora, ASP, Brigade pour la Protection des Mineurs, Plaza, Rose-Hill
101.	10.08.20	Meeting with community members of *Résidence Anoska* with respect to the 2-day networking forum of 12-13 August 2020	*Résidence Anoska*

102.	19.08.20	Opening ceremony of the National Forum on Housing and Land Use	Ministry of Housing and Land Use Planning, Sri Atal Bihari Vajpayee Tower, Ebène
103.	19.08.20	A talk with 320 students and 30 teachers on social issues affecting students mainly parental separation or divorce, which have an impact on their personal life and studies	Organised by Ms Vanessa K. Boodhoo, Imperial College
104.	20.08.20	Case Conference	Robinson Government School, Curepipe
105.	20.08.20	First meeting on the National Mechanism for Reporting and Follow-up (NMRF)	Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division) at the Council Chamber of the Municipal City Council of Port-Louis
106.	24.08.20	Two-hour basic orientation on the Fortified Learning Environment Unit (FLEU)	A. Sowdagur, National Social Inclusion Foundation, at the MIE, Réduit
107.	27.08.20	Work session for SeDEC School Inspectors on the issues of difficult pupils, behaviour management, violence at school and other related issues	SeDEC, Celicourt Antelme, Rose Hill
108.	31.08.20	Intervention of the OC with Rehabilitation Youth Officers (Boys and Girls), Correctional Youth Officers, Prison Officers (Men and Women) on the rights of children	Organised by R. Pentiah, Officer-in-Charge PTS, Lecture Theatre, Prison Training School, Beau Bassin
109.	31.08.20	Case conference	Notre Dames des Lourdes RCA, Rose-Hill
110.	31.08.20	Case Conference	St François d'Assise RCA, Baie du Cap

AWARENESS CAMPAIGNS AT CITIZENS' ADVICE BUREAUX (CABx) CONDUCTED BY THE OCO ON THE THEME OF 'PARENTAL ALIENATION'

SN	DATE	CAB VENUE
1.	01.08.19	Beau Bassin
2.	08.08.19	St Pierre
3.	20.08.19	Montagne Blanche
4.	22.08.19	Chemin Grenier
5.	29.08.19	Colline Monneron
6.	05.09.19	Montagne Longue
7.	12.09.19	Mahebourg
8.	19.09.19	Rivière des Anguilles
9.	26.09.19	Rose Belle
10.	03.10.19	Sainte Croix
11.	10.10.19	Quartier Militaire
12.	17.10.19	Grand Bay
13.	24.10.19	Midlands
14.	31.10.19	Pamplemousses
15.	28.11.19	Cité Vallijee
16.	29.11.19	Petite Rivière
17.	05.12.19	Floreal
18.	30.01.20	Grand Bois
19.	06.02.20	Rose Hill
20.	13.02.20	Triolet
21.	03.03.20	Plaine Magnien
22.	05.03.20	Bel Air

FIELD VISITS CONDUCTED BY THE OCO

SN	DATE	VENUE
1.	28.08.19	Jules Koenig Government School, Beau Bassin
2.	30.08.19	Baichoo Madhoo Government School, Quatre Bornes
3.	31.08.19	SOS Children's Village, Bambous
4.	02.09.19	Hampton School, Quatre Bornes
5.	05.09.19	Beau Bassin Prison with Ms Lampiatre
6.	20.09.19	Lycée La Bourdonnais, Curepipe
7.	20.09.19	OCEP College, Forest Side
8.	20.09.19	Notre Dame de Bon Secours RCA, Port Louis
9.	05.12.19	Rehabilitation Youth Centre, Beau Bassin
10.	17.01.20	Centre Nénuphar at Long Mountain Hospital, Long Mountain
11.	17.01.20	Baie du Tombeau Community Centre, Baie du Tombeau
12.	21.01.20	Lizie Dan La Main, Curepipe
13.	21.01.20	Association des Parents des Déficients Auditifs (APDA), Curepipe
14.	27.01.20	Oasis Shelter, Grand River North West
15.	05.02.20	St Helena College, Vacoas
16.	07.02.20	Engrais Martial
17.	11.02.20	L'Odyssée du Savoir Alternative Primary School, Pierrefonds
18.	20.02.20	CEDEM, Floreal

19.	20.02.20	L'Arche de Zoé, Curepipe
20.	26.02.20	Raoul Rivet Government School, Port Louis
21.	26.02.20	Safire, Moka
22.	03.03.20	Raoul Rivet Government School, Port Louis
23.	03.03.20	Triolet SSS, Triolet
24.	09.03.20	S Ramudhin Government School, Médine Camp de Masque
25.	17.03.20	Havre d'Avenir, Beau Bassin
26.	21.05.20	Lotus Shelter, Surinam
27.	26.05.20	Pointe aux Sables (i.c.w. the squatters' issue)
28.	27.05.20	Pointe aux Sables (i.c.w. the squatters' issue)
29.	04.06.20	Riambel (i.c.w. the squatters' issue)
30.	11.06.20	Riambel (i.c.w. the squatters' issue)
31.	02.07.20	Visit to Résidence Anoska (case of sexual assault of a 3-year-old minor)
32.	06.07.20	Visit to Résidence Anoska
33.	06.07.20	Visit to Curepipe Police Station
34.	06.07.20	Visit to Floreal Police Station
35.	09.07.20	Visit to Shelter L'Oasis, Grand River North West
36.	09.07.20	Visit to Shelter La Colombe, Pointe aux Sables
37.	23.07.20	Visit to Rivière des Creoles Government School
38.	31.07.20	Visit to Résidence Anoska

ACTIVITIES ORGANISED BY THE OCO

SN	DATE	THEME	VENUE
1.	07.08.19	Working Committee on violence against children	Ombudsperson for Children's Office
2.	19.11.19	Opening ceremony of the film projection of the movie 'Wonder' directed by Stephen Chbosky	Rajiv Gandhi Science Centre, Bell Village
3.	20.11.19	Interactive workshop with children on the theme 'Anou coz drwa zanfan'	Gold Crest Hotel, Quatre Bornes
4.	22.11.19	Universal Children's Day Grand Show	Paul Octave Wiéhé Auditorium, Réduit
5.	31.01.20	Workshop with Student Councils and children from NGOs on the theme of promoting the rights to be heard and to participate organised by the OCO in collaboration with the delegation of the European Union to the Republic of Mauritius	Intercontinental Resort, Balaclava
6.	29.02.20	Film projection of the movie 'Wonder' for children from various institutions in line with the European Union Project	MCine Caudan, Port Louis
7.	15.06.20 – 10.07 20	Sensitisation campaign on child rights organised by the OCO on Radio Plus	Broadcasts on radio
8.	06.20 – 07.20	Essay writing on the Covid-19 lockdown *"Ma plus belle expérience de partage durant la période de confinement liée à la Covid-19"*	In process
9.	06.20	Publication of a new brochure for the OCO	Disseminated across various organisations
10.	12.08.20 – 13.08.20	Two-day networking forum entitled *"Strengthening the safety net to protect children of Résidence Anoska from all forms of abuse through the dynamic partnership between community members and child professionals"*	Palms Hotel, Quatre Bornes
11.	26.08.20 – 28.08.20	Survey to assess the rights of children living in *Résidence Anoska* in accordance with the UNCRC	*Résidence Anoska*

OCO'S MISSION TO RODRIGUES

SN	DATES	AGENDA
1.	26.01.20 – 29.01.20	• Presentation of Ombudsperson for Children's Office Annual Report 2018-2019 • Intervention on radio • Visits to Pre-Primary schools

OVERSEAS MISSION

SN	DATES	THEME	ORGANISED BY	VENUE
1.	09.09.19 – 11.09.19	Three-day workshop on the theme *"la gestion des enfants en situation de vulnérabilité à Djibouti"* in collaboration with the Ministry of Women and Family of the Republic of Djibouti	International Organisation for Migration (IOM), Djibouti	Djibouti City, Djibouti

CHAPTER 7

Handling of Cases for the Year 2019-2020

7.1 Introduction

The Ombudsperson for Children (OC) represents and defends the rights of all children living in Mauritius, Rodrigues and Agalega, children of Mauritian origin who are abroad, and children of other nationalities who reside within the Republic of Mauritius. Based on the Ombudsperson for Children Act (OCA) 2003, the overarching mandate of the OC relates to the following main areas:

- monitoring compliance with the United Nations Convention on the Rights of the Child (UNCRC) among all relevant local stakeholders;
- promoting the rights of children in the Republic of Mauritius including their rights to health, education, leisure and freedom of expression among others, as well as their best interests; and
- collaborating with public bodies, private organisations, individuals and associations of individuals in the promotion and protection of child rights.

In order to achieve its mandate, one of the core functions of the OCO is to **carry out investigations on any alleged case of child rights violations**, **either on its own motion or driven by a complaint made by any party**. This is clearly set out in sections 6 and 7 of the OCA 2003 (refer to Appendix A). The OCO receives complaints on various types of cases, for instance,

- a child with disabilities being denied special facilities for the School Certificate examinations;
- a case of parental alienation whereby a mother is not able to spend time with her son after her divorce;
- children found with no fixed abode during the confinement period; or
- bullying of a 6-year-old minor by her classmates.

The present chapter gives information on the 8 principles that guide the actions of the OCO and an overview of its investigation procedures. A summary of the number and types of cases/complaints that were dealt with during the period from 01 July 2019 to 31 August 2020 is then provided, followed by a selection of 26 anonymised cases to illustrate the investigation work of the OCO.

7.2 The 8 guiding principles of OCO's investigations

The OCO gives high importance to good governance which is translated into **eight guiding principles** that underlie its actions with regards to promoting and protecting children's rights:

1) Jurisdiction

The OC has a clear mandate through the Ombudsperson for Children Act 2003 which specifies her role, powers and functions. Her decisions and actions are formulated and executed within the parameters of the OCA 2003.

2) Independence

As long as she is operating within the limits of the OCA 2003, the OC performs her functions independently and does not take directives from any public or private authority.

3) Impartiality and fairness

The OC remains a neutral party during dispute resolution and does not take sides. At the OCO, each complaint is received and reviewed in an objective and fair manner, free from bias. All parties are treated without favour or prejudice. The views of the child are also given due consideration based on his/her age and level of maturity.

4) Best interests of the child

The OC has a mandate to protect the best interests of the child in all circumstances. Being the primary advocate of the principles and rights enshrined in the UNCRC, the OC's interventions are always motivated by the best interests of the child.

5) Confidentiality

The OC has the privilege and discretion to keep confidential or release information related to a complaint or investigation as appropriate. The OC does not disclose information about individual cases or visits and cannot be compelled to testify about concerns brought to her attention.

Confidentiality is very important to build the credibility of the OCO mainly because people who complain to the OC and who respond to the OC's investigations may fear retaliation. Therefore, protecting the identities of witnesses and safeguarding the information communicated to the OC enable her to effectively and efficiently advocate for the rights of children.

6) Transparency

In line with the OCA 2003, proper referral, assessment, intervention and review mechanisms have been created at the OCO to deal with every single complaint. Transparency is considered fundamental to accountability. In this regard, the OC submits to the President of the Republic of Mauritius an annual report showcasing the activities carried out by the OCO during the preceding year that is subsequently rendered public.

7) Responsiveness

The OCO provides a free and responsive complaint procedure for anyone who requires it. There are several ways through which a complaint can be made by or on behalf of children as follows:

- coming in person or phoning the office to speak with an Investigator or the OC;
- downloading a complaint sheet from the OCO's website, filling it in and send it back to the OCO;
- writing a letter to the OC about the complaint; or
- sending an email about the complaint to the OC.

8) Public awareness

In order to make the general public aware of her role and the functions of her office, as well as the rights and responsibilities of children as promoted by the UNCRC, the OC works in close collaboration with the media, and also regularly organises awareness campaigns throughout the Republic of Mauritius.

7.3 Investigation procedures at the OCO

Complaint received at the OCO **OR** Initiation of an own-motion inquiry by the OCO on an alleged violation of child rights

↓

Is the case pending before Court?

If **yes**, refer to relevant authorities. If **no**, proceed with preliminary assessment.

↓

Preliminary assessment

Have all the options (e.g. contacting relevant authorities) been exhausted in finding a solution to this case?

If **yes**, proceed with full investigation. If **no**, refer to the relevant authorities.

↓

Full investigation

(This stage consists of calls for files, summons and examinations on oath, individual and group interviews, field visits, mediation, case conferences, consultations, etc.)

↓

Reporting and Recommendations

(This may include written correspondences, case reports, or Special or Annual Reports that are submitted to the President of the Republic of Mauritius and rendered public, all including recommendations to relevant stakeholders on the concerned child-related matters.)

↓

Monitoring and Evaluation

(This may include visits to different organisations or institutions to follow-up on proposed remedial actions or recommendations, surprise checks, requests for feedback from concerned parties within a timeframe of one week to three months, etc.)

7.4 Summary of cases handled by the OCO in 2019-2020

For the reporting period from July 2019 to August 2020, the OCO registered 403 cases, which is less than the number of cases recorded in 2018/2019, that is, 466. The main explanation for this decline is that less people registered complaints during the confinement period which lasted more than two months, that is, from 20 March 2020 to 30 May 2020. In fact, only 30 cases were recorded during that time. Nevertheless, the OCO remained available through the phone and emails during the lockdown. Several initiatives to protect the rights of children were carried out by the OCO as described in chapter 1 of the present report.

Tables 1-4 below provide an overview of the case statuses of complaints registered for the period July 2019 – August 2020; the different categories of complaints received; the profile of complainants; and the gender distribution of complainants, respectively.

Table 1. **Cases handled by the OCO from 01 July 2019 to 31 August 2020**

Case status	Number of cases	Percentage (%)
Cases closed	316	78.4
Cases in progress	33	8.2
Cases awaiting report	54	13.4
TOTAL	**403**	**100**

As shown in Table 1 above, out of the 403 new complaints registered and investigated from 01 July 2019 to 31 August 2020, the OCO successfully resolved and closed more than three-quarters of its caseload (i.e. 316 cases). Fifty-four cases are still awaiting reports from various stakeholders and the remaining 33 cases are in progress.

The categories of complaints vary from basic school problems to complex societal issues including family conflicts, domestic violence, abuse, neglect and poverty, as showcased in Table 2 below. The main category of complaint investigated during this reporting year was about child neglect, which included 58 cases. The next most frequent category was that related to family conflicts (i.e. 57 cases), which mainly arose due to non-respect of Court Orders on parental custody and visitation rights,

followed by the category of complaints regarding school problems (i.e. 56 cases). It must be noted that the category indicated as 'Others' in Table 2 represents those cases that involve compounding difficulties, in other words, cases constituting of two or more categories of complaints (e.g. family conflict, child behavioural problems and sexual abuse).

Table 2. **Categories of complaints registered at the OCO from 01 July 2019 to 31 August 2020**

Category of complaints	Number of cases
• Child neglect	58
• Family conflict/ Custody/ Right of access	57
• School problems / Transfer / Admission/ Transport/ Infrastructure	56
• Corporal punishment/ Harassment/ Verbal abuse by school personnel/ Bullying/ Violence/ Assault at school	49
• Child behavioural problems	30
• Sexual abuse and harassment	29
• Institutional abuse and neglect/ Police brutality	21
• Poverty/ Lack of means/ Social aid/ Lack of school materials	14
• School absenteeism/ Dropout	12
• Physical violence in family/Domestic Violence	9
• Suicidal tendencies	3
• Prostitution/ Child trafficking	3
• Child abduction	3
• Adoption	2
• Tardy Declaration	1
• Others	56
TOTAL	**403**

The OCO registers complaints from people and organisations from a vast range of backgrounds. The OCO also pursues own-motion investigations based on identified areas of concern. Table 3 below provides a breakdown of these profiles for the reporting period from July 2019 to August 2020.

Table 3. **Profile of complainants recorded from 01 July 2019 to 31 August 2020**

Complainant	Number
• Mother	127
• Father	95
• Grandparents	33
• Anonymous complainants	29
• Education professionals	26
• Relatives/ Friends	24
• Own-motion inquiries	15
• NGOs	13
• Neighbours	11
• Media	8
• Medical Social Workers	7
• Ministries/ Departments	6
• Children	4
• Foster parents	3
• Group of students	2
TOTAL	**403**

Moreover, as shown in Table 4 below, the proportion of male complainants was higher (i.e. 52.6 per cent) than that of female complainants (i.e. 47.4 per cent) for the period from July 2019 to August 2020.

Table 4. **Gender distribution of complainants for the period from 01 July 2019 to 31 August 2020**

Gender	Number
Male	212
Female	191
TOTAL	**403**

Over the course of 2019/2020**,** the OCO carried out around 38 field visits including visits to residential care institutions for investigation purposes. These enabled investigators to:

- interact with children in their residential care and/or educational setting;
- quickly obtain information from children and relevant people;
- give advice, as necessary; and
- establish contact with headteachers, rectors, parents, carers and other professionals working with children and/or students, thereby improving their awareness of the role of the OCO.

7.5 Examples of cases over the reporting period 2019-2020

Out of all the cases handled by the OCO over the reporting year 2019-2020, the current section details 26 of them to provide an overview on the broad nature of complaints that are received at this Office and their related interventions. The names of complainants, children, schools and places have been replaced with arbitrary letters to prevent their identification.

CASE 1: Advocating for a minor's rights to benefits payable by the Statutory Bodies Family Protection Fund
Background
Social security is a child right, as enshrined in the Convention on the Rights of the Child (United Nations [UN], 1989)[89]. Yet, many children do not receive the essential cash transfers or pension benefits related to their nutrition, health, education and care that could make a real difference in realising their full potential. Having signed and ratified the UNCRC in 1990, the Republic of Mauritius has committed itself to putting children first on all its agendas, including the issue of social protection which encompasses social assistance and economic support and services to children.
Nature of the complaint
A mother reported at the OCO that she was cohabiting with a partner, Mr. Y. However, before the birth of their son, her partner passed away and she had to lodge a case before the Supreme Court to

[89]United Nations (1989). *Convention on the Rights of the Child.* Geneva: United Nations.

enable her child to bear his father's name. After 11 years, the boy, now a teenager was finally judicially acknowledged as being the biological child of Mr Y.

The mother stated that, after the death of her partner, her son should have benefitted from a pension under the Statutory Bodies Family Protection Fund (SBFPF) Scheme, but this was not received because the boy's case of bearing his father's name was pending before Court at the time. The Manager of the SBFPF wrote to the mother saying that, in the event her application is favourably entertained by the Supreme Court, all the rights of her son would be preserved, and the pension benefits would be granted to him. When eventually the Court declared and decreed the minor as the natural son of late Mr. Y, the mother renewed her request to the SBFPF but received no reply. The mother thereby made an official complaint to the Ombudsperson for Children's Office (OCO) in that regard.

International frameworks relevant to the complaint

- UN Convention on the Rights of Child (refer to Appendix E)
  - Article 8: Right to an identity
  - Article 26: Right to social security

- International Covenant on Economic, Social and Cultural Rights (UN, 1966)[90]
  - Article 9: Right to social security

    "The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance."

Local framework relevant to the complaint

The local body particularly relevant in the present case is the Statutory Bodies Family Protection Fund. The Fund has been set up since 1966 under the *Statutory Bodies Family Protection Fund Act* for the purpose of providing assistance mainly to families of deceased employees of Municipal/District Councils, Sugar Industry Labour Welfare Fund, Town and Country Planning Board,

[90] United Nations (1966). *International Convenant on Economic, Social and Cultural Rights.* Retrieved on 29 July 2020 from www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf

and the SBFPF. In the event of the death of an associate or contributor to the SBFPF Scheme, his/her family will derive the following benefits, as applicable:

- A monthly pension is payable to a beneficiary on the death of an associate irrespective of whether the associate dies in service or after leaving the service.
- Following the passing away of an associate, a pension is paid to his/her beneficiary (widow/widower/orphans).
- A female orphan is paid an orphan pension up to the age of 21. Once she gets married, the pension is discontinued.
- A male orphan is paid an orphan pension up to the age of 18 which may be extended up to the age of 21 provided written evidence is produced that he is receiving full-time education.
- The quantum of the monthly pension is determined based on the last salary of the associate, the length of contributory month(s) of service and the rate of pension to be used.

Actions taken

1. *Phone conversation with an Officer of the SBFPF*: An Investigator of the OCO spoke to an officer of the SBFPF who stated that he would look into the matter. After a few weeks, the Investigator spoke to the same Officer to obtain a feedback and he confirmed that the necessary is being done for the minor to get his social aid.

2. *Meeting with complainant:* The investigator of the OCO met with the mother who stated that her son has benefitted a partial amount of money from the SBFPF, but complained that the minor has not been allocated back payment of the pension benefits from the time he was born to date to which he is entitled to.

3. *Letter sent to the SBFPF*: The investigator of the OCO sent a letter to the Manager of the SBFPF advocating the right of the child to pension benefits from the Fund from the time he was born to date.

4. *Follow-up phone conversation with an Officer of the Statutory Bodies Family Protection Fund*: On the phone, an Officer of the SBFPF stated that the matter would be taken up by the

Committee of the Fund and it is very likely that the complainant would receive the full pension by the end of the month.

Outcome

The mother phoned the OCO and thanked the Office for its prompt intervention as her son had received full back payment of the pension benefits. She stated that she would use the pension benefits for the education of her son.

Comment(s)

Mauritius stands out amongst many African states in that it has a comprehensive social welfare system to which Mauritians have universal access. Nevertheless, the country should continue to build upon the development of social protection which would powerfully contribute to reducing poverty, exclusion and inequality. After all, children's rights and welfare are the cornerstone of democracy.

CASE 2: Promoting the rights of a mother and her 8 children to adequate housing

Background

The right to adequate housing is of particular significance to children. Without a decent and secure housing, children are unlikely to realise their right to grow and develop in an atmosphere of moral and material security, free from abuse and neglect. As a welfare state, it is crucial for our country to tackle the underlying issues of inadequate housing in a proactive way.

Nature of the complaint

The Ombudsperson for Children opened an investigation regarding the case of Ms X, a mother of three children and a grandmother of five orphans. Her house was severely damaged by Cyclone Calvinia that struck Mauritius in 29-30 December 2019, and she has since been living in a Community Centre with her dependents without basic necessities.

International frameworks relevant to the complaint

- UN Convention on Rights of Child (refer to Appendix E)
  - Article 27: Right to adequate standard of living

- Universal Declaration of Human Rights (United Nations, 1948)[91]
  - Article 25: Right to adequate standard of living and to social security

    (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

    (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

[91]United Nations (1948). *The Universal Declaration of Human Rights*. Paris: Author. Retrieved on 29 July 2020 from www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

- International Covenant on Economic, Social and Cultural Rights (UN, 1966)[92]
  - Articles 11(1): Right to an adequate standard of living

    The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

Actions taken

1. *Phone conversation with an Officer of the National Housing Development Co. Ltd (NHDC)*: An Investigator of the OCO spoke with an Officer of the NHDC who stated that Ms X's case has been registered, but she had still some missing documents to submit. The Officer further informed the Investigator that the construction of the NHDC houses of the locality had already begun.

2. *Field visit*: Two Investigators from the OCO carried out a field visit to the Community Centre on 17 January 2020 and the findings are outlined as follows:

   (a) At the Community Centre, the Investigators met with two families – one family whose house had been destroyed by fire, and the other one, Ms X's family whose house was completely damaged by a cyclone. Upon interviewing both families, the Investigators took cognizance that the Ministry of Social Integration, Social Security and National Solidarity (MSISSNS) provides food every evening for the one family afflicted by fire, but it does not cater same for Ms X's family.

   (b) The Investigators interviewed Ms X individually who reported the following:

[92] United Nations (1966). *International Convenant on Economic, Social and Cultural Rights.* Retrieved on 29 July 2020 from www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf

i) Ms X had been living in the region for nearly three decades. As at date, she has in her charge 8 children (3 of her own, and 5 of her daughter and son-in-law who passed away in 2018). Ms X has been residing in deplorable housing conditions for the last 30 years. She was supposed to benefit from a temporary accommodation by the NHDC and had received several visits from its officers. In addition, she claimed that she even submitted several documents to them, but nothing concretely materialised. The cyclone Calvinia did considerable damage to her already-fragile house which forced her and the children to find shelter in the Community Centre.

ii) All the children reportedly attend school with the exception of one aged 15 years old who has dropped out of school to assist an NGO of the locality.

iii) Her family received food from NGOs for a period of 4 days only, but nothing afterwards. She is totally dependent on her eldest daughter, who lives a kilometre from the Community Centre, for food and other essential provisions. However, the food is very often insufficient. She also stated that she cannot cater for milk for her grandchild of 2 years and the children eat mostly bread and butter.

iv) The children are very depressed with their situation. They are deprived of living in hygienic conditions, proper balanced meals, sanitation facilities, access to basic health care services and security.

v) Ms X depends on the social aids which the MSISSNS allocates to the children in order to buy food and clothing for them.

vi) Ms X has formulated a request to the NHDC for a good housing and is aware that she has to submit further documents thereto.

vii) Ms X is requesting the Ombudsperson for Children to take into consideration her grievances with respect to the rights of the children.

3. *Phone conversation with an Assistant Commissioner of the Ministry of Social Integration, Social Security and National Solidarity (MSISSNS)*: The Investigator of the OCO spoke to an Assistant Commissioner of the MSISSNS who stated that a social allowance is given to

refugees of cyclone on the first day but there is no policy which states that food should be given to the family who lives in the community centre.

4. *Phone conversation with the Headmaster of a government school attended by most of the children*: The Headmaster told the Investigator that there are many vulnerable children attending this school, including those living in dire housing conditions. He stated that the school daily provides to vulnerable students milk, cereal, bread and sausages/burger for breakfast, and bread and vegetables, a bottle of water, a small packet of biscuit and a fruit for lunch. He also added that the school personnel motivate the students by creating a good environment conducive to development at school.

5. *Meeting with the Minister of Housing and Land Use Planning:* The OC met with the said Minister regarding the case of Ms X and made an appeal to him to look into the matter with the NHDC so that Ms X and her children could benefit from a decent house with access to basic amenities like water and electricity.

6. *Phone conversation with Ms X:* The Investigator of OCO phoned Ms X to obtain a feedback on her situation. She stated that she and her children are still living in the Community Centre and are hoping to have their own house soon. She stated that she is being helped by an NGO. She was further advised to speak to an officer of the NHDC through the Community Welfare Officer to obtain an update on the development of her case.

Outcome

As at date, Ms X's case is still pending. The Investigator of the OCO is monitoring the case.

Comment(s)

When dealing with the social dimension of sustainable development, it is important that the relevant authorities prioritise this basic social right for all children – the right to adequate housing. A decent house can become the basis to further protecting children from exposure to different forms of harm and the long-term effects of poverty and disadvantage.

CASE 3: Bullying involving college students in a school bus

Background

A problem that is plaguing many schools is bullying. Bullying can make the lives of children victims a misery. It undermines their confidence and self-esteem and destroys their sense of security. Bullying can occur anywhere, and it may become even more dangerous when the child is on a school bus as he/she cannot walk away from the situation. While in the school setting, the Headmaster/rector and educators have the responsibility of ensuring discipline, it is somehow assumed that the same responsibility would be expected from the conductors/driver to maintain order in the school bus. However, when students use the school bus for bullying activities, the task of the bus conductors or driver becomes a challenge while the plight of the child victim is appalling.

Initiation of own-motion enquiry

The Ombudsperson for Children opened an own-motion investigation pursuant to the circulation of a video clip posted online whereby a group of four college students were seen bullying a boy on the school bus of the company Z Co. Ltd. In the video clip, two boys were seen aggressing the victim, while two others were verbally abusing him and encouraging the bullies. It appeared that the other people on the bus, including the one filming the incident, silently lent support to the bullying by failing to provide assistance to the victim.

International frameworks relevant to the case

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 19: Right to be protected from all forms of violence and abuse

- Ministerial Declaration entitled *"Implementing the internationally agreed goals and commitments in regard to education"* adopted by the UN Economic and Social Council (UN ECOSOC):

  Ministers and Heads of States participating at the high-level segment of the substantive session of 2011 of the Economic and Social Council, held in Geneva from 4 to 8 July 2011, pledged that:

We stress the need to take measures to prevent and eliminate all forms of violence in any educational setting, including gender-based violence, bullying and cyber-bullying, and recognize the need for the development of a safe and supportive educational environment, counselling and complaint and reporting mechanisms to address those issues effectively. We recognize the need to protect children and young people from other risks they face in the educational environment and encourage the taking of effective measures in that regard. We also stress the importance of girls and boys getting to school safely. (ECOSOC, 2011, para.14)[93].

Local framework relevant to the case

In 2015, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR, 2015, pp.12-13)[94] elaborated a Student Behaviour Policy which clearly stated with regards to the issue of bullying that:

Bullying should not be tolerated in any of its forms and should be considered as being a very serious offence to be dealt with accordingly and with all required severity. Preventive approaches should be adopted to make the school a bully free zone for all. Victims and other students should be encouraged to come forward and disclose any averred or suspected cases which should be addressed very cautiously to avoid repercussions from the bully. While support should be provided to the child victim as a first priority, the school should consider productive ways of working with bullies towards changing their aggressive attitudes as well as other constructive responses aiming at avoiding repetition.

[93]Economic and Social Council (2011). *Ministerial Declaration: Implementing the internationally agreed goals and commitments in regard to education.* Geneva: United Nations. Retrieved on 29 July 2020 from www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2011/ministerial_declaration-2011.pdf

[94]Ministry of Education and Human Resources, Tertiary Education and Scientific Research (2015). *Student Behaviour Policy.* Mauritius: Author. Retrieved on 29 July 2020 from ministry-education.govmu.org/English/educationsector/seceducation/Documents/STUDENTBEHAVIOURPOLICY.PDF

Actions taken

1. *Phone conversation with the Deputy Rector of the college*: The Ombudsperson for Children (OC) spoke to the Deputy Rector of the college and was apprised that he had already initiated the following actions:

   (i) The concerned children, all 12 years old, of Grade 7 were referred to the Disciplinary Committee of the college.

   (ii) The service of the *Brigade pour la Protection des Mineurs* was sought in order to provide an early intervention assistance to the concerned children.

   (iii) A meeting was scheduled with the parents of the children at the seat of the college.

   (iv) A letter has also been sent to the Bus Service of the Z Co. Ltd as, reportedly it was the bus conductor who was filming the incident and incited the other children to bully the boy. He allegedly failed to provide assistance to the child being bullied.

   While lauding the prompt measures taken by the Deputy Rector, the OC expressed her concern that bullying is a rampant issue and children need to be sensitised about it. The OC proposed to carry out a sensitisation session to Grade 7 students on a mutually agreed date with the Deputy Rector.

2. *Field visit:* The OC along with an Investigator carried out a field visit to the school and spoke to the Deputy Rector. The latter stated that the victim in the bus was actually a bully in class who constantly harasses his classmates, and that the children had decided to corner him in the bus and bully him as a revenge for his acts. He also stated that bullying is common among older students as well and that certain cases unfortunately go unreported. Additionally, the OC had the opportunity to speak with several educators who talked on the general atmosphere of the college, the challenges they face while teaching in class and how it is difficult to control children with challenging behaviours.

3. *Sensitisation at school*: On the scheduled date, the OC carried out a 30-minute intensive sensitisation session with 140 Grade 7 students in the library of the college on various topics

including the role of the OC, the different forms of violence such as bullying, the importance of discipline, and their rights and responsibilities. The sensitisation activity was followed by a question-and-answer session with the participants. The students asked many questions regarding the reporting mechanism on bullying. The OC stated that cases on bullying should be reported primarily to the school management and added that the children can contact her office directly when they feel that their rights are being violated.

Outcome

An Investigator of the OCO called the Deputy Rector of the college. He stated that through the various interventions, the problem of bullying among the concerned children is under control and that the school bus conductor has been replaced by another one.

Comment(s)

Bullying cannot be overlooked given its far-reaching effects in terms of violations of children's rights. The OC believes that the issue of bullying can be effectively dealt with at interpersonal, family, school, community and State levels through multi-stakeholder collaboration. The empowerment of all stakeholders working with children is key to tackling the problem at its core. It is important to find lasting solutions to manage bullying in our educational and societal institutions.

With regards to the present case, the OC recommended the following:

1. An action plan on how to discipline bullies needs to be established.
2. Anti-bullying rules need to be defined and enforced.
3. Students should be encouraged to act as whistle-blowers and report any witnessed or suspected cases of bullying to their Rectors/teachers.
4. Rectors and school staff should be empowered on how to combat bullying. They should also be able to identify and dutifully report any act of violence to the concerned authorities.
5. Values should be inculcated to students on promoting bullying-free and compassionate school environments through the adoption of codes of conduct and the integration of human values in the curriculum.

6. Mentorship/buddy schemes could be introduced in schools whereby students of higher grades could act as mentors for their juniors. The mentors would help their mentees not only in their academic studies but also in other day-to-day issues. This will be a pragmatic way to foster human values and train the students from early on to look out for each other.
7. The National Land Transport Authority should sensitise bus drivers and conductors on how to address violence in the bus with respect to teenagers and to report cases of violence to authorities.

CASE 4: Child abduction by a mother

Background

The Ombudsperson for Children receives many cases where after a divorce or separation one of the parents try to alienate the child from the other parent. The OC tries to resolve such problem through mediation in the best interests of the child, and if mediation fails, the parties will be requested to go to Court. There are also cases where one parent would take the child abroad, often with the consent of the other parent, and later would decide to settle in the other country, keeping the child with him/her. In certain instances, some parents are even deprived of all contact with their child.

Nature of the complaint

The complainant, Mr. B, married a foreigner lady, Ms. C and, from that marriage, Child D, who is currently 4 years old, was born. When the latter was three years old, the mother returned to her country and since then she has been living separately from Mr B. Six months later, Ms C returned to Mauritius and applied to the Court for the custody of the child. The Court granted custody to the father and the right of visit and lodging to the mother.

At this point, Mr B. made a complaint to the OC that the Family Division of the Supreme Court did not take into account a report of the Child Development Unit (CDU), but based itself on other reports to grant the mother the right of visit of three hours twice a week. The matter was still in Court for further deliberations. The OC met the complainant and informed him that, as per section 7(4) of the Ombudsperson for Children Act (OCA) 2003, she cannot investigate any case which is pending before any Court. The complaint was set aside.

The Court case evolved and the Judge also granted the right to the mother to take Child D to her country for six weeks as part of the *"droit d'hébergement"* provided by the *Code Civil Mauricien*. At the time, the father had no objection. However, in November of the same year, Mr B filed an affidavit and moved that an Interim Order be issued to discharge the previous order. Subsequently, one week later, both parties reached an agreement in Court, and the father declared that he had no objection for the mother to take the child to her country to visit her parents. The mother had undertaken to return the child to Mauritius on 30 December of the same year. It was also agreed that, while Child

D was abroad, the mother would arrange for the child to contact his father at least thrice a week through online means.

One day, the father phoned the OC again to complain that the mother was allegedly abducting his son to her country under the pretence that she was taking him to visit his grandparents abroad. Their flight was leaving in the evening. Given that the mother's country of origin is not a signatory to the Convention on the Civil Aspect of International Abduction (Hague Conference on Private International Law [HCCH], 1980)[95], also known as the Hague Convention, he believed that the mother would keep the child with her forever. Thus, he would become a victim of parental alienation. He claimed that the right of the child to maintain contact with both parents would be violated. He requested the OC to intervene and to put an objection to departure to stop the mother and child from leaving the country.

International frameworks relevant to the complaint

- <u>UN Convention on the Rights of the Child (refer to Appendix E):</u>
  - Articles 3: Best interests of the child
  - Article 8: Right to identity
  - Article 9: Right not to be separated from either parent
  - Article 12: Right to express his views
  - Article 28: Right to education
  - Article 35: Right to be protected from abduction or traffic of children

- <u>Hague Convention (HCCH, 1980):</u>
  - Article 1:

    The objects of this Convention are:

    a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State;

[95]Hague Conference on Private International Law (1980). *Convention on the Civil Aspects of International Child Abduction.* Hague: Author. Retrieved on 30 July 2020 from assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf

b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

- Article 3:

The removal or the retention of a child is to be considered wrongful where –

a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and

b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

Local framework relevant to the complaint

➢ Child Protection Act (CPA) 1994:

- Section 13C on 'Abducting child':

(1) Any person who, by force or fraud, without the consent of the legal custodian –

(a) takes away or causes to be taken away a child; or

(b) leads away, decoys, entices or causes to be led away, decoyed or enticed, a child out of the keeping of the custodian or from any place where the child has been placed or is with the consent of the custodian,

shall commit the offence of abduction, and shall, on conviction, be liable to penal servitude for a term not exceeding 12 years.

Action(s) taken and their corresponding results

Actions taken	*Corresponding result(s)*
1. An Investigator spoke to the father to explain that there was no abduction as he agreed in Court to allow the child to travel.	The child did not return to Mauritius. Mr B reported a case of child abduction to the police.

However, if, by the date set by the Court for the return of the child, the latter did not come back, he should report a case of child abduction to the police.	
2. A letter was sent by the OCO to the Commissioner of Police to inquire about the status of the abduction case.	The OC learnt that the Interpol informed the Ministry of Gender Equality and Family Welfare that no further action could be initiated at their level without an international warrant with Red Notice from the Supreme Court of Mauritius. The case of alleged abducting minor was sent for advice at the Office of the Director of Public Prosecutions (ODPP) who recommended the police the following: *"Being given that* [Ms. C's country] *is not a party to the Hague Convention, no advice can be tendered at this stage. However, Ms C* [is] *to be arrested upon arrival in Mauritius."*
3. Through the 'Association des Ombudsmans et Médiateurs de la Francophonie' (AOMF), the OC obtained the contact details of the National Human Rights Council (NHRC) of [Ms. C's country]. The OCO sent a letter to the President of that institution requesting the latter's collaboration on this case and information on the living conditions of the Child D.	The Officers of the NHRC visited Ms C and Child D. They reported that the child was living in good conditions and is even enrolled in a school near his place of residence. They further stated that the father has regular contact with the child online and that Ms C has no objection to the father visiting their child abroad.

4. The Ombudsperson for Children contacted the Ministry of Foreign Affairs to inquire on any support which could be provided to Mr B.	The Ministry submitted a report to the OC stipulating the following: • Ms. C's country is not signatory to the Hague Convention and a Court Order issued in Mauritius may not be enforceable there. • Ms. C's country's Embassy was approached through another regional embassy for possible assistance. • Advice was being sought from the Passport and Immigration Office, Commissioner of Police and Ministry of Gender Equality and Family Welfare. • A Red Notice Control has been issued against Ms C. The best ways forward in the case were: • to seek conjugal reconciliation and agreement on shared custody of the child; • to enlist the support of Ms. C's country's authorities without which all actions there may be considered as an offence; and • to send a copy of the Red Notice to the foreign authorities.

Outcome

The fact that Ms. C's country is not a signatory of the Hague Convention makes it difficult for Mauritian authorities to intervene. Hence, it is important to enlist the support of the foreign country's authorities without which all actions could be considered as unlawful. This was why, at this level, diplomacy seemed to be the best option to solve such a problem. The OCO's enquiry revealed that there is a case lodged before the foreign country's Court by Ms C. Given that the OC is bound by the

OCA 2003 that clearly stipulates in its section 7(4) that the OC cannot *"investigate in any case which is pending before any Court"*, the case was eventually closed at the level of the OCO. The Ministry of Foreign Affairs, Regional Integration and International Trade is dealing with the case. The complainant has been apprised of same.

CASE 5: Child suffering from severe visual impairment denied special facilities for the School Certificate examinations

Background

Children with disabilities have to overcome many hurdles in their quest to enjoy their right to education fully. They are disadvantaged right from pre-primary level as many schools are not fit to accommodate them adequately. The large majority of them are admitted in specialised schools which are run by NGOs. These schools usually do not have sufficient funding and they cater for different levels of disabilities. Inclusive education still not being a reality in our schools, only a handful of children with disabilities do make it to Grade 11 or above. Even though these children are given special facilities for the 'O' and 'A' levels examinations, more often than not, these are insufficient.

Nature of the complaint

The mother of a visually impaired child complained to the Ombudsperson for Children that the Mauritius Examinations Syndicate (MES) has informed her that her child (Child Z) will not benefit from all the extra facilities requested to be able to take part in the Cambridge 'O' level examinations. Only a few weeks were left before the examinations begin. The mother explained that without the requested facilities, Child Z was bound to fail.

In terms of Child Z's history, he was declared legally blind after having been examined by medical professionals since a very young age. At the age of 5 years, he joined a school for the blind. There were few pupils in the class. The teacher would read all materials and the child would dictate him the answers and he would write these for the child. For the Certificate for Primary Education (CPE) examinations, the MES provides a reader/writer ascribed for all papers, enlarged text and extra time of 20 mins per hour. Child Z passed his CPE examinations and got admission in a State Secondary School.

A few days after his admission in Grade 7, a case conference with all stakeholders was held and it was decided Child Z needs a permanent assistant who will read the texts and write down the answers he would dictate. A permanent assistant was assigned as reader and writer to the child. Therefore,

for all his tests and examinations he was provided with a human reader or writer, enlarged text, use of magnifier and overhead light.

When the child reached Grade 11, the mother wrote to the MES through the Rector of the school to inform that the child will not be sitting for two papers namely Mathematics and Principles of Accounts due to his blindness. She also requested exemption for the English Oral Paper. Other facilities were requested as well such as a reader and writer for all papers, enlarged A3 questionnaires, extra time and use of a magnifier. A few weeks before the start of the examinations, the MES informed the mother that the requests were being acceded to except for the provision of a reader/writer for some papers - English Language, Literature in English and French. This implied that the child would not be able to take these three papers according to his usual way of working. The mother was worried that this would greatly impede the performance of Child Z at these examinations, which was the basis of the complaint she made to the OCO.

International frameworks relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 2: Right to be protected from any form of discrimination
  - Article 29: Right to education
  - Article 23: Right of the disabled child to special assistance

- Convention on the Rights of Persons with Disabilities (United Nations, 2006)[96]:
  - Article 5: Right to equality, non-discrimination and reasonable accommodation[97]
  - Article 24: Right to inclusive education

[96]United Nations (2006). *Convention on the Rights of Persons with Disabilities.* Geneva: Author. Retrieved on 30 July 2020 from www.un.org/disabilities/documents/convention/convoptprot-e.pdf

[97]Reasonable accommodation as defined in article 2 of the Convention on the Rights of Persons with Disabilities means *'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms'*.

Action(s)taken and their corresponding result(s)	
Actions taken	*Corresponding result(s)*
1. An Investigator of the OCO contacted the Rector of the school to inquire about the situation.	The Rector informed the Investigator that he did not receive anything in writing. He was informed verbally by the parents that, for 3 subjects, the child will not benefit from the services of a reader/writer. He said he would enquire on the matter from the MES.
2. A letter was sent to the Special Educational Needs Authority.	The Officer-in-charge of the Special Education Needs Unit of the Ministry of Education informed the OCO that they would verify the issue with the MES. However, the final decision would rest with the latter who are the representative of the Cambridge Examinations Syndicate in Mauritius.
3. A letter was sent to the Director of the MES. The OC advocated for the respect of the right of the child to education on an equal basis with others. She emphasised that access to education enables children with disabilities to fully exercise all their other human rights.	An Officer of the MES spoke with the OC. She stated that the facilities provided are according to Cambridge Examinations Syndicate regulations. The OC requested the use of a humanitarian approach to finding a solution in the best interests of Child Z. The Officer stated that she will take the matter with her Director. Later, the OC was informed that the child would be provided with a computerised reader and the support of a technician.

4. The parents were informed that the MES would provide a computerised reader and the support of a technician.	Both the parents of Child Z are professionals in the IT Sector and called at the OCO to report that the software provided by the MES requires the user to have specific training to be familiar with its operation. They already sent a letter to the MES in this regard.
Overall outcome	
The parents applied to the Judge sitting in Chambers at the Supreme Court to give a ruling in this case. The Ombudsperson for Children was summoned by the Court as the parents applied for the case to be heard in the presence of the OC. An Investigator was designated to represent the OC. At the very beginning of the hearing, the Officer of the MES informed the Honourable Judge that the Cambridge Examinations Syndicate agreed to provide a human reader/writer to the child for all papers under certain conditions which must be agreeable to both the parents and the MES. Both parties gave their approval.	

CASE 6: Parental alienation – mother wants to spend time with her son who lives abroad with his father

Background

The disagreements and conflicts that arise during parental separation and divorce undoubtedly affect children even more so when one parent lives abroad. The best interests of the child should be paramount when taking child custody decisions. Having a loving relationship with both parents is key to a child's well-being, but arranging such relationships in the context of parental separation can be one of the main challenges in resolving a child custody dispute**.** There are primary considerations when determining what is in the best interests of the child. The first is the benefit to the child of having a meaningful relationship with both parents. The second is the need to protect the child from psychological or physical harm by preventing exposure or subjection to abuse, neglect or family violence.

Nature of the complaint

A mother, Ms. P, requested the intervention of the Ombudsperson of Children (OC) to establish a visitation agreement between herself and her ex-husband regarding their son. The complainant and her husband married and lived abroad before they separated. They have a 10-year-old son living with his father in the latter's country of origin. Ms. P said that she was a victim of domestic violence and consequently left the conjugal roof. She is now residing at her mother's house in Mauritius. Ms. P alleged that she had very limited contact with her son. She claimed that her husband constantly abused and harassed her through text messages, and blackmailed her into sending money failing which all contact with her son would cease. The complainant would like to spend quality time with her son be it in Mauritius or in the father's country. Ms. P stated that communication is very difficult with the father and that she feels alienated from her son. She also knew that the child suffered from her absence. The complainant was planning to file for divorce proceedings, but she could not afford to lodge a case before the Court at the moment.

International frameworks relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E):
  - Article 3: Best interests of the child

- Article 5: Parental responsibility
- Articles 9 and 10: Separation from parents
- Article 12: Freedom of expression

➢ General Comment No. 14 on the 'right of the child to have his best interests taken as a primary consideration' (Committee on the Rights of the Child [CRC], 2013)[98]:

- Section IV(A)(3), paragraph 33*: "The child's best interests shall be applied to all matters concerning the child or children, and taken into account to resolve any possible conflicts among the rights enshrined in the Convention or other human rights treaties."*

Local framework relevant to the complaint

➢ Ombudsperson for Children Act 2003 (see Appendix A for more details):

- Section 6(i) which empowers the OC to initiate an investigation with respect to a child's right, even where the child concerned 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"*.
- Section 7(3)(a) which entitles the OC, following an investigation, to act as a "*as a mediator to resolve any dispute relating to the rights of the child"*.

Actions taken

1. An Investigator of the OCO contacted the father over the phone twice, but he refused any communication. An official letter, explaining the role of the OC as a mediator in resolving disputes, was sent to the father. The OC urged him to develop a parenting agreement with his wife in the best interests of the child.
2. The Investigator informed Ms. P that she could be assigned a legal aid lawyer if her monthly salary is less than MUR 15,000 as per the Legal Aid and Assistance Act 1973.

[98] Committee on the Rights of the Child (2013). *General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1).* Retrieved on 30 July 2020 from www.refworld.org/docid/51a84b5e4.html

Outcome
When one party resides in another jurisdiction, it can be challenging to conduct mediations. If there had been an Ombudsperson for Children in the father's country, the OC would have liaised with the latter to investigate if the rights of the child were being respected and to carry out mediation so that the mother could have regular contact with the child.

CASE 7: Child mendicity

Initiation of own-motion enquiry

Section 7(1) of the OCA 2003 permits the OC to start an own motion enquiry to investigate any matter relating to the rights of a child. After noticing a young boy begging at Curepipe Bus Station, the OC opened an own motion investigation. When spoken with on the spot, the boy admitted that he attends college. Shortly after the OC's report to the police, the latter brought him back to his house.

International frameworks relevant to the case

- UN Convention on the Rights of the Child (more details in Appendix E):
  - Preamble of UNCRC where the importance of the family in the healthy and holistic development of the child is highlighted in the following words: *"Recognizing 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"*
  - Article 12: The right to express own views and to be heard
  - Article 20: The right to special protection and assistance by State to child deprived of family environment
  - Article 27: The right to adequate standard of living

Local framework relevant to the case

- Child Protection Act 1994:
  - Section 17 on mendicity: *"Any person who causes or allows any child under his care to beg shall commit an offence."*

Actions taken

1. *Liaison with child's school:* An Investigator of the OCO promptly contacted the Rector of the college and apprised him of the problem. The particulars of the child and his family background were then recorded. The child is an orphan. His mother passed away when he was still very young and he did not know his father. He has an elder sister who will soon attain majority. The child presently lives with his maternal aunt who has 4 children of her own.

2. *Phone conversation with maternal aunt:* The Investigator spoke to the child's aunt. She stated that she works hard to care for her children and nephews. Her children are taken care of financially by their father. She said that the child receives a social allowance for being an orphan. The aunt stated that the boy could be difficult to handle at times. A Psychologist of the CDU who works with this child had told her that the latter displays such behaviour to cope with his anxiety and is in need of attention.

3. *Meeting at the school:* An investigator of the OCO requested a meeting with the child and specific personnel of the school. Another Investigator chaired a meeting with an educator and the section leader. They were apprised of the child's circumstances. They understood that his family situation is quite difficult. According to the school, the child is quiet, well-behaved and participates in class. He makes reasonable effort in his studies.

4. *Individual interview with child:* An Investigator interviewed the child separately. He spoke clearly and openly to the Investigator. He stated that he begs because he does not receive any pocket money and therefore cannot buy any sweet or snack. His cousins and sister do not receive pocket money either. The child appears to be well cared for. He brings his own lunch every day.

5. *Home visit:* Two investigators carried out a home visit to meet with the child's maternal aunt. The latter could not call at the OCO because of her work schedule and she has a young child under her care. It was assessed that the boy lives in a safe and caring environment. The maternal aunt has two jobs and caters for her children's as well as her nephew's needs equally. The Investigators appealed to the aunt to remain supportive, given the child's difficult family history.

Outcome

Following the Investigators' meeting at the boy's school, the educators apprised the rector of the matter. The school positively and promptly responded to the needs of the child and the personnel started to provide food and snacks on a daily basis to the boy. Through the Parent Teacher Association's funds, this practice was extended to other needy students.

Comment(s)
An isolated case of a child begging on the streets may seem trivial to some people, but this is an important social matter that has to be tackled at its roots. In the current case, the child had very difficult beginnings with his mother's early death and an unknown father. He was dependent on his next of kin (i.e. his maternal aunt) who already had many children and who could only afford him his basic needs. He was attempting to fulfil his wants for sweets and cakes through begging. As it turned out for this case, this child necessitated strong family-community mobilisation including the school and relevant authorities to support his needs and age-appropriate wants.

CASE 8: A child having mental health crisis at school

Background

Children with behavioural, emotional and social difficulties are a vulnerable group in school communities as they can be subject to exclusion or discrimination relative to other students due to the challenges to the school in managing them. Early childhood traumas can also further aggravate their behaviours and lead to significant mental health issues in these children. At the Ombudsperson for Children's Office (OCO), there has been a growing number of complainants regarding instances where their children are being abstained from being at school due to unmet mental health needs. Research studies have shown that mental health disorders can impact on a child's cognitive and social development. Providing adequate support services to these children in a timely manner is primordial, but finalising such arrangements among the relevant parties can become a long and bureaucratic process. To enable these children to fulfil their right to education, all relevant stakeholders must collaborate closely to devise the necessary solutions in the best interests of the children.

Nature of the complaint

An aggrieved grandmother wrote to the Ombudsperson for Children's Office (OCO) regarding the difficulties and discrimination that her three grandchildren, minors J, K and L, aged 11, 7 and 6 years respectively, were allegedly facing at the ABC Government School because of their ethnicity. According to the complainant, due to a mental health problem, minor J who was in Grade 6, was transferred from the ABC Government School to MN Government (SEN Integrated Unit) School. However, she knew another child with mental health issues, who was in Grade 6 in ABC Government School and who did not undergo a transfer, but was provided with an individual teacher. The grandmother also stated that she does not know how to read and write and that the Headmaster of ABC Government School had made her sign papers. She also said that the school wanted to transfer her 2 other grandchildren, minors K and L, and stated that the latter were being discriminated because of their ethnic identity.

Ms. G, SEN Educator at MN Government School addressed a complaint regarding minor J to the Ministry of Education, Tertiary Education, Science and Technology (METEST) and copied same to the OCO. According to Ms. G, minor J was behaving aggressively and even attempted to harm himself. It

was also flagged that minor J had regular violent outbursts and even attempted suicide by trying to strangle himself with his handkerchief and shoelaces. Moreover, the Acting Headmaster of the MN Government School, Mr. H, addressed a complaint regarding minor J to the METEST, copied to the OCO. He stipulated that the child suffered from Attention Deficit Hyperactive Disorder (ADHD). He also described an incident which occurred at the school, whereby minor J became violent and unmanageable, and he got minor injuries by smashing a windowpane in a fit of anger.

Mr. H stated that the Child Development Unit (CDU) of that region was unreachable when contacted, hence assistance was sought from the 113 hotline. He was advised by the CDU Officer to treat it as a case of child injured at school and to take him to the regional hospital, from where, assistance can be provided to take him to the mental health care centre where minor J is an outpatient. However, due to a lack of appropriate means of transport and the personnel being unwilling to accompany the child in the absence of the grandmother who was not reachable, the child was not transported to the hospital. They then had recourse to the police station of the locality who agreed to take minor J to the hospital with a responsible party. The grandfather of minor J was called to the school, but, on arrival, he refused to take the child to the hospital. Minor J and his grandfather were eventually taken to the police station for a written statement.

For information, minors J, K and L had been living with their grandmother following an incident where minor J was sodomised by an acquaintance. The minors' parents had drug problems and their father had been incarcerated several times. According to the psychologist of the CDU, minor J also had been physically abused by his stepmother who is also a drug addict.

International frameworks relevant to the complaint

- <u>UN Convention on the Rights of the Child (refer to Appendix E):</u>
  - Article 2: Right to non-discrimination
  - Article 3: Best interests of the child
  - Article 6: Right to survival and development

Local framework relevant to the complaint

- Ombudsperson for Children Act (OCA) 2003 (refer to Appendix A)
  - Section 5(a): The OC *"shall ensure that the rights, needs and interest of children are given full consideration by public bodies, private authorities, individuals and association of individuals"*. In this particular case, the OC initiated an investigation as it was believed that the best interests of the children were not being catered for.

Actions taken

1. *Convocation:* The Headmaster of the ABC Government School was convened at the OCO. However, it was the Acting Headmaster who attended the meeting as his predecessor had been promoted to the role of Inspector. The Ag. Headmaster stated that he was aware of the difficulties faced by the minors and that arrangement had been made for the minors to be seen by a School Psychologist. When further enquired, he pointed out that, even though minor J was violent and aggressive at times, he was still manageable and fared well at school. He pointed out that no discrimination was done against the minors, and that all children are treated equally irrespective of their ethnic identities. The Ag. Headmaster also pointed out that he cannot answer for his predecessor.

2. *Feedback to the complainant:* The grandmother was updated of the Acting Headmaster's convocation and she was informed of the change in Headmaster at ABC Government School. The grandmother remembered that minor J had behavioural problems and used to eat chalks in that school.

3. *Follow-up phone call to ABC Government School:* A follow-up call regarding the progress of minors K and L in ABC Government School was carried out. The Ag. Headmaster stated that the minors were faring well at school. The grandmother was informed of same.

4. *Letter addressed to the METEST:* Following the complaint received from the SEN Educator, the OCO sent a letter to the Senior Chief Executive of the METEST to be apprised of the development of the case at their level.

5. *Phone update to Mr. H, the Acting Headmaster of MN Government School*: An Investigator spoke with Mr. H and advised him to send an official letter to the Ministry of Gender Equality and Family Welfare (MGEFW) regarding Minor J. The Investigator reassured him that the OCO would do the needful follow-up to ensure that the concerned authorities were handling this matter diligently.

6. *Letter addressed to the MGEFW:* Following the complaint received, the OCO sent a letter to the Permanent Secretary of the MGEFW to request for a report on minor J's case.

7. *Case conference*: A case conference on minor J was held in the Conference Room of the MGEFW, which was chaired by the Head of the CDU. The OCO was also convened to this meeting as an observer. It is significant to note that the OCA 2003 provides that the OC collaborates with public bodies, private authorities, individuals and associations of individuals in the promotion and protection of child rights.

Outcome

The case conference resulted into possible courses of action with regards to minor J. According to Dr. WS, Consultant Psychologist at the national mental health care centre, minor J is an outpatient since 2014 under treatment for ADHD. He also added that taking medication can help to control the challenging behaviours of the minor. It was confirmed that, minor J's behaviours were better and calmer at home when he is administered his medication, and he became aggressive at school because he was not taking his medication there. The following points were advanced at the conference:

- The continuum of care should prevail at school and Medical Social Workers could sensitise teaching and non-teaching staff, including the canteen seller, regarding pupils with special educational needs.
- The METEST could establish whether a teacher could give the child his prescribed medication with the informed and signed consent of the grandmother.

- Since minor J could be a threat to others and to himself, it was decided that it is best that he is placed in a separate class alone with a teacher for a while.
- An individualised educational care plan must be established for him.
- In situations when a child is hurt at school and the parents/legal guardians are unavailable or unreachable at that particular time, it was proposed that the Headmaster could work out a care plan and write to the METEST for appropriate interventions.
- It is proposed that the minor J is followed by his treating doctor at the regional hospital instead of the national mental health care centre to avoid any social stigma and to shorten the travelling distance for the child.

Additionally, an Investigator spoke with Mr. H, Ag. Headmaster of MN Government School regarding updates on minor J. Mr. H stated that the minor takes his medicine at school as per the doctor's prescription and is being followed by a psychologist. The HM also reported that, having been separated from the larger classroom to a smaller one has helped in decreasing the minor's aggressivity and his behaviours are improving through responsibility-taking activities.

Comment(s)

School environments have to become better equipped and sensitive at dealing with children with mental health problems and at promoting their right to education and proper development. It has been observed that often staff is not sufficiently trained and hence lack the skills on how to handle such students. In certain instances, educators do not have sufficient knowledge on how to identify students who are at risk. Therefore, when a child suddenly manifests a mental health crisis at school, this creates a lot of anxiety and stress among the personnel who do not necessarily know how to de-escalate the child's behaviours and respond in a compassionate manner. Therefore, there is an important need to empower school staff on strategies they could use to deal with vulnerable children as they are directly involved on a daily basis with them.

CASE 9: Child's examination dates coinciding with her participation in an international competition

Background

The education of students can take several forms and academic learning is only one aspect. Nowadays, schools encourage more and more of their students to participate in extra-curricular activities. These activities allow children and young people to learn new skills such as leadership and public speaking, and present their creations, talents and inventions to different audiences, through innovative local and international platforms or competitions hosted by public, private or civil society sectors. They can also inspire students towards specific hobbies and career choices.

Nature of the complaint

In September 2019, a parent wrote to our office regarding her 16-year-old daughter, minor S, who is a Grade 12 student at TR State College. According to the complainant, minor S performs well academically and is a prefect at the school. Minor S was selected by a local non-governmental organisation (NGO) to participate in a two-day competition hosted by an international NGO in October 2019. The cost of participation was being borne by the local NGO. In August 2019, the Ministry of Education, Human Resources, Tertiary Education and Scientific Research (MEHRTESR) sent a letter to colleges of students selected on this international competition that they were not allowed to participate as the competition had not been approved by the MEHRTESR given that it was coinciding with the end of year examinations.

In September 2019, a draft timetable was circulated by the TR State College and the first day of the competition was coinciding with the minor S's examinations. The parents of minor S made a request to the Rector to consider either rescheduling the examination papers or promoting the child to Grade 13, even if she did not sit for the papers set on these two days. However, the Rector was not agreeable to any compromise and informed the parents that they had to make a choice between the competition and the examinations.

Given that the child invested lot of time and resources in the preparation of that competition and is equally dedicated to her studies, the parents were concerned that the child might suffer

psychologically if she did not succeed in her goals. The Rector in turn asked the parents to get a clearance from the MEHRTESR for her participation in the competition after which he would consider making any concession. The complainant requested the Ombudsperson for Children (OC) to intervene in this matter.

International frameworks relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 29 (the right to education): The education of a child should be directed to "*the development of their personality, talents and mental and physical abilities to their fullest potential.*"

Local framework relevant to the complaint

- Ombudsperson for Children Act (OCA) 2003 (see Appendix A for more information):
  - Section 5(a): The OC *"shall ensure that the rights, needs and interest of children are given full consideration by public bodies, private authorities, individuals and association of individuals"*.

Actions taken

In this case, it appeared that the Rector was not sufficiently considering how the child would be adversely affected if she had to choose between taking part in the competition and sitting for her examinations, given that she had invested equally in both endeavours. In order to ensure that her right under article 29 of the UNCRC was respected, the OC wrote to the Rector to request him to review his stand on the matter and consider making adjustments so that minor S was not penalised.

Outcome

The Rector of the school rescheduled the examination papers that were previously set on the competition dates. Subsequently, the MEHRTESR wrote to the OCO to confirm that this rescheduling of the papers had been approved following the correspondence from the Rector of the college. As a result, minor S was able to participate in her international competition as well as sit for her examination papers.

CASE 10: A child who suffers from bronchial asthma not allocated a school near his place of residence

Background

In all countries, asthma is a chronic condition commonly suffered by some children. Learning to live with this illness can be very challenging for these children and their families. The school life of these children can also be affected by unexpected respiratory difficulties during classes or sudden hospitalisations due to asthma attacks. They can feel quite different from their classmates and experience potential exclusion within the school environment. It is important that parents, schools and the relevant authorities are responsive to these children's needs and ensure that the necessary adjustments are made to minimise disruptions to the fulfilment of their right to education.

Nature of the complaint

In December 2019, the OCO received a complaint from a mother whose child, minor U, had just received his Primary School Achievement Certificate (PSAC) results and had been allocated a school far from his home of residence. Minor U would have to take two buses every day to go to and return from school. The mother also explained that his son suffers from bronchial asthma and cannot travel long distances. She advanced that it would be better for minor U to go to a school nearer to her house. Her place of work is also near her house and she could be readily available if minor U experienced any health issue during school hours. For instance, she related that, when her son was in primary school, he suffered from an asthma attack and had an inhaler overdose. Owing to her workplace's proximity with the minor's school, she was able to quickly fetch him and take him to the emergency services. The mother had already applied for school transfer at the level of the Ministry of Education, Tertiary Education, Science and Technology (METEST). However, she had not received any reply yet.

International frameworks relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 3: Best interests of the child
  - Article 28: the right to education

Actions taken
A letter was sent to the METEST by the OCO regarding this complaint. The OCO requested the Ministry to duly consider the minor's health issues and reallocation to a school nearer to his residence in his best interests.
Outcome
Two weeks following this letter, the METEST replied to the OCO stating that minor U had been allocated a school near to his home and an admission letter had already been issued to the parent. The OCO contacted the complainant for a follow-up. She stated that she was not satisfied with the new school and she would make alternative arrangements for her son to go to a nearby private school.

CASE 11: A child with challenging behaviours

Background

The present case is an example of a child with challenging behaviours within a school setting. There is a growing need for school staff to be sensitised and trained on how to respond to the complex needs of these children in a non-judgmental and compassionate manner. Multi-disciplinary collaboration in such cases is key in generating personalised and appropriate solutions.

Nature of the complaint

In July 2019, the Ombudsperson for Children's Office (OCO) received a letter from the Headmaster of a primary school who requested the Ombudsperson for Children (OC) to carry out a case conference regarding minor V, a Grade 3 student with behavioural problems. The letter also described the behaviours of minor V at school and it seemed that the child

- had difficulties to follow instructions and rules set in the class;
- sought attention by making loud noises and disrupted the class;
- annoyed his classmates by damaging their belongings;
- said that he likes to harm himself;
- had a provocative behaviour towards others;
- used to pinch himself or knock his head against the wall; and
- used his shoe laces/jacket sleeve to attempt to strangle himself.

The Headmaster explained that minor V had been referred to the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR). Minor V was allocated to an Educational Psychologist who assessed him as having repressed anger and showing signs of inattentiveness, hyperactivity, behaviour problems and academic underachievement. The child's behaviours were showing no improvement at school. Subsequently, the Educational Psychologist further referred the case to a Psychiatrist/Clinical Psychologist of the Ministry of Health and Quality of Life. It seemed that the parents were reluctant to take minor V to see a Psychiatrist/Clinical Psychologist. The Headmaster requested the OC to organise a case conference so that all the relevant stakeholders could come together in order to properly cater for the welfare of minor V.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E):
  - Article 2 (Non-discrimination)
  - Article 3 (Best interests of the child)
  - Article 28 (Right to education)
  - Article 29 (Goals of holistic education)

Local framework relevant to the complaint

- Ombudsperson for Children Act (OCA) 2003 (refer to Appendix A):
  - Section 6(f): The OC shall *"initiate an investigation whenever the Ombudsperson for Children considers that there is, has been or is likely to be a violation of the rights of a child".*
  - Section 6(g): The OC shall *"investigate cases relating to the situation of children in the family, in schools and in all other institutions, including private or public bodies".*

Actions taken

As mandated by the OCA 2003, the OC accepted the request for conducting a case conference because she considered that the implementation of the rights of minor V and other children affected by minor V's behaviours at school had to be assessed. The OC contacted the Headmaster to get a better understanding of the current situation with minor V at school.

The case conference was chaired by the OC and consisted of an Investigator from the OCO, the Headmaster, the Deputy Headmaster, the School Inspector, the Educational Psychologist of the MEHRTESR, a representative of the school administration, minor V's Educator, the Holistic Educator and the Oriental Language Educator. The following points were highlighted:

- The challenging behaviours of minor V seemed to have worsened when his brother changed school.

- Minor V remained a risk to himself. He has been observed to hit himself and accusing other children to have harmed him. He even tried to choke himself by tying a plastic bag around his head.
- Minor V's Educator stated that she tried different strategies. She made him sit next to a student who works well but, after some time, minor V started to hide under the table. The Educator finally made him sit next to her and she felt that his behaviours had improved.
- Minor V had interest in sports, but, due to his limited attention span, he would get distracted and start hitting or throwing rocks at other students.
- The school convened his parents several times, but they said that minor V did not act this way at home.
- The Educational Psychologist was of the view that minor V was suffering from a psychiatric problem and that he would benefit from a psychiatric assessment.

Outcome

After the case conference, the Headmaster contacted minor V's father and urged him to take his child to a Psychiatrist. The father adhered to the Headmaster's instruction. During a follow-up call, an Investigator of the OCO was informed by the Headmaster that minor V is being regularly followed by a Psychiatrist and there was a marked improvement in the minor's behaviours.

CASE 12: A 6-year old child's case of school absenteeism and the lack of psychological support

Background

School refusal is a significant emotional difficulty which can be a source of high levels of distress among the children affected and their parents. There can be several reasons why a child may refuse to go to school such as anxiety being in large groups, difficulties with making friends, issues with separating from parents, or bullying, among others. School refusal may manifest through a variety of behaviours such as temper tantrums, running away from school, physical complaints (e.g. stomach aches, muscle pains, etc.), disturbed sleep, frequent needs to call in parents at school and regular trips to the hospital with no apparent medical cause, among others. This mental health problem among children can have both short- and long-term adverse consequences on their social and emotional development and requires prompt attention from parents, school staff and other relevant professionals.

Nature of the complaint

The parents of minor W, a 6-year-old child, complained to the OC that their daughter was refusing to attend school since the past two weeks and was currently staying at home. They stated that, on the third day of the school term, they noticed a change in their daughter's behaviour. Minor W kept repeating that she was being hit by her teacher at school and that she would not be attending school anymore from now on. The parents also reported that the child was waking up at around 3-4 a.m. and suffered from panic attacks. On one occasion, their daughter also complained about severe stomach ache such that she had to be rushed to hospital during the night. However, after examination, doctors did not find anything wrong with her health. Minor W was also seen by a Psychologist at the hospital. The latter recommended that the child be followed by an Educational Psychologist due to her severe anxiety.

On the day of the complaint, minor W, who had accompanied her parents, reported to the OC that her teacher hit her with a ruler when she did not know answers to questions during lessons. She added that the teacher did not try to help her but instead made her sit at the back of the classroom

alone while telling her to return to her desk only when she would stop crying. The OC noted that the minor displayed a lot of stress and was clingy to her parents.

The minor's father informed the OC that he wanted to have his child transferred to another school and would be going to the Zone Directorate to register his request. He added that, though he had given consent for his daughter to be followed by an Educational Psychologist, nothing materialised concretely yet. He was really worried about his child's situation and about the negative impact of his daughter's absence on her studies. With respect to the minor's rights to education, good health and well-being, the OC opened an investigation.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 19: Child's protection against any form of abuse
  - Article 28: Child's right to education

Actions taken

1. The minor's mother informed the OCO that officials from the Zone Directorate requested her to fill out a transfer form and that they would do the necessary based on availability of a seat in another school.

2. The minor's father reported that his child was transferred to another school which is nearer to his place of residence. However, the minor was still refusing to attend school. The OC advised the father to make a request for the child to be followed by a School Psychologist at her new school and to ask for the assistance of the school's Headmaster concerning this issue. The OC asked the father to contact the OCO if no solutions were provided at the school level. She informed the father that she would also talk with the Headmaster concerning this situation.

3. The OC contacted minor W's new Headmaster to discuss her difficulties and requested him to help with the reintegration of the child at the school.

4. The OC also recommended the Headmaster to consider the child's best interests and requested that the minor W be offered psychological assistance at the earliest with the consent of the parents.

5. The OC briefed the minor's parents about the actions taken at her end and requested them to keep her Office informed on any further development in their case.

Outcome

The actions taken proved to be effective. Through the request made by the OC, the Headmaster assured that all necessary actions were taken for the well-being of minor W. The minor's father was contacted for a follow-up and he informed the OC that his daughter was currently attending her new school and was faring very well.

CASE 13: Lack of water causing unhygienic conditions for children at a pre-primary school

Background

Every child has the right to be provided with a safe and hygienic environment as this is essential to their physical and psychological health and well-being. This is applicable to all environments where children may find themselves such as home, school, playground and other community facilities. At school, it is primordial that the school management maintain a good standard of cleanliness in classrooms, sanitary facilities and the school yard, while ensuring the availability of all basic facilities such as water supply and electricity.

Nature of the complaint

The mother of a 3-year-old boy complained to the OCO about the lack of hygiene existing in her son's pre-primary school due to an inadequate supply of water since the start of the academic year. The complainant informed the OC that the school cleaner usually carries water to clean the toilet facilities. However, the cleaner had not been able to attend work as she was unwell over a period of time. As a result, the toilets remained unclean with a constantly pungent smell, and this was causing major inconvenience to the students, especially those in the pre-primary section.

The mother added that, due to the lack of water at school to wash their hands, the students are unable to normally carry out their daily routine. She also told the OC about the fact that parents were being asked to provide bottles of water to their children in order to wash their hands. The complainant stated that the situation had been going on for 5 months and she was greatly concerned about the students' health and well-being. She requested for appropriate measures to be taken as soon as possible. The OC opened an investigation with respect to children's right to basic needs and good hygiene at this pre-primary school.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 3: Best interests of the child
  - Article 24: Child's right to health and basic necessities

- Article 27, paragraph 1: Child's right to a good standard of living

Actions taken

1. The OC contacted the Deputy Headmaster of the school to discuss about the situation. The latter stated that this was indeed a major issue in the pre-primary section. The OC expressed her concern regarding the health risks to children and urged that this issue needed to be addressed immediately by the concerned authorities.

2. The Deputy Headmaster informed the OC that she had previously written to the Early Childhood Care and Education Authority (ECCEA) about this issue and that a request had been made to obtain a water tank. She added that the water tank was delivered to the school recently and that she would be following up on the daily availability of water to the students.

3. The OC also contacted an officer from the ECCEA about this issue. She was informed that the water tank had indeed been delivered at the school and that the CWA would be contacted to ensure that the pre-primary section was able to benefit from water facilities as soon as possible.

4. The OC updated the complainant about the situation and requested her to contact her Office on any progress in her case.

Outcome

An Officer of the ECCEA reported to the OC during a follow-up call that the water issue was resolved. This was also confirmed by the Deputy Headmaster of the school. The complainant was updated on the situation by the OCO.

CASE 14: Harassment of 6-year-old minor X by her classmate

Nature of the complaint

The Ombudsperson for Children's Office (OCO) received a complaint from the mother of 6-year-old minor X. She reported that her daughter was being constantly harassed at school by one of her male classmates and this was causing great distress to minor X. She added that this classmate was hitting her daughter at school and he allegedly told minor X that he would kiss her. According to the complainant, the school's Headmaster and teachers are unable to intervene as that very classmate's mother had previously lodged a complaint at the OCO against the school for harassment towards her son. Minor X's mother was worried about her daughter's wellbeing and requested for the intervention of the OC on this matter. An investigation was initiated with respect to the child's right to good health, education and a safe environment.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 3: Best interests of the child
  - Article 19: Child's protection against any form of abuse
  - Article 28: Child's right to education

Actions taken

1. The OC contacted the Headmaster of minor X's school to gather more information regarding this case. According to the Headmaster, the classmate is difficult to manage during classes and displays challenging behaviours at school. The Headmaster also stated that the classmate is followed by a private psychologist and, according to his parents, the child did not present with any issue.

2. The Headmaster however informed the OC that, even though the classmate had indiscipline issues, the latter is an intelligent child.

3. The OC conducted a visit at the school to enquire more on the case with the Headmaster and the class teacher.

4. Furthermore, the OC contacted the classmate's mother, who stated that her son's behaviour has greatly improved at school. She informed the OC that the child was currently being followed by a neuropsychiatrist. She also added that the case has also been referred to the Child Development Unit (CDU) and that the matter was resolved.

5. The OC briefed minor X's mother about the case and requested to be kept informed on any development concerning this issue.

Outcome

The OC contacted the complainant for a follow-up about minor X. The measures proposed by the OC proved to be effective as the complainant stated that the classmate's attitude had improved and that he was currently behaving quite well with her daughter at school.

CASE 15: Minor Y's tardy birth declaration

Nature of the complaint

The Ombudsperson for Children's Office (OCO) received a complaint from the foster father of a 2-year-old boy, minor Y, who alleged that the child had not been declared yet. He informed the OC that, as per section 8(3) of the Child Protection Act 1994 regarding 'committal to place of safety', he was ordained to care for the minor until September 2019. However, he stated that the child had not been declared by his biological mother who was in prison and the whereabouts of the biological father were unknown. The complainant expressed his wish to eventually adopt the child as the latter had been under his care since his birth. The foster father was concerned about the impact of minor Y's non-declaration on his future and wanted the child's right to have an identity to be respected. He requested the OC to guide and help him find a solution concerning this issue.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E):
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 7: The child's right to being named
  - Article 8: The child's right to an identity

Actions taken

1. The OC took immediate actions and proceeded to contact an officer from the Tardy Declaration Section of the Child Development Unit to enquire about the matter. The latter stated that she already initiated contact with an officer of the prison where the biological mother was held. The latter reported that the procedures might take some time as the case of tardy declaration currently lodged in court. She added that the case may take around 6 to 7 months.

2. The OC wrote a letter to the Ministry of Gender Equality, Child Development and Family Welfare to inform them about the issue pertaining to minor Y and to refer the case for urgent actions to be taken while keeping in mind the minor's best interests. The OC requested for a follow-up report from the Ministry after appropriate measures were taken.

3. Additionally, the OC spoke to another officer from the Tardy Declaration Section about the case, while emphasising on the child's right to an identity. The Officer explained to the OC that the matter is still in process in Court and it had been difficult to trace the location of the mother when she was out of prison. The Officer assured the OC that the child would get his identity in about 3 to 4 months.

4. The OC contacted the foster father to inform him on the latest updates regarding minor Y and reassured him that all necessary measures had been taken and were in progress.

Outcome

The Permanent Secretary of the Ministry wrote a letter to inform the OC that an application for tardy declaration of birth had been made by the minor Y's biological mother at the District Court of her region confirming the child's name. She also apprised the OC that the case had been referred to the State Law Office for advice on the matter. The minor's foster father was also informed of the outcome by the OC.

CASE 16: Minor Z, aged 15 years old, bullied by an educator at school

Nature of the complaint

The mother of a 15-year-old child, minor Z, wrote a letter to the OC to complain that her son was being psychologically bullied by his Oriental Language educator at school and that this was affecting minor Z's well-being and impacting on his school grades. She stated that this persistent harassment from the educator began at the start of the first school term when the said teacher came to know about the minor Z's high marks in the Oriental Language paper for his Grade 9 examinations. The mother said that the educator taunted the child and claimed that the level of Grade 9 paper for this subject was too low as, according to him, minor Z would never have done so well. She related that the educator urged the minor that he should take tuitions with a private teacher recommended by him. She also reported that the teacher vented his frustrations about the school administration on the child during class hours.

According to the complainant, this situation went on for a few months until minor Z refused to attend school on days where he had classes with the educator and he even talked about abandoning the Oriental Language subject. The mother explained that minor Z was no longer able to grasp anything being taught to him within that subject, mostly due to the educator's irritation towards the child for not taking private tuition with him. As a result, his marks in other subjects also started getting affected.

The parents previously asked for the rector's intervention into this matter, but the situation remained unresolved. Other educators also observed that minor Z's participation and performance on other subjects were lowering. The parents were having to take their child away from school during the Oriental Language classes and bring him back for his other classes. The minor's parents were really worried about their child's well-being and studies and requested the OC to help them in coming up with a solution.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E):
  - Article 2: Non-discrimination

- Article 3: Best interests of the child
- Article 19: Child's protection against any form of abuse
- Article 28: Child's right to education

Actions taken

1. The OC phoned minor Z's mother to enquire further into the issue. The latter stated that her son was feeling dejected and she would prefer if her son could be taught the Oriental Language subject from a different educator.

2. The OC contacted the Deputy Rector to learn more about the situation. The Deputy Rector reported that she would provide for an Educational Psychologist to assist the minor. However, she stated that it would not be possible to allocate another educator to the student. She further reported that she had already spoken to the concerned educator regarding this issue. The OC emphasized on the risks to the child's well-being and requested the school to make decisions while keeping in mind the best interests of minor Z.

3. The complainant was updated on the OC's conversation with the Deputy Rector and was requested to inform the OCO on any development regarding her case.

Outcome

The OC called the Deputy Rector for a feedback concerning the case and was informed that the Oriental Language educator had been transferred to another school. The Deputy Rector added that minor Z would be followed by a psychologist and that things were presently under control. Minor Z's mother phoned the OC to inform her that her intervention for protecting the rights to education and well-being of her son was successful. The child is now performing well in his Oriental Language class.

CASE 17: An incident of child homicide during the lockdown period

Initiation of own-motion enquiry

The OC opened an own-motion investigation following the case of the homicide of a 10-year-old girl reported in the media. It was revealed that the girl's mother along with her concubine inflicted several blows to the minor's head as the latter was taking too much time to finish her dinner. The blows proved to be fatal to the child. The mother claimed that they cut off parts from the body and disposed of them in a large bag. She also admitted that they put the bag on fire in a nearby sugarcane field. Further sources from the newspaper reported that neighbours claimed that the minor had often been a victim of violence inflicted by the mother and her concubine. The child had also reportedly been sexually abused by a close member of the family. The neighbours added that, though the Child Development Unit (CDU) was alerted about the situation several times, it did not seem to have intervened. Moreover, it was alleged that the couple had lost a baby in unknown circumstances in January of the same year.

International framework relevant to the case

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 19: The child's protection against violence and abuse
  - Article 20: The child's right to a safe environment
  - Article 34: The child's protection against sexual abuse

Actions taken

Based on the available information, the OC addressed a letter to the Senior Chief Executive of the Ministry of Gender Equality and Family Welfare (MGEFW) to be apprised of the reason why the late child had not been removed from such an abusive environment by the CDU, despite previous reports of child maltreatment.

Outcome

The OCO is awaiting reply from the MGEFW.

CASE 18: The impact of parental separation on minor Q's well-being and right to have contact with both parents

Nature of the complaint

The mother of a 4-year-old boy, minor Q, made a complaint at the OCO during the confinement period. She explained that she was divorced from her son's father since 2019 and the child was placed in her care. The mother asserted that the father of minor Q had secured the right to visit his son every Saturday, but the latter had not been exercising this right. She informed the OC that this situation was causing great distress to her son as he had not seen his father for a long period of time. She knew that regular father-son contact was important for minor Q's growth and well-being. She requested the OC for a mediation with the father so that they can sort out any issue and reach a mutual understanding in the best interests of their son. The OC opened an investigation as the child's welfare as well as his right to maintain direct contact with both parents were likely to be affected.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (more details in Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 9: Separation from parents
  - Article 19: The child's protection against violence and abuse

Actions taken

1. The OC sent a letter to the minor Q's father convening him for a mediation meeting at the office as part of the investigation process. The complainant was also called for this meeting. Both parents confirmed their presence for this mediation.

2. A lawyer representing the minor's father phoned the office and asked if it was possible to reschedule the meeting as he would be unable to attend on that specific date. The OC informed the lawyer about the role of the OCO and asserted that this was an out-of-court settlement and that his client is not required to be accompanied by a lawyer. The father's lawyer affirmed that

his client insisted on being accompanied by him because of a previous case of harassment by the complainant. The OC requested that the father phoned the office to agree on a new date.

3. The minor's father contacted the OC on the same day to enquire more about the complaint against him. The OC informed him on the role of the OCO and the OC's duty to investigate on any complaint made to her. She reiterated that the mediation meeting is an out-of-court settlement. The father was told that the complaint regarded his alleged non-respect of the Court's Order to visit his son regularly. The father reported to the OC that he had previously been harassed by the complainant and had even lodged a case of assault against her. He also stated that, since the divorce, whenever he visited minor Q, the mother filed several complaints against him. He added that, at times, his son was not even at the house on his visiting days. The father further alleged that the complainant insulted his parents and prohibited them to see their grandson. He informed the OC that it was always minor Q's mother who decided when he was allowed to meet their son.

4. The OC assured the father that his son has the right to have quality contact with both parents. Irrespective of any decision he took, his son's best interests should be considered primarily. The father was in fact well aware of this right and duty and informed the OC that he would lodge a case before Court to settle these issues.

Outcome

The OC contacted the complainant to provide her with an update. The mother reported that she was also planning to lodge a case for contempt of court against the minor's father. Since both parents had already made up their mind to resort to the Court, the OCO could no longer pursue this investigation.

CASE 19: Corporal punishment inflicted upon a girl at her home during the lockdown period

Nature of the complaint

The Ombudsperson for Children (OC) was apprised by the media of a case of physical abuse against a 6-year-old girl during the lockdown period. According to the media agency, the neighbour had sent them a message to inform them that the minor who lived next door was being beaten every day by the mother as she could hear the child's screams and cries. The neighbour further stated that the child's parents are divorced and that the child was in the mother's care. She added that she witnessed the child being forced to remain in dirty underclothes. She could no longer bear to see this child's suffering and was requesting for prompt actions be taken to save the minor from such a violent environment. The OC opened an investigation because the child's health, security and well-being were at stake.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 19: The child's protection against violence and abuse
  - Article 20: The child's right to a safe environment

Actions taken

1. The OC firstly contacted the Child Development Unit (CDU) to apprise them of this issue. The Officer-in-Charge informed the OC that she was aware of this case and had already initiated actions to help the child.

2. Furthermore, the OC contacted the police station of the minor's region regarding this case. The latter assured the OC that they would lend their full support to the CDU whenever they would seek their assistance in the case.

3. Finally, the OC addressed a letter to the Senior Chief Executive (SCE) of the Ministry of Gender Equality and Family Welfare to inform her about the case of the alleged use of corporal punishment on the minor by the mother. The OC stated that she had already reported the case to the CDU and would appreciate if a report on actions taken could be sent to her Office.

Outcome

The SCE contacted the OC to confirm that the case was being dealt by the CDU and that they would provide feedback on the outcome of this case to the OC.

CASE 20: Children found with no fixed abode during the confinement period

Nature of the complaint

A complainant spoke on a local radio station regarding a 16-year-old boy whom he saw eating from a trash bag near his residence. He spoke with the minor and the latter claimed that he was living under a bridge along with his three siblings, also minors, and that his father was currently serving a sentence in prison. The complainant was worried about the children's safety and health. Journalists from the radio station referred the case to the Ombudsperson for Children's Office (OCO). The Ombudsperson for Children (OC) started an investigation with respect to the children's right to shelter, food and a safe environment.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 3: Best interests of the child and the right to safety
  - Article 9: The child's right to shelter
  - Article 20: The child's right to a safe environment
  - Article 24: The child's right to health and basic necessities
  - Article 27: The child's right to a good standard of living

Actions taken

1. The OC contacted an officer from the CDU about this situation and requested for the matter to be further investigated. The CDU officer informed the OC that the Brigade pour la Protection des Mineurs (BPM) had carried out a field visit to the reported area. However, no child was found there.

2. The OC phoned the complainant to update him on the case. The latter stated that the BPM suspected that the minors involved were from a particular family, but they are still looking into the matter.

3. The complainant told the OC that he would relay to the BPM and the CDU any information he received regarding the minor. He also requested to be kept informed on any development in the case.

4. The OC contacted an officer from the BPM to learn more about the case progress. The latter stated that the BPM effected several visits to the targeted area at different times, but no trace of any child living under the bridge was found. The officer said that he would update the OC when any new information is received on this case.

Outcome

The OC updated the complainant on the measures taken so far by the OCO and that the BPM was appropriately following up on this situation.

CASE 21: Father deprived of having contact with his child following separation from his wife during the confinement period

Nature of the complaint

The OCO received a complaint from a father, Mr. R, during the confinement period. The latter had previously complained to the OCO at the end of 2019 about his children's mother not allowing him to meet them. The OC had advised him to obtain the contact number of his wife so that a mediation could be carried out. However, Mr. R later called the office to inform that he was now able to meet his children.

During confinement, Mr. R contacted the OCO again. He informed the OC that his wife was prohibiting him from having contact with his son. He sadly explained that his daughter passed away in a tragic accident and was alerted by a neighbour. He said that he felt completely isolated during the funeral. When asked about any pending cases before Court, he assured that he previously had a 'Breach of Protection Order' case in court which had been written off last year.

The complainant added that he is not entitled to legal aid and, as the custody of the child has not been contended before the Court, he would like the OC to convene the mother for an explanation about meeting his child. The father further alleged that his wife is a violent woman and that he had to leave the conjugal house which legally belongs to him. However, he assured that the mother was not violent with his son. Additionally, he informed the OC that the Child Development Unit (CDU) has not supported his request for help regarding his child. An investigation was opened with respect to the child's well-being and his right of not being alienated from his father.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3, paragraph 2: Best interests of the child
  - Article 9: Separation from parents
  - Article 18, paragraph 1: Parental responsibilities
  - Article 19. paragraph 1: The child's protection against violence and abuse

Actions taken

1. The OC phoned the minor's mother to learn more about the issue. She stated that she never forbade her husband from meeting the children but had in fact always encouraged her children to meet their father. She informed the OC that she is financially being supported by her parents. She is grieving for the death of her daughter but stated that, as soon as the confinement is lifted, the complainant could meet with their son.

2. The OC contacted Mr. R, but since he was not reachable, she relayed the mother's feedback through his sister. Later, Mr. R called the OCO for an update on the case. He was grateful as the OC assured him that she had already contacted the child's mother and that she was willing to allow him to meet his son. The OC encouraged him to contact the OCO if there was any other issue.

3. After the confinement period, the minor's mother attended a meeting at the OCO. She stated that the complainant was a liar and that she never forbade him from meeting their son. She even invited the father to meet their son after the lockdown restrictions were lifted, but he did not come. The mother informed the OC that she was separated from the father since the last two years and had been staying with her parents since the death of her daughter this year. She affirmed that the police as well as the child's father were informed of the change of address. Furthermore, the mother stated that the complainant often sends her bills to be paid and that their marital house belonged to both. She added that she has previously sought a protection order from the father who in turn did the same against her. She also told the OC that the father would be seeking legal help in this case.

4. The OC advised the minor's mother that it would be better if the case for custody was lodged before the Court in order to address the matter.

5. The OC contacted a CDU officer who reported that both parents are in a conflictual relationship and have been advised to settle the case of custody in Court. The officer added that the minor appeared to be torn apart between the two parents owing to this situation.

6. As the minor's father's phone was not accessible again, the OC passed him updates on the case through his sister and advised that the case for custody be settled in court in the child's best interests.

Outcome

The minor's father confirmed to the OC that he would seek a lawyer and enter a case of custody in Court.

CASE 22: Mother's request for a job transfer for her twin babies' safety and well-being

Nature of the complaint

The OC received a complaint from the mother of one-year-old twins who had been working at a secondary school for almost ten years and had just recently received a school transfer letter. Regarding this transfer, she stated that her main challenges were that that she would be posted three days in one school and two days in a different one. She asserted that her husband is also an educator and that the situation is making it hard for her to take care of her twin babies, in particularly dropping them at their nursery which is located far from her new job posting. She informed the OC that the nursery only opens at 7.45 am on weekdays. She was unable to accompany the twins to the nursery at this time owing to the long distance over which she must travel to reach her place of work on time.

As a result, the twin babies were being driven to the nursery by their father with no one to attend to them on the way. She reported that this situation was a hazard to the babies' health as any mishap could happen on the road with no adult supervision such as the babies choking, vomiting, playing with the windowpane as well as babies putting small items into their mouths or nostrils and suffocating. She added that it would also be unprofessional for her to be late to her workplace daily due to travelling over the long distance to the nursery. She emphasised that it is imperative for her to accompany her two babies on the way to the nursery for their own safety as her husband obviously cannot take care of them while driving. Furthermore, the twins' mother informed the OC that she was told by the rector of her new school that she might get a full time posting soon as one of the teachers was supposed to get a transfer. However, the teacher was not transferred.

Moreover, the complainant requested to have a full time posting at a nearer school which would solve her babies' nursery issue. She stated that she had been to the Ministry of Education, Tertiary Education, Science and Technology (METEST) with her request several times and, though an officer there tried his best to help her, no positive outcome had been achieved yet. The twins' mother requested the OC to help her find a solution to her difficult situation. The OC opened an investigation with respect to the children's best interests and right to good health.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 18: Parents' rights and duty towards their child
  - Article 24: The child's right to a safe environment and utmost care

Actions taken

1. The OC addressed a letter to the METEST in connection to the issue. She stated that the recent transfer of the twins' mother to two different schools far from her children's nursery is proving to be a major issue for her. The babies require constant attention and, if she had to reach work on time, she would not be able to attend to them during their daily travel to the nursery. Additionally, the lateness was being deducted from her casual leaves.

2. In the best interests of the two infants, the OC requested the METEST to consider the transfer of the mother to a secondary school nearer to the nursery so that she may drop them before attending duty and subsequently be on time at work.

Outcome

After the confinement, the OC received a response from the METEST that the demand for a transfer was put on hold during the confinement period and that they were looking into the request. The OC notified the complainant accordingly. The mother later contacted the OCO to inquire whether it had received any update from the METEST because there were a few teachers who had been transferred recently. The OC sent a second letter to the METEST in this regard and a reply is awaited.

CASE 23: Minor T displaying behavioural issues in the care of his grandfather following parental separation

Nature of the complaint

The OC received a complaint from the grandfather of an 11-year-old boy, minor T, who has been under his care for the previous 10½ years since his parents' separation. His main issue was the uncontrollable attitude of his grandson at home. The minor often threatened members of the family, beat them and demonstrated an aggressive behaviour. The complainant informed the OC that, though his grandson was being counselled by psychologists from the Ministry of Gender Equality and Family Welfare (MGEFW) and the Ministry of Education, Tertiary Education, Science and Technology (METEST), minor T's behaviours remained unchanged. The grandfather told the OC that he also had financial constraints in minor T's care as the child's parents are not entitled to social aid. His own health was also deteriorating and he was blind since the last five years due to diabetes. He requested the OC to help him as he was concerned about the impact that his grandson's behaviours on both his school and family life.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 19: Child's protection against any form of abuse
  - Article 26: The child's right to social aid

Actions taken

1. The OC advised the grandfather to solicit the help of the *Brigade pour la Protection des Mineurs* (BPM) and provided him with the contact information. The OC requested him to inform the OCO of any updates.

2. The complainant contacted the OC on the same day and stated that he succeeded in obtaining a meeting on the following day for his grandson with the BPM.

3. The OC phoned the complainant on the next day to learn about the progress made regarding his case. He stated that he went to the BPM accompanied by his grandson where the latter was counselled for nearly one hour by an officer. The grandfather reported that the BPM officer informed him that the main issue with the child was the fact that he is abandoned by his parents and that he is being bullied as a result of this at school. The complainant stated that he noticed a slight improvement in the situation at home after this intervention.

4. The OC advised the grandfather to apply for social aid at the Ministry of Social Integration, Social Security and National Solidarity, which could enable him to financially support his grandson.

Outcome

The complainant assured the OC that he will try to act upon her advice and informed her that he was very satisfied with the intervention of the BPM as he has noticed a slight improvement in his grandson's behaviour. The OC invited him to contact the OCO once school resumes so that a follow-up can be done with minor T in his school environment to deal with the bullying issue.

CASE 24: Recurrent thefts perpetrated by a minor at an elderly person's residence

Nature of the complaint

During confinement, the OCO received a complaint by electronic mail from the nephew of a 91-year-old woman who was a victim of recurrent thefts by a 16-year-old minor. The complainant stated that his aunt lived alone in a residence and was fairly autonomous. Owing to her age, a helper came every morning and a carer stayed with her every night. However, since the past year, her house had been broken into several times by the minor, especially in the afternoon when his aunt was alone.

The complainant reported that the minor stole whatever he could find in his aunt's house and rummaged in her purses and cupboards to steal. He was aware that the minor lives near his aunt's residence and has even made duplicates of his aunt's house keys before being forced by the police to hand over the original keys. As a result, the minor was able to continue breaking into his aunt's house several times when the latter was not at home. The complainant stated that, although his aunt changed her house locks, the minor was able to get the new keys again during another break-in.

Despite the intervention of the police, this did not deter the minor from committing more thefts at his aunt's house and, at times, even in front of his aunt's cook. In addition, the minor's acts of vandalism increased and included instances where he stole the car keys, threw rubbish around his aunt's house or even defecated on the floor. The complainant also emphasised that even the police was at a loss about what to do regarding the minor as he was not discouraged by their arrests nor by any complaints against him. The police advised the complainant to talk firmly to both the minor and his parents informing them that his aunt was in close contact with her relatives in case they considered her to be completely alone.

Furthermore, the complainant described several other incidents where the minor again broke into his aunt's house to steal her SIM card. On not receiving news from his aunt for a period of time, the complainant visited her house and caught the minor red-handed stealing in the house. He confronted the latter and afterwards went to lodge a complaint at the police station, but he did not hear anything back. The complainant was in complete dismay as he affirmed that the law always considers mitigating circumstances so as not to condemn the minor and he was worried that his aunt might

never be able to live without the fear of being robbed. He requested the OC's help in this matter as he was unable to understand why any concrete actions had not been taken against the minor so far.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E):
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 40: The child's right to be heard in case of infringement of law and promotion of child's reintegration

Actions taken

1. The OC contacted the complainant to learn more about the issue. He stated that the police arrested the minor several times, but the latter was always released afterwards. He claimed that the minor was aware of his aunt's daily routine and came to her house whenever he wanted. He also stated that he was concerned about his aunt's security especially during the confinement. He added that he was aware that the minor may be in a vulnerable situation and may be neglected by his parents, but he would like the issue to be resolved as soon as possible.

2. The OC spoke to a Sergeant from the *Brigade pour la Protection des Mineurs* (BPM) and referred the case to them after informing them about the situation. The officer assured that he would contact the complainant and visit his aunt to further investigate the matter.

3. An officer from the BPM contacted the OCO to give a feedback regarding the case. He informed the OC that they were still looking for the minor.

4. Some days later, the Sergeant from the BPM phoned the OC and reported that they were able to find the minor and counsel him in the presence of his mother, and that the counselling session seemed to have gone well.

Outcome
The OC contacted the complainant for a follow-up of the case. The latter informed the OC that the BDM was able to get hold of 15 keys which the minor had stolen from his aunt's house. He added that the minor has not gone back to his aunt's place after being counselled by the BPM.

CASE 25: A family conflict and a mother's right to visit her child following separation from the father

Nature of the complaint

A complaint was received during the confinement period by the mother of a 2-year-old boy. According to her, she had been granted the 'Immediate Care and Control' order for her son by the Supreme Court of Mauritius. She stated that her husband was resisting to give the child back to her. The mother affirmed that, some days ago, she spotted her child roaming around with his father and, when she addressed him about the Supreme Court's Order, the latter denied the fact and made excuses to keep the child.

The complainant expressed her fear to the OC about her child's life and security as she also claimed that the father is a drug addict and an irresponsible person who did not consistently attend to her son's needs. She stated that she strongly believed that her child's health also was at risk because he had missed his vaccination appointments. She added that she sought help from the police several times as well as the Child Development Unit (CDU), but she observed that no action had been taken yet. She emailed the Ombudsperson for Children for assistance during this difficult curfew period. An investigation was opened by the OCO with respect to the child's rights to health, well-being and safety.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 9: The child's right to have contact with both parents
  - Article 19: The child's protection against violence and abuse
  - Article 20: The child's right to a safe environment
  - Article 27: The child's right to a good standard of living

Actions taken

1. The OC contacted her for further details. The minor's mother stated that the police assisted her thrice, but her husband's family members reported that he was away with their child. However, the complainant stated that she was convinced that her husband had returned to his residence with her child.

2. Since the 'Immediate Care and Control' order was still valid, the OC contacted the police and spoke with an officer about the case. The officer informed the OC that that they would receive the minor's mother at the police station and would provide her with assistance so that she could get her son back.

3. The OC contacted the minor's mother to inform her about the police's response and requested her to give her updates on her situation.

4. After the confinement period, the OC sent a letter to the Commissioner of Police and to the *Brigade pour la Protection des Mineurs* to formally refer this case to them and requested to be informed of its outcome.

Outcome

The OC contacted the complainant after the lockdown period for a follow-up. The latter stated that she did not go to the police station but had contacted her attorney about the situation. She reported that she was advised by the attorney to enter a case in Court. The OC reminded the minor's mother that, as per the Ombudsperson for Children Act 2003, once a case is lodged before Court, the OC cannot intervene in the matter. The minor's mother understood this information and accepted for her case to be closed at the OCO's end.

CASE 26: Minor being harassed on a social networking site

Nature of the complaint

A complaint was made by a woman through email to the OCO about the case of a boy at risk of abuse on a social networking site. The complainant explained that the boy had been doing live videos from the beginning of the lockdown period, which initially seemed fun. She stated that she did not know the minor's age, but the latter appeared to be around ten years old. She also did not know the minor's full name and could only rely on the name attached to his social network profile.

However, some people watching his videos had started to make fun of the minor, abusing him through derogatory comments and even asking him to do things like dancing amongst others. The complainant was concerned about the fact that the child is very young and vulnerable and hence could be a potential target for sexual predators online. She also reported that people were sharing and editing the child's pictures and videos to create humoristic graphics of the child.

Additionally, the complainant informed the OC that she at times saw the minor's mother use his social network profile to do live videos where she sang, danced, screamed or talked about absurd things. As a result, there were many inappropriate comments directed to both the mother and son on the live videos. The complainant stated that the mother seemed to be disturbed and that, during one of her live videos, she informed people that her husband recently passed away. The child's mother also regularly filmed her youngest son in her videos and the complainant was worried about both boys' well-being. She requested the OC to identify the two children so that it could be assessed whether they were in need of assistance from authorities.

International framework relevant to the complaint

- UN Convention on the Rights of the Child (refer to Appendix E)
  - Article 2: Non-discrimination
  - Article 3: Best interests of the child
  - Article 19: The child's protection against violence and abuse
  - Article 20: The child's right to a safe environment

Actions taken
1. The OC requested the police to inquire into this matter and take appropriate actions where necessary. 2. The OC also referred the case to the Cybercrime Unit and informed them about the minor being at risk of abuse. 3. After confinement, the OC addressed a letter to the Commissioner of Police and requested to be updated on the progress and outcome of the actions taken at their end regarding this matter.
Outcome
The police submitted a report to the OC explaining that they could not access the minor's profile as it seemed to have been removed from the social networking site.

CHAPTER 8

Showcase of Some Good Local and International Practices in Implementing the Rights of Children

8.1. Introduction

The Convention on the Rights of the Child (CRC; United Nations [UN], 1989)[99] is the most widely ratified human rights treaty globally. However, its implementation varies across political systems used by State parties. For instance, the Republic of Mauritius ratified the UNCRC in 1990 and, since it has a dualist legal system, this international treaty does not automatically enter into force within our local law. First, the UNCRC has to be enacted through Mauritian legislation in Parliament so that its provisions can be enforced locally.

Since the adoption of the UNCRC, the Committee on the Rights of the Child[100] regularly produces thematic guidelines, known as 'general comments', to facilitate child rights implementation among State parties. Based on the periodic reports submitted by State parties on the progress made regarding the promotion and fulfilment of children's rights, the Committee also informs them of their concerns and recommendations in the form of 'concluding observations'. In the spirit of furthering the children's agenda, many countries have demonstrated creativity and innovation in coming up with child rights-friendly practices that promote the well-being and empowerment of children.

The current chapter illustrates some of these international and local good practices that can serve as potential references when formulating policies and measures related to children's rights. All the local organisations portrayed in section 8.3 of the present chapter have been visited by the Ombudsperson for Children and her team.

[99] United Nations (1989). *Convention on the Rights of the Child.* Geneva: Author.
[100] The Committee is a body of 18 Independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. Source: Office of the High Commissioner on Human Rights (2020). *Committee on the Rights of the Child: Monitoring children's rights*. Retrieved on 05 August 2020 from www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx

8.2. Some good international practices in enabling the rights of children

8.2.1. Text4baby: Educating women and expectant mothers about health issues through text messages

With a view to improve the prenatal and postnatal health of babies and the well-being of their mothers in the United States (US), the country launched for the first time in 2010 a national project for pregnant women and new mothers called 'Text4baby'[101]. It uses a free text messaging service to provide advice on maternal and child health to these women through three text messages weekly. 'Text4baby' was developed out of a fruitful public-private partnership which included the US Centers for Disease Control and Prevention (CDC); the Voxviva Inc, a private mobile health company; and the National Healthy Mothers, Healthy Babies Coalition, a group of 100 civil society organisations across the US working in the field of maternal and children's health care education.

The content of the programme was prepared by all the partners based on their backgrounds in relation to the maternal and child health (Whittaker *et al.*, 2012)[102]. For instance,

- Using evidence-based references such as the American Congress of Obstetricians and Gynaecologists guidelines, the CDC staff, who have expertise in obstetrics, paediatrics, and family and health communication, identified relevant themes for the text messaging service.

- Informal group discussions with women at six community health centres allowed the Healthy Mothers, Healthy Babies Coalition to understand their preferences on topics that mattered to them.

[101] More information on Text4baby can be accessed on its website (www.text4baby.org).
[102] Whittaker, R., Matoff-Stepp, S., Meehan, J., Kendrick, J., Jordan, E., Stange, P., et al. (2012). Text4baby: Development and implementation of a national text messaging health information service. *American Journal of Public Health, 102*(12), 2207-2213.

The messages sent to subscribers were categorised into prenatal and postnatal as follows:

- *Prenatal:* usual symptoms during pregnancy, when and how to access health care, emotional support for pregnant women, safety, nutrition, smoking, alcohol and drugs, infectious diseases, labour and delivery; and

- *Postnatal:* care for the baby, safety, breastfeeding, nutrition and immunisations, among others.

Each of these messages includes toll-free numbers that can be used by the pregnant women and new mothers to access maternal and child health services within their local areas.

This text messaging project has proved to be particular effective (Whittaker *et al.*, 2012) because it used the mobile phone as a means of communication that was accessible and at the fingertips of the women. With technological advancement, this service has been made available on social network platforms and also turned into a free application for smartphones. Videos are also uploaded regularly on video hosting platforms such as YouTube to improve the educational experience of the women.

8.2.2. The Stark County Family Court in Ohio: A trauma-informed Family and Juvenile Court

The success of trauma-informed child welfare systems to treat child traumatic stress has been documented in many scientific publications (e.g. Klain & White, 2013)[103]. These systems are structured in such a way to provide an understanding of the causes and effects of traumatic experiences as well as practices aiming at supporting recovery. The trauma-informed practices include educating stakeholders engaged with children and family and providing resources for trauma-specific interventions. These interventions not only treat the symptoms of trauma but also focus on the interplay between trauma and its consequences. This approach provides children a sense of control and hope. It requires the involvement of all stakeholders including caseworkers, lawyers, judges and parents.

[103] Klain, E. J. and White, A. R. (2013). *Implementing trauma-informed practices in child welfare.* United States: State Policy and Advocacy Reform Center.

The Stark County Family Court (SCFC)[104] in Ohio is a nationally recognised model of a trauma-informed family and juvenile court in the United States (Howard & Tener, 2008)[105]. Led by Judge Michael Howard, a proactive collaboration between the Court system and the local mental health system was established. National experts were hired to educate the Court, child-serving and mental-health personnel on child trauma and to build capacity for trauma-specific services for children. The Stark County Traumatised Child Task Force (SCTCTF) was set up to determine a plan for screening, assessing and providing identified children with the appropriate services. Judge Howard noted that in his capacity as a Juvenile Court Judge, he could enjoy a unique ability to act as a community convener.

The SCFC promoted trauma-specific interventions for children and caregivers. Hence, whenever a history of trauma is identified, the child and his caregivers would be referred for a thorough traumatic stress evaluation. For youth involved with the juvenile court system, the court intervenes to support trauma-focused treatment not only with potential delinquency cases but also with protection cases in dependency court. Trauma-specific screenings are also offered by the Juvenile Court. Any Court personnel suspecting trauma could refer the child for screening. The Court also changed its approach in screening children. A new screening tool developed by Dartmouth college which incorporated a depression scale and substance abuse screen was adopted by the Court.

In order to sustain trauma-informed approaches, Judge Howard and his fellow stakeholders of the SCTCTF proposed that these should be institutionalised. A partnership with the National Child Traumatic Stress Network (NCTSN) was subsequently established to institutionalise trauma awareness in all regional systems that serve children and youth who may be traumatised. It included schools, local Red Cross, Court personnel and Court volunteers, members of probation, child welfare and mental health agencies. As a result of this partnership, tools were developed to sustain trauma-informed practices. A toolkit was developed by the NCTSN, cross-system practices were established, and stakeholders were provided training. Trauma-responsive approaches were integrated in the Ohio Department of Education's Positive Behaviour Intervention Programme. Furthermore, trauma screening and treatment were institutionalised in the juvenile justice residential treatment program.

[104] More information can be accessed on the website of the SCFC (www.starkcountyohio.gov/family-court).
[105] Howard, M. L. and Tener, R. R. (2008). Children who have been traumatised: One Court's response. *Juvenile and Family Court Journal, 59*(4), 21-34.

This project in Stark County is a model of how the convening power of the judiciary, through a Juvenile Court Judge, can foster trauma-informed dependency and delinquency court in partnership with other stakeholders. Successful collaborations across systems were developed and there were fruitful exchanges among professionals of different disciplines in training events and cross-disciplinary meetings. Nationwide, a national collaboration of the NCTSN, the National Council of Juvenile and Family Court Judges, the American Bar Association, and the Office of Juvenile Justice and Delinquency Prevention led to the publication of collaborative papers, fact sheets, webinars and trainings.

8.2.3. Child Friendly Cities Initiative (CFCI)[106]

The Child Friendly Cities Initiative (CFCI) was launched in 1996 by United Nations Children's Fund (UNICEF) with a view to support cities, municipalities and communities to realise the rights of children at local level. The CFCI has been implemented in over 40 countries and in 3,500 municipalities.

8.2.3.1. What is a child-friendly city?

According to the CFCI, a child-friendly city is a place where the rights of children, as spelled out in the UNCRC, are respected and given due consideration. It is also a place where children have a say in the development of their cities. It should operate in accordance with the four overarching principles of the UNCRC and principles of good governance, as listed below:

Four overarching principles of the UNCRC:

- **Non-discrimination**
- **Best interests of the child**
- **The inherent right to life, survival and development**
- **Respect for the views of the child**

[106] For more information, the UNICEF's website on Child Friendly Cities Initiative can be consulted (childfriendlycities.org).

Principles of good governance:

- **Equity and inclusion:** A child-friendly city should have equity and inclusion which entail equal opportunities for all children, including children with disabilities, vulnerable children and marginalised children. Barriers to equal opportunities for children should be identified and removed.

- **Accountability and transparency:** In order to have a child-friendly city, it is vital to identify who is responsible for implementation so as to know who is accountable. The decision-making process should be transparent.

- **Public participation:** In order to promote accountability, public participation is essential. Different platforms should be provided so that every stakeholder, including children, can get a chance to give their views on matters pertaining to them.

- **Effectiveness and responsiveness:** In order to have a child-friendly city, governments should take all appropriate measures to domesticate the UNCRC.

- **Adaptability and sustainability:** Building a child-friendly city requires a flexible management approach in order to be able to anticipate and respond to changing circumstances and be sustainable over time.

The Child Friendly City ensures that every child and young person

- has the right to be valued, respected and treated fairly;
- is protected from exploitation, violence and abuse;
- has the right to participate, to be heard and to be involved in decision making process;
- gets access to quality social services;
- is able to live in a safe, secure and clean environment with access to green spaces;
- participates in family, cultural, city/community and social life; and
- meets friends and has places to play and enjoy themselves.

8.2.3.2. Case study of Belize

One country which has implemented the CFCI is Belize, Latin America's smallest country with a population of 398,454 people (Worldometer, 2020)[107]. In 1990, Belize ratified the UNCRC and became duty bound to implement the provisions of UNCRC. Regarding child participation in Belize, there were no formal ways where children could participate in decision-making process. In order to remedy this situation, the UNICEF Belize Country Office created the Sustainable and Child Friendly Municipalities (SCFM) initiative as a way to put into practice the UNCRC and to prioritise child participation at municipal level. The SCFM was launched in September 2014 and nine municipalities participated in this project. The stakeholders involved in the SCFM were local authorities, civil society, experts, communities and especially children and adolescents.

Prior to the launching, there were several consultations with stakeholders, mainly municipalities, to reach a consensus on key priorities for the implementation of the initiative. Moreover, the nine municipalities participated in a joint UNICEF-UNDP Rapid Assessment of Belize Local Governments' Capacities to assess the strengths and weaknesses of the role of local government in delivering basic services, designing and implementing local public policies, engaging citizens and promoting citizens' participation. Based on the above, each municipality had to implement the SCFM approach by carrying out the following steps:

- the establishment of a steering committee to ensure that the SCFM initiative and child participation are being carried out;
- the creation of a Child Advisory Body (CAB);
- the development of draft municipal action plans to highlight the priorities to improve children's lives; and
- the appointment of a councillor who would act as rapporteur and whose main role was to ensure that SCFM issues are discussed at council meetings.

[107] Worldometer (2020). *Belize Population.* Retrieved on 10 August 2020 from www.worldometers.info/world-population/belize-population/

The municipalities were given a 3-year period to implement the initiative so that they could get a chance to become accredited as "sustainable and child-friendly municipalities". In order to get this accreditation, one of the key criteria was to promote active child participation. Out of the above-mentioned steps, the creation of the CAB was pivotal in ensuring the latter. The CAB of each municipality included children from various organisations like student groups, NGOs, churches and scout groups who are aged between 8 to 18 years. The CAB also comprised of children from vulnerable categories like those from poor families and those with disabilities. The CAB created a platform whereby children were able to discuss and review municipal plans, budgets and local issues that affect them. The children participated through different communication platforms such as local talk shows, both on television and radio, WhatsApp, focus group discussions and drawing exercises.

The main aims of the CAB included:

1. bringing a child/adolescent perspective to issues affecting children in municipalities to ensure that their rights and needs are reflected in and promoted by municipal plans;
2. facilitating knowledge sharing about best practices and lessons learned for agendas relating to child/adolescent rights, gender equality, and sexual and reproductive health within municipal plans;
3. improving child/adolescent understanding of the principles behind municipal plans and their role in improving young people's lives; and
4. strengthening the skills of children/adolescents (especially vulnerable and disadvantaged young people) in areas such as leadership, decision-making, communication, problem-solving and advocacy, to facilitate their effective participation in municipal development planning.

Since the launching of the SCFM, all initiatives, such as anti-bullying campaigns, *End Violence against Children* campaign and the *Communication for Development training on the Zika virus*, were organised and planned through SCFM. This ensured that there was child participation on all issues at local level. Through the SCFM and the CAB, children were able to voice out their concerns and it was also a way to hold national officials accountable. CAB members were trained on several issues like trauma recovery methodology and they attended empowerment sessions on the theme "The Girl Child". The CAB provided children with the opportunity to be involved in decision-making process. For example, in one

municipality, the children voiced out their concerns regarding the upgrade of a local park. They gave their views and suggestions. When their suggestions were accepted, the children were given the chance to assist in the redesign of the park. All municipalities involved in the SCFM initiative were accredited as "sustainable and child friendly cities". It was found that the accreditation framework, acted as an incentive for municipalities to participate in the initiative and promote child participation.

8.2.4. 'Fuji Kindergarten': How architecture is capable of changing the lives of children

The infrastructure of a school plays an important role on the lives of children because school is where a child spends a significant part of his/her life. It is therefore crucial that the school infrastructure is child-friendly. Fuji Kindergarten is a remarkable example of a child-friendly school environment. It was designed in 2007 by architect Takaharu Tezuka. It is located in the Tachikawa suburb of Tokyo, Japan. In 2017, the Tokyo-based company of Tezuka Architects was awarded the Moriyama RAIC International Prize for the creation of this kindergarten. The RAIC, which stands for Royal Architectural Institute of Canada, awards this prize every two years for works of architecture which are *"judged to be transformative within its societal context and promotes the values of social justice, equality, and inclusiveness."* (Lynch, 2017)[108].

Tezuka kept the child and his/her natural instinct at the heart of the design, which is interestingly in line with articles 3 and 12 of the UNCRC with regards to considering the children's best interests and their right to express their views freely on all matters concerning them respectively. Tezuka Architects had the vision of children who evolve in open environments filled with background noise and who do not exclude anything or anyone. Their motto was inspired by the fact that *"when the boundary disappears, the constraints disappear"* (Lynch, 2017).

[108] Lynch, P. (2017). *Tezuka Architects' Fuji Kindergarten Wins 2017 Moriyama RAIC International Prize*. Retrieved 10 August 2020 from www.archdaily.com/880027/tezuka-architects-fuji-kindergarten-wins-2017-moriyama-raic-international-prize.



Photos courtesy of Tezuka Architects. Photo of the "Ring Around the Tree" building by Katsuhisa Kida/FOTOTECA

As shown in the picture above, the Fuji Kindergarten is a child-friendly oval-shaped school which accommodates 600 children aged between two and six. Its roof has been set up as an endless play track, where children can run around freely, and trees grow right through classrooms. In the middle of the oval-shaped school, there is a playground. There are slides from the roof where children can get access to the playground. Sliding glazed doors which lined the interior of the school are most of the time open so that there is no barrier between the indoors and the outdoors. There are safety nets around the trees which grow through the classrooms, so that children can climb and play. The architecture of the school has been planned out in such a way that through play, children are encouraged to socialise as well as to be independent.

Moreover, the classrooms are open and there are no dividing walls. They are separated by boxes which are made of wood and which are also used as shelves for children to stack their things. The classrooms are designed in such a way that children do not have to sit still and silent for long periods of time. These designs provide a conducive environment where children are able to learn and focus without boundaries. Through its impressive architecture, the Fuji Kindergarten also contributes to article 29 of the UNCRC by ensuring a holistic and global education of its children, through its impressive architecture.

8.3. Some good local practices that promote children's rights

8.3.1. Nénuphar Centre at Long Mountain Hospital

8.3.1.1. Background

The upward trend in drug abuse among young people in the Republic of Mauritius is becoming a growing concern for families and the society at large. Factors such as peer pressure and dysfunctional families can make adolescents more vulnerable to drug use, which is evidenced to have adverse long-term effects on their physical, psychological and social development. The Convention on the Rights of the Child (United Nations [UN], 1989)[109] makes it clear that:

> *States parties recognize* ***the right of the child to the enjoyment of the highest attainable standard of health*** *and to* ***facilities for the treatment of illness and rehabilitation of health****. State Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.* (Ibid., art.24, para.1)

> *States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures,* ***to protect children from the illicit use of narcotic drugs and psychotropic substances*** *as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.* (Ibid., art.33)

Achieving the highest attainable standard of health for our children is a multi-stakeholder effort, a notion that is supported by the Committee on the Rights of the Child (UN, 2013, para.23)[110] as follows:

> *The notion of "the highest attainable standard of health" takes into account both the child's biological, social, cultural and economic preconditions and the State's available resources,*

[109] United Nations (1989). *Convention on the Rights of the Child.* Geneva: Author.
[110] Committee on the Right of the Child (2013). *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24).* Geneva: UN. Retrieved on 10 August 2020 from www.refworld.org/docid/51ef9e134.html.

supplemented by resources made available by other sources, including nongovernmental organizations, the international community and the private sector.

A local example of a partnership initiative between the Government and eight NGOs in the detoxification and rehabilitation of young drug addicts under the age of 18 is the Nénuphar Centre. Nested in the quiet and serene village of Long Mountain, this first of its kind project is a residential health care facility that provides counselling services as well as psychological and social support to the young people. It has been opened for admission since 20 August 2018 and was inaugurated at the Long Mountain Hospital on 5 October 2018. The Nénuphar Centre has an attractive colonial architecture and rustic interior decoration that provide a conducive atmosphere for rehabilitation. The personnel consist of dedicated health professionals who foster a non-judgmental and positive attitude to the young people's treatment. As at date, there has been more than 150 admissions to the centre.

8.3.1.2. Services and treatment offered at the Nenuphar Centre

The multi-disciplinary team (MDT) of health professionals consists of

- 2 Psychiatrists;
- 1 Medical Officer;
- 1 Charge Nurse;
- 5 Nursing Officers;
- 1 Social Worker/Programme officer;
- 2 Health Care Assistants;
- 3 Clinical Psychologists, covering 6 half-day sessions per week; and
- Support staff from 4 NGOs on different days of the week.

The treatment consists of a blend of pharmacological and psychological therapies combined with alternative therapies offering a holistic approach to treatment. The psychological therapies include motivational interviewing; cognitive behaviour therapy; behaviour modification; coping strategies; anxiety management; anger management; yoga, meditation and mindfulness sessions; psychodynamic therapy; general knowledge classes; metaphors in therapy; play therapy, role playing and psychodrama;

music therapy; art therapy; and family therapy and education. Family therapy is usually conducted on Wednesdays and involves participation of family members who are taught how to relate with the patient. They are also informed on how to recognise symptoms indicative of relapse from an early stage. This can help them contact the MDT promptly so that timely interventions can be made. Therapies are conducted both on individual and group bases and are tailored to the individual patient's needs.



The OC with Dr Jhugroo and Dr Gopaul during a visit at Nénuphar Centre

"The ideal time to treat such addiction is during adolescence - a time when the brain of the adolescent experiences ***neuroplasticity****. Neuroplasticity, also known as brain plasticity and brain malleability, is the capacity of the brain to change and adapt during an individual's life. This period in fact affords a window of opportunity to give the individual a second chance to get back to a normal life."*

~ Dr Jhugroo, Medical Doctor at the Nénuphar Centre

Other activities carried out at the Nénuphar Centre are the "Journal Club" as well as indoor and outdoor activities as outlined below:

- **The "Journal Club":** Youngsters review daily newspapers every morning and give their critical opinion on different subjects that make the media headlines in a group setting.
- **Indoor recreational activities:** These include games like carrom, domino, Scrabble, Monopoly, playing cards and chess. There is also a treadmill and a gym bicycle for indoor exercise.
- **Outdoor recreational activities:** Examples are football, table tennis and gardening sessions among others.

Upon discharge, patients are initially followed up in an outpatient setting at the centre, and eventually in the addictology unit nearest to their place of residence.

8.3.2. Lizié Dan La Main: A good practice model in special education

8.3.2.1. Background

All children including those with disabilities have a fundamental right to quality education as enshrined by articles 28 and 29 of the UNCRC and shall enjoy this right without any discrimination and on the basis of equal opportunity. Through regular visits to mainstream and special schools, the Ombudsperson for Children and her team monitor whether the rights of children with disabilities are being respected by all concerned stakeholders. As children with disabilities are very different from one another, parents, teachers and other relevant professionals have to help each individual child to develop their communication, interaction and problem-solving skills in ways that maximise their potential, and to sustain their progress by providing the necessary support.

In the Republic of Mauritius, several NGOs operate special education services for children with physical, sensory and/or mental disabilities. One of these NGOs is 'Lizié Dan La Main (LDLM)' which thrives to make a difference in the education of children with visual impairments in Mauritius. Founded in 1981 by a group of musicians led by Mr Reynolds Permal and determined to make a positive change, LDLM became a reference in the fight for the welfare and care of visually impaired people in Mauritius. Its vision is to enable every visually impaired person to have a decent, respectable and normal life in

society, and its mission is to implement activities and projects for the socio-economic integration of persons with visual impairment, including children.

Since its foundation, the services of the LDLM have evolved, modernised and benefitted a large number of blind and visually impaired people, including vulnerable children, youth and adults from the regions of Port Louis, Sainte Croix, Roche Bois, Cité La Cure, Baie du Tombeau, Calebasses, Goodlands, Plaine Wilhems, Riviere des Anguilles, Union Park, St Hubert and Flacq. The NGO ensures that the children have a healthy breakfast, lunch and an afternoon tea break when they come to the centre. It works ardently to foster the autonomy of its beneficiaries and open their avenues to employment and economic sustainability.

8.3.2.2. Services offered by LDLM

The services offered by the LDLM aim at the social integration of the blind and partially sighted people to help them lead a life as normal as possible. Admission to the LDLM centre for these individuals is subject to a complete eye examination by an optometrist to determine their visual acuity. This allows for a better referral to the most appropriate services. The main services are described as follows:

- **Pre-primary, primary and adult education:** Teaching is carried out in enlarged print or through braille. The centre is equipped with the latest technology such as closed-circuit print enlargers, braille transcriber computers and voice generated commands computers. In order to promote inclusive education, the LDLM also has an agreement with the Ministry of Education, Tertiary Education, Science and Technology, whereby visually impaired children can attend school in specialised integrated units within the premises of mainstream school. Moreover, the LDLM prepares children for exams at the end of primary education and ensures their admission into colleges or other secondary institutions.

- **Specialised IT classes:** IT classes are offered using specialised software such as JAWS and Zoomtext to enable the children with visual impairments to become computer literate.

- **Basic literacy:** Through this programme, the visually impaired learn how to read and write, communicate properly and perform manual tasks.

- **Orientation and mobility:** The LDLM gives considerable importance to building the autonomy of visually impaired individuals. The programme on orientation and mobility includes initiation to the use of the white cane, and basic training of how to move around independently, and accomplish activities of daily living such as cooking.

- **Vocational training:** The LDLM provides vocational training to those who could not pursue their mainstream education in different areas such as the making of baskets and picture frames, woodwork, 'papier mâché', pottery and sculpture.

- **Sports:** Sports play an important part of LDLM's rehabilitation program. Members of the LDLM are well known for their performance in sports both locally and internationally.

- **Music and dance:** The LDLM's musical band is famous throughout the whole island. This group performs regularly in functions organised at national level. The NGO has a well-equipped sound studio with musical instruments and sound equipment where the musicians do their rehearsals and recordings. Music teaching is also carried out at the centre as a recreational activity. In addition, the school has a 'Sega' group, comprising young singers and dancers, who excel in traditional Sega dance.

8.3.3. *L'Odyssée du Savoir* (Alternative Primary School): Create the learning!

8.3.3.1 About *L'Odyssée du Savoir*

L'Odyssée du Savoir is an Alternative Elementary School, founded in March 2017. Its teaching and learning processes are inspired by alternative pedagogies from Sudbury, Summerhills and Montessori schools. The school is based at the Medine Education Village campus in Pierrefonds, and has 44 students. It focuses on the student's educational empowerment and the development of his autonomy.

The child is allowed to develop according to his needs, choices, rhythm and learning style. The school also works in partnership with the NGO *Anges du Soleil* in Tamarin, which provides education to children who come from vulnerable families. The following are some good practices identified by the OCO at *L'Odyssée du Savoir* which can be used as references to other schools who wish to innovate their pedagogies.

8.3.3.2. Promoting children's need for time and space to play and rest

The *L'Odyssée du Savoir* has an alternative curriculum and is not bound by desk learning. The cornerstone of the school is its prevailing democracy and independence that it allocates to the children. Children learn at their own pace and in their own individual ways. The school stresses highly on the need to create time and space for children to indulge in unstructured play, recreation and creativity.

Every morning, the children are asked to freely choose the *'atelier'* or workshop that they wish to go into for the day. An 'atelier' can be, for instance, gardening, Lego programming or attending a Montessori class. As per the rules, each child needs to complete 15 *'ateliers'* per week. When a child does not want to attend any *'atelier'*, they are free to play and indulge in any recreational activity that they want such as craft making.



The board (as shown in the picture on the left) provides an overview of the 'ateliers' of the day. The children have the responsibility to register for the activities of their choice in the morning as per the rules. Otherwise, they will not be allowed to participate in the sessions.

Furthermore, every morning at 09 30 hrs prior to the start of the *'ateliers'*, children and educators at the school are encouraged to participate in the "Anapana", a meditation technique. Research studies have shown that teaching young children mindful practices impacts positively on their brain and behaviours, and improve their attention, self-control and ability to manage stress.



Children practicing the "Anapana" meditation technique. Children reported that they feel better when they practice this meditation.

It is well-known that play is pivotal to children's cognitive, physical, emotional and social development. The Committee on the Rights of the Child (United Nations, 2013, para.9)[111] rightly pointed out that "*[t]hrough their involvement in play and recreation, children learn by doing; they explore and experience the world around them; experiment with new ideas, roles and experiences and in so doing, learn to understand and construct their social position within the world.*"

8.3.3.3. Promoting the right to participate and to be heard

In line with article 12 of the UNCRC on the right of the child to express their views freely on matters concerning them, the school takes decisions using a consultative approach with the children. Each week, a *"conseil de l'école*", comprising of students who have been nominated by other students as

[111] Committee on the Rights of the Child (2013). *General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).* Geneva: UN. Retrieved on 13 August 2020 from www.refworld.org/docid/51ef9bcc4.html

spokesperson and secretary, as well as educators/staff, is held. Matters pertaining to the day-to-day running and recurring problems at the school are addressed in this meeting. Solutions are then proposed and decisions are taken by vote.

For instance, following an incident of a child falling from a tree in the school yard, the *"conseil de l'école"* decided on the remedial safety measures to be taken. The Officer-in-charge of the school and the parents were keen to adopt the measure that no children should be allowed to climb trees. However, after listening to children's views on the matter, it was decided that, instead of prohibiting children to climb trees, a 'height limit' on the trees should be imposed. The trees were marked with blue and yellow strips indicating safe and unsafe height limits respectively, as shown in the picture below. This solution both ensured children's safety and did not hinder their physical development.



8.3.3.4. Promoting the right to education

To ensure that all students are enjoying a conducive atmosphere to learning, the school also operates a *"conseil de la justice"*, which comprises a small group of students and staff elected by the *"conseil de l'école"* to monitor the rules and regulations of the school and to process complaints. Any student can lodge a complaint with the *"conseil de la justice"* regarding any violation of the school rules and

regulations. The plaintiff describes how and where the incident happened and also states whether there was any witness when it occurred. The *"conseil de la justice"* meets daily to review complaints and subsequently determines whether any given school rule has been violated. If so, the *"conseil de la justice"* presses charges against the person, irrespective of whether it is a student or a staff.

For example, if a child is bullied by his classmate, he/she can lodge an official complaint at *"conseil de la justice"*. There has been an instance where this committee rusticated a student when found guilty of bullying his/her classmate. According to the Officer-in-charge of the school, this mechanism has been effective whereby children are better able to take ownership of their actions and they foster more respect for one another. It also empowers them to become role models within the school community and responsible adults of tomorrow. This practice at the school corroborates with the following goals of education as outlined by the CRC (UN, 1989, article 29(1) (b&d)):

> *States Parties agree that the education of the child shall be directed to:*
>
> *(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.*
>
> *(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.*

8.3.4. Strengths of the *Brigade pour la Protection des Mineurs* (BPM)

The BPM has been set up to focus on the protection of the child and to act as a watchdog against child abuse. It aims at providing a safer environment to all children and working with all stakeholders in children's best interests. It has eight departments across Mauritius and 1 office in Rodrigues. The following are a description of some of the identified strengths of the BPM:

1. Networking

The BPM has established a strong line of communication with the following governmental and non-governmental stakeholders in the best interests of the children:

(i) Ministry of Gender Equality and Family Welfare (MGEFW);
(ii) Ministry of Education, Tertiary Education, Science and Technology (METEST);
(iii) Private Secondary Education Authority (PSEA);
(iv) Service Diocésain de l'Education Catholique (SEDEC);
(v) Ministry of Youth Empowerment, Sports and Recreation;
(vi) Ombudsperson for Children's Office (OCO);
(vii) Office of the Director of Public Prosecutions;
(viii) Rehabilitation Youth Centres (Boys and Girls);
(ix) Tourism Authority;
(x) Gambling Regulatory Authority;
(xi) National Children Council;
(xii) All residential care institutions (RCIs) islandwide; and
(xiii) The NGO Open Mind.

2. Child-friendly corners in BPM

As part of its core values, the BPM has been established to be a child-friendly police unit. Each of its departments in the island consists of a child-friendly corner decorated with mural paintings and aquarium and floral displays. This type of environment enables children to better cope with their anxiety during an interrogation process.

3. Protocol of assistance to victims of abuse and neglect

This protocol was jointly signed by the MGEFW and the Commissioner of Police and is currently being reviewed to provide an improved service to victims of child abuse and neglect and align more with the provisions of the UNCRC.

4. Staff training and team-building

There has been an increase in the training programmes for officers of the BPM to enhance their knowledge and sharpen their skills in dealing with children. For instance, officers of the BPM have attended training courses on various themes such as the Commercial and Sexual Exploitation of Children (CSEC), UNCRC, child trafficking, online sexual offences, investigation techniques, Data Protection Act 2017, counselling skills, child psychology, communication and public speaking. Moreover, the BPM staff engages in monthly team building activities which improve their team spirit and communication across their departments. The BPM is endeavouring to be a professional law enforcement agency, whilst at the same time, remain children-friendly and collaborate strongly with all relevant stakeholders.

5. Sensitisation programmes at schools

The BPM organises regular sensitisation programmes with students of primary and secondary schools on a variety of subjects affecting them such as substance abuse. The officers of the BPM recognise that parents play a key role in the development of their children into future responsible adults. Hence, the BPM has reviewed its sensitisation campaign strategy to more actively include parents and the civil society. These programmes are at times held at shopping malls, food courts and on the streets.

6. Monitoring of cases

The BPM closely monitors wherever possible the cases of children whose parents lead unruly lives or are incarcerated and find ways of providing them with the appropriate support. For instance, the BPM ensures that the children are followed by a psychologist, that the school management assists them in their studies, or that they receive social aids from the Ministry of Social Integration, Social Security and National Solidarity where applicable. Feedback is also provided to the Ministries concerned and to the OCO, upon request.

7. Crackdown operations

Crack-down operations in nightclubs, private clubs, restaurants and in places of public amusement and entertainment are carried out regularly by the BPM to ensure that minors are not illegally allowed in these places. The Officers of the BPM are trained to conduct such operations and take the necessary actions.

8. Pilot action research project

In 2019, upon the request of the Ministry of Education, Tertiary Education, Science and Technology, the BPM conducted an action research project on a pilot basis with the aim of decreasing violence and behavioural problems at the Bambous State Secondary School (Boys) and the Swami Sivananda State Secondary School (Girls), both located at Bambous. It seemed that this project helped in reducing the number of cases of student violence and disruptive behaviour at these schools.

9. Interventions at the National Children Council's (NCC) residential care institutions (RCIs)

The BPM often organises musical training for inmates of two RCIs managed by the NCC. It also carries out skills enhancement and painting projects with the inmates of one of these RCIs with the aim of creating a joyful and child-friendly atmosphere.

10. Officers on call

Following recurring complaints from the CDU that officers of the BPM were not reachable after office hours, the BPM remedied the situation by weekly procuring to the CDU as well as the OCO a list of officers on call.

11. Using technology for ease of communication

The officers have the duty to report their daily activities to the Head of BPM. All the BPM departments, including that of Rodrigues, are connected online via a WhatsApp group where they can easily share information.

8.3.5. Safire and its work in the rehabilitation of children in street situations

Founded in 2006, the *'Service d'Accompagnement, de Formation, d'Intégration et de Réhabilitation de l'Enfant'* (Safire) is one of the very few NGOs in Mauritius that is specifically dedicated to working with children in street situations. Its mission, in line with the provisions of the UNCRC, is to reintegrate and rehabilitate these children into mainstream society as portrayed in its projects described below:

1. Pedagogical Farm – 'Nou Laferm'

Since 2012, Safire has reinforced its organisational structure to implement the idea of a pedagogical farm called 'Nou Laferm', located in St Pierre. Street children are often out of school, unskilled and illiterate. They usually live in conditions of extreme poverty and promiscuity without any supervision or guidance and are particularly vulnerable to many social ills. By giving them an alternative to the streets, the Pedagogical Farm project of Safire aims at reducing the street frequency and delinquency rate of its beneficiaries and increasing their self-esteem, sense of responsibility and discipline as well as their environmental consciousness.

The farm welcomes an average of 450 children monthly from all around the island. Children are provided with information and are taught skills in different areas such as life skills, literacy, numeracy, values, sexual education, impact of drug abuse, importance of healthy behaviour and sports, behaviour management, child rights, agriculture and farming. Officers of the Anti-Drug and Smuggling Unit and the *Brigade pour la Protection des Mineurs* are also invited as resource persons to speak on relevant issues to the children. The Pedagogical Farm provides cereal, bread, jelly and tea to children in the morning and bread with filling during lunchtime.

2. Street Child World Cup

The Street Child World Cup[112] is a global movement for street children to raise awareness and overcome the stigma related to this vulnerable group of children. Ahead of each FIFA World Cup, the organisers unite street children from across five continents to play football. They also get together at

[112] More information on this global event is available on the Street Child United website (www.streetchildunited.org).

a unique international conference to challenge the negative perceptions and treatment of street children around the world through sports, arts and campaigns.

In May 2018, a team of 9 girls were chosen to represent Mauritius in the Street Child World Cup 2018 which was held in Moscow. At this event, the girls pledged that, once they are back to their country, they would establish a plan of action to sensitise other street children on various social issues such as teenage pregnancy, drug trafficking and the importance of education, amongst others.

3. Cricket World Cup for street children

The first Street Child Cricket World Cup[113] took place in 2019 in London and Cambridge, ahead of the 2019 Cricket World Cup in England and Wales. Similar to the Street Child World Cup, this event brought together street children from around the world to play in an international cricket tournament to raise awareness on their situation and rights.

Mauritius was one of the national teams represented at this tournament, comprising four boys and four girls from Safire. The children received training to play cricket from the Street Child United. When the Mauritian team members returned to the country, they organised a workshop with 40 street children from all around the island to sensitise them on their rights and responsibilities, the UNCRC and issues such as teenage pregnancy and drug related problems. The 40 participants were then given the responsibility to disseminate this information to other street children of their locality.

4. Referring to the recommendations made by the UN Committee on the Rights of the Child

Safire is attentive to the recommendations made by the UN Committee on the Rights of the Child with respect to the issue of children in street situations. They continuously endeavour to devise ways that contribute to the implementation of the provisions of the UNCRC to protect and promote the rights of this group of children, for instance:

1. There is a panel of educators who ensure that the activities and internal policies of the organisation are in line with the UNCRC.

[113] More information on the Street Child Cricket World Cup 2019 on the link www.streetchildunited.org/our-sports-events/past-events/street-child-cricket-world-cup-2019/.

2. Before any child starts a programme or activity with Safire, a consent form from a responsible party is compulsory for each beneficiary. The child is also made aware of his/her rights and responsibilities.
3. Staffs members of Safire get regular training on the UNCRC to improve their ways of working with the children.
4. Educators actively listen to children's problems and encourage them to voice out their concerns to the Child Development Unit if they are victims of abuse and neglect.
5. Each child has a confidential Individual Educational Project based on their specific needs.

5. Good governance

As a way of maintaining good governance within the organisation, the board and staff members of Safire meet regularly to review the objectives and strategies of their ongoing and new projects. Safire has written a document that clearly states its values, vision, and mission, as well as the administrative procedures of the NGO, and its key points are summarised as follows:

- The Board has a term limit with regular turnover to have new skills and innovative perspectives in the advancement of the organisation's mission.
- Board members, staff and volunteers appreciate the need to avoid conflicts of interests and to promote non-discrimination, non-partisan activities and financial transparency in their practices.
- Safire has an obligation to adhere to all legal employment practices as an NGO and to provide a safe environment for the staff and particularly for the beneficiaries.
- Safire uses financial resources judiciously and effectively and its fund management is guided by established policies and practices.
- Safire has an ethical obligation to conduct its activities with accountability and transparency.

6. Success stories

One of the major achievements of Safire is that most of its beneficiaries are highly motivated to maintain regular attendance and participation in its activities. This enables the children to benefit fully from their programmes and to gain a certificate of participation at completion. At times, the

programmes provide further opportunities to the beneficiaries to visit enterprises where they might be eligible for internships. Some adolescents above the age of 16 years old have already been able to obtain employment in hotels and in the security domain. Another achievement of Safire is the successful reintegration of about 50 children into schools during the period from January 2018 to December 2019.

APPENDICES

Appendix A: Ombudsperson for Children Act 2003

OMBUDSPERSON FOR CHILDREN ACT

Act 41 of 2003 – 20 November 2003

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Establishment of office of Ombudsperson for Children
4. Appointment of Ombudsperson for Children
5. Objects of office of Ombudsperson for Children
6. Functions of Ombudsperson for Children
7. Investigation
8. Protection of witnesses
9. Protection from liability
10. Staff of Ombudsperson for Children
11. Report of Ombudsperson for Children
11. Offences
12. Regulations
13. —

SCHEDULE

OMBUDSPERSON FOR CHILDREN ACT

1. Short title

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

2. Interpretation

"child" means a person under the age of 18;

"Convention" means the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989;

"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 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 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 office of Ombudsperson for Children

The Ombudsperson for Children shall—

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

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

(c) promote compliance with the Convention.

6. Functions of Ombudsperson for Children

In carrying out the duties of his office, the Ombudsperson for Children shall—

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

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

(c) advise public bodies and other institutions responsible for providing care and other services to children on the protection of the rights of children;

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

(e) propose measures to ensure that the legal rights of children in care are protected and that the placement facilities promote the safety of children and conform with such norms as the Ombudsperson for Children may, from time to time, recommend;

(f) initiate an investigation whenever the Ombudsperson for Children considers that there is, has been or is likely to be a violation of the rights of a child;

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

(h) investigate any suspected or reported case of child labour;

(i) investigate any case 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, nongovernmental 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 asses 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 he Judge in Chambers whenever necessary under any law, as may be required for the investigation.

(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. [S. 7 amended by s. 3 of Act 8 of 2005.]

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. Protection from liability

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 Ombudsperson for Children

The Secretary to Cabinet and Head of the Civil Service shall make available to the Ombudsperson for Children such administrative and other staff as the Ombudsperson for Children may require.

11. Report of Ombudsperson for Children

(1) The Ombudsperson for Children shall, not later than 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 for Children;

(ii) refuses to take the oath before the Ombudsperson for Children; 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 for Children; or

(ii) knowingly gives to the Ombudsperson for Children 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 for Children; 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.

[S. 11A inserted by s. 4 of Act 8 of 2005.]

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.

SCHEDULE

[Section 3]

I ..... having been appointed to be the Ombudsperson for Children under the Ombudsperson for Children Act 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

Appendix B: Article written by the OC and published in *Le Mauricien* on 20 April 2020

Le dur combat des enfants durant le confinement

- ***L'enfant n'est pas un adulte en miniature***

L'heure est grave. Nous vivons tous des moments difficiles, en particulier les enfants de par leur vulnérabilité. En cette période de confinement sanitaire, bon nombre d'adultes montrent des signes d'énervement et affirment qu'ils se sentent emprisonnés. Certains n'hésitent même pas à défier les autorités pour s'offrir quelques moments de liberté. Si nous trouvons « normal » que des adultes vivent difficilement le confinement, comment pouvons-nous nous attendre à ce que des enfants - surtout ceux en bas âge - se comportent en soldats obéissants ? Ceci n'est pas possible !

Les enfants du monde entier ont un immense besoin de courir, sauter, glisser, grimper et jouer à l'extérieur. Maria Montessori n'a jamais cessé d'insister sur le fait que l'intelligence se développe par le mouvement. Tous les spécialistes de l'enfance savent que le manque de mouvement risque d'impacter négativement la santé mentale des enfants. Malheureusement pour les milliards d'enfants partout dans le monde, le Covid-19 est arrivé, ce méchant loup qui guette à chaque coin de rue. Subitement pour leur SECURITÉ, ils doivent tous rester chez eux. À Maurice, l'État, les parents, les enseignants, les agents de police, le personnel de santé, la *Child Development Unit*, l'*Alternative Care Unit*, le bureau de l'Ombudsperson et tous les autres professionnels de l'enfance ont le même message pour les enfants :

"Chers enfants, ne sortez pas, restez chez vous ! Personne n'a le droit en ce moment de remettre en question cette consigne de sécurité."

Cependant, tous les adultes DOIVENT être sensibilisés au fait que l'éducation d'un enfant à l'intérieur risque d'avoir des effets dévastateurs sur celui-ci. Quelques exemples des possibles conséquences : colère et agressivité, hyperactivité, difficulté de concentration, tristesse profonde, refus ou abus de nourriture, désir de fuguer ou dépression infantile. Quand l'adulte est conscient des besoins psychologiques de l'enfant, il est plus armé pour lui témoigner de la compassion et l'aider à mieux affronter l'épreuve du confinement. Bref, l'adulte doit bien comprendre qu'un enfant n'est pas un adulte en miniature !

- ***Témoignage d'un père de famille***

« Au début du confinement, mon souci principal était l'éducation de mes enfants. Nous ne sommes pas des diplômés, mais je tiens à ce que mes enfants soient bien instruits. Je suis très sévère avec eux. J'instaure des règles très strictes pour qu'ils puissent étudier comme à l'école. Personne n'a le droit de bouger sans ma permission. Le plus jeune (10 ans) passe son temps devant la télé pour étudier. Le cadet (12 ans) est devant son ordinateur pour ses devoirs et ma fille de 16 ans est toujours dans sa chambre. Elle communique avec ses enseignants.

Au bout de cinq jours, alors que je suis convaincu que je fais TOUT pour l'éducation de mes enfants, ma fille fait une terrible crise de colère. Elle HURLE, me traite de tous les noms et lance tout ce qu'elle a sous la main par la fenêtre de sa chambre. Désespéré par cette situation imprévisible, je la supplie d'arrêter... Au bout d'une trentaine de minutes, elle se calme mais commence à sangloter. Je suis mal. Ma fille m'insulte et m'accuse d'être un père ignoble. Ses frères se rangent de son côté : «Didi a raison.»

Dans les jours qui suivent, ma femme et moi demandons de l'aide à des professionnels des droits de l'enfant. Nous comprenons que les enfants ont un grand besoin de bouger, de respirer l'air frais et de se dépenser. J'accepte de changer mon attitude et ma manière de me comporter avec mes enfants. Notre petit salon se transforme en un clin d'œil en salle polyvalente ! Ma femme et moi élaborons un plan d'activités. Nos enfants suivent toujours les cours à la télévision et en ligne mais nous faisons la cuisine, le ménage, la peinture et la gym tôt le matin avec eux. Nous chantons et dansons ! Je ne me reconnais plus. Après le dîner, toute la famille adore danser le séga. Je remarque que tout le monde

dort mieux depuis que nous bougeons davantage. Ma fille se rapproche de moi de jour en jour et m'a même présenté ses excuses. Tous les jours le confinement change nos vies. Ma famille est heureuse. »

➢ ***Encore plus difficile pour les enfants en situation de handicap ?***

Pour les enfants en situation de handicap, le confinement pose encore plus de problèmes, d'abord pour eux-mêmes et ensuite pour leurs familles. Ces enfants sont nombreux à avoir perdu leurs repères car leur vie quotidienne a été du jour au lendemain bouleversée. Des parents témoignent :

Mon enfant est autiste

« Notre enfant autiste ne peut pas parler. Mais nous savons qu'il veut sortir, se promener et jouer dans le jardin municipal. Toute la journée, il se dirige vers la porte de la maison. Il pleure et il nous tape. Nous comprenons sa douleur. Nous comprenons aussi combien il est important de ne pas sortir pour se protéger du Covid-19. Malgré tout, depuis quelques jours, alors que tout le monde dort vers minuit, nous marchons dans la rue avec lui, la peur au ventre. Depuis, il s'est beaucoup calmé. »

Mon enfant est hyperactif

« Ma fille de 6 ans est atteinte du trouble de déficit de l'attention avec hyperactivité. Je vis seule avec elle, son père l'ayant abandonnée à sa naissance. Elle court dans tous les sens à longueur de journée et je cours après elle... Je suis épuisée. J'ai hâte qu'elle puisse reprendre le chemin de l'école. Aujourd'hui, je me rends compte à quel point ses enseignants sont des personnes formidables. Quand ma fille dort, je leur parle. Elles sont devenues mes amies. Nous discutons jusqu'à fort tard. Je suis seule mais je ne suis plus seule... »

Mon enfant est non-voyant

« Ma fille a 15 ans. Elle est jolie, intelligente, sensible, généreuse, humble et surtout très sage. Alors que tous les membres de notre famille commencent à s'énerver durant le confinement, elle prend l'initiative d'organiser une grande réunion de famille. Elle nous parle des enfants de rue qui n'ont rien à manger en Inde, des milliers de malades du Covid-19 qui meurent chaque jour en Italie et aux États-Unis, de la chance que nous avons d'être en vie. Elle nous parle de la beauté de notre île. Elle aime marcher sur la plage sablonneuse et écouter le son des vagues. Et finalement, elle nous parle de son livre audio – « Le Petit Prince ». Elle nous demande de méditer sur cet extrait qu'elle connaît par cœur:

> *« C'est une folie de haïr toutes les roses parce qu'une épine vous a piqué, d'abandonner tous les rêves parce que l'un d'entre eux ne s'est pas réalisé, de renoncer à toutes les tentatives parce que l'une d'entre elles ne s'est pas réalisée, de renoncer à toutes les tentatives parce qu'on a échoué… C'est une folie de condamner toutes les amitiés parce qu'une d'elles vous a trahi, de ne plus croire en l'amour juste parce qu'un d'entre eux a été infidèle, de jeter toutes les chances d'être heureux juste parce que quelque chose n'est pas allé dans la bonne direction. Il y aura toujours une autre occasion, un autre ami, un autre amour, une force nouvelle. Pour chaque fin, il y a toujours un nouveau départ… »*

Ce soir-là toute la famille a pleuré... de joie ! »

« Cette crise du coronavirus met en relief tous nos problèmes de société qui restaient jusqu'ici dans des zones d'ombre ou d'indifférence. »

~ Peter Patfawl (Dessinateur de presse et personne en situation de handicap)

Rita Venkatasawmy

Ombudsperson pour les Enfants

Appendix C: Article written by the OC and published in *L'Express* on 08 May 2020

The COVID-19 pandemic and beyond: An opportunity to educate the hearts of our children and young people

Introduction

The Republic of Mauritius is displaying commendable efforts in the fight against the COVID-19 situation. Governmental bodies, the civil society and the media are in several ways contributing to overcome the spread of the virus and its effects on our society. Being in confinement is challenging for many of us, especially children and young people, but nobody can deny that it is a sine qua non for the protection of public health. Most of us have also been more than ever dependent on technology for daily communication, maintaining our relationships with others and staying updated with the latest news.

Nevertheless, as the Ombudsperson for Children, I am concerned that, during this lockdown period, some minors have engaged in different forms of abuse through social media. For example, videos of young girls physically fighting in an outrageous manner were circulated, a young person was victim of emotional bullying by being photoshopped as an animal, and another adolescent girl used sexually provocative language on a social media platform. I think an important question to ask is, "where do these behaviours originate from?" Are we bringing up a generation of children and young people who feel entitled to express themselves in any way they want without any social and moral boundaries?

This situation made me think deeply on the role of education. Academic learning is a core part but only one facet of education. The other complementary side is an education of the hearts of our children and young people, in other words, imbibing them with core essential values, building their character, and nurturing their emotional intelligence and resilience. Without this aspect, their education will be incomplete. A piece of paper can certify their academic merits, but I believe that the true test of their education lies in how they respond to daily problems, uncertainty and life's challenges. One of the most influential scientists of the 20th century, Albert Einstein, interestingly said that, *"education is what*

remains after one has forgotten what one has learned in school". It is therefore primordial that, along with producing a generation of children who can read, write and count, we need to ensure that they are internalising lifelong values such as honesty, compassion, perseverance and service to others.

In this context, a paradigm shift in the minds of people, especially of our children and young people, is warranted. History impacts on the lives of children, but we should not forget that children are also active participants in the making of history. It is more than ever necessary that the child of the 21st century learns to view education not merely as a utility for career progression, but as a transformative tool. The United Nations Educational, Scientific and Cultural Organisation (UNESCO; 2019)[114] spells this out powerfully, *"education transforms lives and is at the heart of...build[ing] peace, eradicat[ing] poverty and driv[ing] sustainable development."* I think that the COVID-19 pandemic can act as a springboard for children and young people to be educated beyond their books and learn pedagogically active skills that can empower them to become engaged actors in social transformation.

In the current article, I give a brief overview of the COVID-19 situation in relation to children's rights. I then propose some methods on how we can lean on the lessons of this global pandemic to enhance the creativity, understanding of values and character-building of children and young people in Mauritius.

An overview of the COVID-19 local situation from a child's rights perspective

The COVID-19 pandemic is an unprecedented public health emergency that is shaping cultures, generations and history all across the world. While some countries have not yet reached the peak of this crisis, the situation in others appears to be more hopeful. Following a plateauing of new COVID-19 cases over the last few days, Mauritius can be considered as one of those countries that might experience a positive turning point in the near future characterised by the gradual disappearance of novel cases of the virus and an increase in the number of healed cases. As the country enters a recovery phase, each one of us is having to redefine and plan at both individual and organisational levels how

[114] United Nations Educational, Scientific and Cultural Organisation (2019). *Education transforms lives.* Retrieved on 20 April 2020 from en.unesco.org/themes/education

our functioning would look like at deconfinement. National prevention strategies are also being designed to avoid as far as possible other waves of the spread of this virus.

We cannot ignore that, to some extent, the confinement period has had adverse effects on the physical, psychological, emotional and social wellbeing of our children and young people, particularly the most vulnerable ones. Many of them would remember the day they woke up in the morning and were suddenly not permitted to go to school, play with their friends or visit their favourite parks and places. In a publication by the Committee on the Rights of the Child (2020)[115], they recognised that *"in crisis situations, international human rights law exceptionally permits measures that may restrict the enjoyment of certain human rights in order to protect public health. However, such restrictions must be imposed only when necessary, be proportionate and kept to an absolute minimum."* It is important to highlight that, relative to some of the recommendations of this Committee (2020), the country has done well in the domain of children's rights during the confinement period, for instance:

- The best interests of children in relation to health and safety have been taken into consideration by decreasing their exposure to the virus through the lockdown.
- Children are still having access to indoor leisure activities at home and supervised outdoor activities in their yards.
- Children are spending more time with their family or other significant adults which can improve their emotional wellbeing.
- Responsible adults are facilitating opportunities for children to use their imagination to occupy their time and express their creativity on paper and through social media.
- Children are regularly expressing themselves through pictures and messages regarding the COVID-19 situation on the media.
- The Ministry of Education, Tertiary Education, Science and Technology has organised academic teaching through online platforms and television for students.
- Many vulnerable families where children also live are provided with food packs during the confinement.

[115] Committee on the Rights of the Child (2020). *The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children.* Geneva: United Nations. Retrieved on 20 April 2020 from tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/1_Global/INT_CRC_STA_9095_E.pdf

- Guidance on the COVID-19 and support with food have also been provided by the relevant authorities to institutions where children reside such as residential care institutions (RCIs) and rehabilitation/correctional youth centres.
- Health hotlines are available so that parents can enquire on any health concerns for their children. They can also access health care centres/hospitals when necessary.
- The Child Development Unit (CDU) hotline remains operational during the lockdown to intervene in any case of child abuse.

During the confinement, the Ombudsperson for Children's Office has remained available and contactable through my staff members and I. We received several phone calls and emails from various individuals and organisations. We provided them with advice and made referrals to the authorities where appropriate. In addition, we facilitated an online messaging and email support group with the Managers of RCIs. I spoke with children in some RCIs through video conferencing as well as carried out site visits when necessary. I was also solicited by several media platforms where I had the opportunity to discuss on the situation of children within the COVID-19 context. My office is currently collecting information on the experiences of various groups of children during the pandemic through interviews which will be published in our upcoming annual report.

Educating the hearts of children and young people

Values are *"the principles that help [us] to decide what is right and wrong, and how to act in various situations"* (Cambridge Dictionary, 2020)[116]. Some examples are compassion, love, honesty, tolerance, respect and simplicity. Inculcating values to our children and young people is a crucial part of their holistic education. The fourteenth Dalai Lama rightly stated that:

> *Modern education is premised strongly on materialistic values. It is vital that when educating our children's brains that we do not neglect to educate their hearts, a key element of which has to be the nurturing of our compassionate nature.*

[116] Cambridge Dictionary (2020). *Values.* UK: Cambridge University Press. Retrieved on 20 April 2020 from dictionary.cambridge.org/dictionary/english/values

Value-based education requires dynamic and experiential teaching and learning processes which need to be adapted to the age, ability and maturity level of the students. Active pedagogical methods can be very useful in achieving this aspect of education within the school curriculum. Some examples are outlined as follows:

1. ***Story-telling:***

This is a powerful and engaging technique to help children of any age make sense of their world. It encourages children to use their imagination and open up their minds to a wealth of possibilities. Stories also carry meaningful messages on values that children can learn and adapt to their daily lives. In the context of the COVID-19, every child has a narrative to tell verbally or non-verbally on how they lived through this phase. Story-telling can enable them to connect with their experiences, and understand and express their feelings in a safe way.

2. ***Film/video viewing with interactive discussions:***

Films or videos can be a highly engaging way for students to learn about various themes. Educators could use the COVID-19 situation as a basis to learning on how the world overcame previous challenges such as the HIV/AIDS and Flu pandemics, plagues and world wars. Students can become more aware of examples of human solidarity and generosity during difficult times. All film/video viewings could be followed with interactive age-appropriate discussions to facilitate children's understanding of the themes and to allow them to think on how they can practically contribute to make the world a better place.

3. ***Quality debates with secondary school students:***

Organising quality debates with secondary school students on world issues such as the COVID-19 and the adverse impact of human actions on the environment can enhance their critical thinking skills, their capacity to evaluate situations and draw out learning points, their leadership skills, as well as their engagement towards the world they live in.

4. Performing arts as a vehicle for value-based learning:

Theatre, music and dance are different types of performing arts that could be used in the school curriculum to encourage students to creatively express their views and feelings on situations that matter to them, including their experiences during the COVID-19 pandemic. Using their voices, bodies or instrumental sounds as media of expression, students can deepen their understanding of the theme and develop empathy for those who are affected by difficult situations. Initiating short-film development projects with students of different ages could also be considered as an innovative way of learning about global challenges including pandemics and climate change through acting. These methods can also improve students' team spirit, self-confidence, and their views on themselves, others and the world.

5. Developing an eco-friendly mentality among students:

In various parts of the world, environmentalists have noted that the lockdown situation has had notable positive effects on the environment such as a decrease in air pollution, a reduction in wastes and the replenishing of some marine ecosystems among others. In schools, educators could expand the environmental consciousness of their students through creative eco-friendly projects where students can

- learn how to buy according to their needs and not excessive wants or greed, and avoid buying products that are damaging to the environment;
- review the amounts of products they buy for their personal use and whether they can use less of them;
- be sensitised to replace single-use items with reusable ones such as reusable water bottles and washable handkerchiefs; and
- learn to recycle paper, plastic, glass, metal, food wastes and fabrics into other useful products, for example, preparing compost for growing vegetables at home or in the school yard or using scrap fabric to sew face masks.

Developing their environmental consciousness can help students build resilience in the face of challenges such as a confinement period and learn to be grateful for what they possess.

6. ***Volunteering support for vulnerable groups of students:***

The COVID-19 pandemic could be used as an opportunity for students to develop volunteering initiatives at the level of their schools to help vulnerable groups of people. Obviously, until our country is completely clear of the coronavirus, these projects will have to conducted within the remit of all sanitary restrictions. For instance, school staff and students could donate food, products and school materials, and prepare packs for needy students and their families. The distribution of these packs could be carried out with the help of the police. In addition, older or university students could create small mentoring groups on online platforms to provide learning support to vulnerable groups of students such as those with special educational needs or disabilities or those who live in residential care institutions. These actions can enable students to experience and learn on the importance of solidarity and helpfulness, and on their role in making a difference in the lives of their less privileged friends.

I would like to conclude that there is no doubt that Mauritian children and young people are going through an emotionally challenging phase of history. They can have varying levels of coping mechanisms to stressful external events depending on their age, maturity, education and family situation among others. In this respect, our education system can play a central role in channelling their emotions and behaviours towards responsible actions and constructive solutions for the betterment of their communities and the society at large. I reiterate that the COVID-19 pandemic is a rich opportunity to cultivate the character and resilience of our current generation of young people.

Ms Rita Venkatasawmy OSK

Ombudsperson for Children

Appendix D: Outline of three local organisations working in the area of sexual and reproductive health of young people

Mauritius Family Planning and Welfare Association	
Headquarters	Port Louis
Mission	The promotion of social justice, gender equity, the advancement of the rights of the individual and family to free and informed choice regarding the number and spacing of children and contraception, and the preparation of young people for healthy attitudes and behaviour.
Main activities	MFPWA had started as a grass-root movement in the late 1950's promoting birth control programme in the country. Over the years, the MFPWA has adopted a holistic approach to reproductive health, and has extended its services to cater for all men and women, in preparation for reproductive life, in active reproductive life and beyond. Hence, besides contraceptive information and services to men and women in the reproductive ages, the Association also caters for babies, pre-pubertal boys and girls, adolescents, menopausal women, the elderly as well as people with different sexual orientations. The MFPWA has a commitment to serving all segments of the population. The Officers of the Association supported by volunteers and a team of trained teachers implement sexuality education in schools and parenting education sessions to sensitise them on their roles and responsibilities and the challenges affecting the youth. The Association provides sexuality education to about 15,000 in and out of school students yearly to bring behaviour change and make them responsible citizens as well as protect themselves from unwanted teenage pregnancies and unprotected sex, HIV/AIDS, sexually transmitted infections, drug addiction and negative peer influence. The programmes target vulnerable groups mainly youth and adolescents. MFPWA undertakes information, education, communication and behaviour change programme. The Association has put in place condom distribution machines around the island but not properly serviced by partners who have taken over. They intend to introduce a modern youth friendly service to attend to the needs of the adolescents but due to logistical constraints they are not able to implement the project at a large scale.

Mouvement d'Aide à la Maternité	
Headquarters	Centre pour La Vie, Rose Hill (Other groups of MAM are active in vulnerable suburbs of upper Plaines-Wilhems, Souillac, Rivière-Noire, Rose-Belle, Mahebourg, Goodlands and Pamplemousses.)
Mission	The prevention and alleviation of teenage pregnancy distress
Main activities	1. **Accompany teenage pregnant mothers:** MAM's supportive action prepares young pregnant girls and women into motherhood with a positive mindset. In-house sessions animated by two midwives of the MAM's team are held at the Centre pour la Vie. Instead of being idle during their pregnancy, participants learn about self-care, health, hygiene, delivery, childcare and breastfeeding. MAM believes that babies raised in a positive atmosphere are given the best chances to live a happy life. 2. **Empower young mothers with a diploma in child care:** Owing to early pregnancy, some teenage girls have done little schooling and do not have adequate qualifications. Having to look after their child, they do not have much opportunity to learn skills and find jobs that will help them become financially autonomous. Proper training in childcare helps them become better mothers, and provides them with the possibility of finding a job. MAM has for the last seven years been holding weekly courses with qualified educators from La Crèche de Bethlehem and they trained around 150 mothers to obtain their diploma in childcare. 3. **Educate teenagers to a positive attitude towards sexuality:** Sessions are held in villages with the teenagers, both boys and girls, on the theme 'Pran letan pou kontan'. The objectives of the workshops are to (i) speak about sexuality in a healthy and positive way; (ii) provide information on problems entailed by early pregnancies; (iii) foster respect of life and encouraging responsible sexual behaviour; (iv) develop awareness of risks and diseases associated with irresponsible sexual behaviour. Parents are also invited to join the sessions to encourage open dialogue within the family. Another programme entitled 'Maman Soleil' promotes happy families by strengthening family ties, encouraging and facilitating dialogue among members of the family and better communication.

Action Familiale	
Headquarters	Moka
Mission	The promotion of family values and harmonious couple life and family life education to young people.
Main activities	Since 1965, Action Familiale has been delivering life skills-based family life/sexual education to end of primary and secondary school pupils in Mauritius and Rodrigues. This programme, delivered in a series of 4 to 6 talks, goes far beyond providing information, but aims at the integral human development of young people. Action Familiale's educators are welcome in all the schools they visit whether state, private or confessional (Christian and non-Christian) schools. Since 2003, more than 65,000 educational pamphlets providing information and promoting behavior change have been distributed. In order to increase the number of young people reached, especially in this era of AIDS pandemic, Action Familiale has since 2008 been organising training workshops for school teachers willing to pass on family life education to the pupils of their school.

Appendix E: United Nations Convention on the Rights of the Child (articles 1-42 only)

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing 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,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. 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.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

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 a 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.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further

ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States 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 this 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.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. 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.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child 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.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

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;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-

governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. 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.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

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

Appendix F: Ground rules for the pairing activities of the networking forum

OMBUDSPERSON FOR CHILDREN'S OFFICE

A 2-day networking forum on 12 & 13 August 2020 at Palms Hotel, Quatre Bornes

"Strengthening the safety net to protect children of Résidence Anoska from all forms of abuse through the dynamic partnership between community members and child professionals"

GROUND RULES FOR THE PAIRING ACTIVITIES

DO'S	DON'TS
1. Facilitate interaction with your pair and **create** a safe space by • introducing yourself; • being polite and respectful; • being open-minded; • being non-judgmental; • being empathic; • showing a warm attitude; and • having a good sense of humour. **2. Listen actively** by • making regular eye contact; • showing undivided attention; • giving your pair the time to reflect well on the questions; • acknowledging your pair's statements; and • responding appropriately. **3. Respect** each other's right to privacy at all times. **4. Focus** on the best interests of the children of *Résidence Anoska*.	**1. Avoid** • being moralistic and patronising; • being pushy when your pair is silent; • interrupting your pair when he/she is presenting his/her statements; • being fixed on your personal opinions; • giving advice; • positioning yourself as an authority; and • using technical words. **2. Do not** • criticise any institution or other NGOs; • promise anything or give false hopes; and • breach confidentiality, except if your pair reports a violation of children's rights. In that case, you should immediately report same to the Ombudsperson for Children.

Appendix G: Songs interpreted at the networking forum

PART A: "Ye dosti ham nahin toregé" from Ms Marlette Nobin

Ye dosti ham nahin toregé
Toregé dam magar
Tera saat na choregé

Nu l'amitié se en cadeau bondié
Cot to allé mo pu allé
Zamais nu pu séparer

Nou Leker fine liée
Dans sa sentiment sacré
Qui appelle L'Amitié

Dans tout to difficulté
Mo pas pou laisse toi tomber
Mo pou à to côté

Quand to a riyé mo a riyé
Quand to a ploré moi ploré
Dans tout to difficulté
Mo pu la à to coté
Ziska l'éternité

PART B: The song entitled “Malheur à celui qui blesse un enfant”

La la la la la la la la la la
La la la la la la la

Qu'il soit un méchant
Qu'il soit noir ou blanc,
Il a le cœur pur
Il est toute innocence
Qu'il soit né d'amour
Ou par accident
Malheur à celui qui blesse un enfant

Il n'a pas de père et il n'a pas de mère,
C'est le plus frondeur de tout l'orphelinat
On cite en exemple son sale caractère
Et on le punit car on ne l'aime pas

Qu'il soit un méchant
Qu'il soit noir ou blanc,
Il a le cœur pur
Il est toute innocence
Qu'il soit né d'amour
Ou par accident
Malheur à celui qui blesse un enfant

La la la la la la la la la la
La la la la la la la

Il vole au marché un gâteau, une orange,
Et on le poursuit, il faut le rattraper
On donne l'alerte on arrête un ange
Et pour se défendre il se met à pleurer

Qu'il soit un méchant
Qu'il soit noir ou blanc,
Il a le cœur pur
Il est toute innocence
Qu'il soit né d'amour
Ou par accident
Malheur à celui qui blesse un enfant

La la la la la la la la la la
La la la la la la la

Il est émigré d'un pays de misère
Et dans une école il apprend à parler
Son accent fait rire il ne peut rien faire
Sans qu'on lui reproche d'être un étranger

Qu'il soit un méchant
Qu'il soit noir ou blanc,
Il a le cœur pur
Il est toute innocence
Qu'il soit né d'amour
Ou par accident
Malheur à celui qui blesse un enfant

Appendix H: Press articles on the networking forum

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Le Défi QUOTIDIEN
NO 2688 - VENDREDI 21 AOÛT 2020 - 48 PAGES - RS 15.00

RÉSIDENCE ANOSKA

Rita Venkatasawmy : « Pas de plan d'action pour les habitants sans les habitants » Page 12

Résidence Anoska

Un plan d'action pour la protection des enfants

Adopter une approche holistique pour mieux protéger les enfants à Résidence Anoska. C'est ce qui ressort du plan d'action mis sur pied par le bureau de l'Ombudsperson for children avec d'autres partenaires et des habitants de Cité Anoska. Zoom sur ce projet.

« *La dignité humaine au coeur de chaque action pour mieux protéger les enfants* ». C'est dans cette optique que des ateliers de travail ont eu lieu le 12 et 13 août, à l'initiative du bureau de l'Ombudsperson for children avec différents acteurs, soit des ONG qui travaillent sur le terrain, des officiers de la Child Development Unit, d'autres organismes et des habitants.

Les objectifs de ces ateliers ont été exposés lors d'une conférence de presse le jeudi 20 août au bureau de l'Ombudsperson for children en présence de cinq représentants de Cité Anoska qui ont aussi pris la parole au nom de tous les habitants.

Pour rappel, deux cas d'abus sexuels ont été rapportés ces dernières semaines. Intitulé « *Strengthening the safety net to protect children of Residence Anoska from all forms of abuse through the dynamic partnership between community members and child professionals* ». 25 community leaders de Résidence Anoska y ont participé. L'occasion pour eux d'en savoir plus sur les droits des enfants, à travers des activités et des sessions interactives. Cet atelier est l'une des premières actions qui seront menées à Résidence Anoska pour la protection des enfants.



Des ateliers de travail ont eu lieu le 12 et 13 août, à l'initiative du bureau de l'Ombudsperson for children.

Mélanie Valère-Cicéron
melanie@defimedia.info

Environnement sain

Le plan d'action consiste en une approche holistique pour que les droits des enfants soient respectés à Résidence Anoska. « *Cela passe par exemple par le retour aux sources. Il faut que les enfants, les habitants de Cité Anoska, puissent connaître leur histoire. Le droit à une identité est un droit fondamental de l'enfant. Il a besoin de savoir qui il est* ». Parmi les nombreuses actions prévues dans cette région, un projet d'embellissement. « *Ces personnes aiment leur localité, elles ont envie de rendre cet endroit agréable. En ce qui me concerne, je dois veiller à ce que les droits des enfants soient respectés. Chaque enfant a droit à un environnement sain. Vivre dans un environnement approprié peut avoir un impact positif sur le mental, sur la vie de cet enfant. Les habitants veulent embellir la région, planter, avoir des structures adéquates. Il faut les soutenir dans ce projet.* »

L'importance de dénoncer les cas d'abus

Dans son rapport, l'Ombudperson pour les enfants met l'accent sur la section 39A (2) du Criminal Code Act 1838, pour rappeler que toute non-assistance à personne en danger commet une offense et est passible d'une amende ne dépassant pas Rs 10 000 et d'une peine d'emprisonnement de deux ans. Ainsi, elle invite toute personne au courant d'un cas de maltraitance ou d'abus envers un enfant à contacter les autorités.

Rita Venkatasawmy : « Pas d'actions pour les habitants sans les habitants »

La défenseure des droits de l'enfant a insisté à plusieurs reprises sur l'importance de ne pas mener d'actions à Résidence Anoska sans la participation active des habitants. « *Nou pa kapav debark dan enn landrwa, nou pans nou konn tou seki bon pou fer pou zot san ki nou pran lapenn ekout zot ek kone ki zot bizin* ».

Elle tient à ce que toutes les actions qui sont menées dans la région soient faites en concertation avec les habitants comme acteurs principaux. « *Nous avons eu plusieurs réunions de travail pour identifier ensemble les problèmes dans la région. Nous avons pu comprendre qu'un des principaux obstacles demeure la stigmatisation. Quand nous parlons aux enfants, ils nous expliquent que d'autres élèves se moquent d'eux et de leur localité. Ils ont aussi fait ressortir le manque de soutien, d'opportunités, d'activités. Les habitants ne veulent pas seulement être aidés. Ils veulent avoir la chance de progresser* ».



Les habitants sont mis à contribution afin de trouver ensemble des solutions.

Ainsi, un plan d'action sera finalisé avec les habitants. « *Aucune action ne doit être faite sans les habitants de Cité Anoska. Ils doivent être partie prenante de chaque décision, de chaque action. Ce sont eux les vrais acteurs du changement dans la région. Il faut donc les encadrer pour qu'ils puissent apporter le changement nécessaire à leur localité* ».

JOSEPH RICHEVILLE AGATHE : « On ne veut pas de la charité »

Habitant à Cité Anoska depuis février 1999, Joseph, père de cinq enfants, explique que ce sont des infrastructures et un accompagnement à long terme qui manquent à Cité Anoska. « *Nous sommes victimes de préjugés alors que nous comptons parmi nous des personnes qui ont bien réussi leur vie, d'autres n'ont malheureusement pas les mêmes chances. Il faut donc nous donner accès à ces chances. On ne veut pas de la charité des gens. Que les gens comprennent bien ce que nous recherchons. Nous ne voulons pas que les gens nous apportent des camions de vêtements ou des repas. Nous ne voulons pas de provisions. Nous voulons un soutien et un encadrement professionnel. Nous avons besoin d'enseignants pour le rattrapage scolaire, nous avons besoin de moniteurs, de professionnels dans le domaine sportif. Il faut organiser des activités car il y a un grand manque que ce soit pour les adultes comme pour les enfants* ».

TÉMOIGNAGES

Difficile de trouver un emploi quand on habite Cité Anoska

Elles sont liées dans le même combat. C'est de mener campagne pour changer le regard sur les habitants de Cité Anoska, car ce regard, souvent de discrimination, fait mal, expliquent Pascaline Labiche et Marie Lourdes Mavouse. Cela fait une vingtaine d'années que ces deux femmes, des mères de famille, y habitent. Aussi longtemps qu'elles s'en souviennent, il est difficile de trouver de l'emploi quand elles disent où elles habitent. « *J'ai complété le Higher School Certificate mais malgré cela je n'arrive pas à trouver un emploi mis à part les centres d'appels. Comme je dois m'occuper des enfants, je ne peux pas travailler le soir. Pour moi, c'est important d'avoir un équilibre familial et je dois aussi passer du temps avec les enfants* ». Ainsi, à 28 ans, Pascaline désespère de pouvoir un jour trouver un emploi qui puisse correspondre à ses attentes.

Même son de cloche pour Marie Lourdes. Cette dernière explique qu'elle a répondu à de nombreuses annonces de postes vacants. « *À chaque fois, c'est la même chose. Kan demann mwa kot mo habite mo dir 16e mille, zot demande 16e mille kot sa, kouma mo dir dan cite Anoska, zot regar sanze net, manier koze tou sanze. Lerla zot fer ou ale. Nou senti nou mal dan sa ler la. Ena ban tas lor nou. Nou senti nou finn fer kitsoz de mal zis parski nou habit laba. Pourtan nou anvi travay, nou rode travay, apre dimoun net met ban letiket lor nou san ki zot kone kouma eski nou pe lite mem ki pa pe donn nou nou sans* ».

SUIVEZ-NOUS SUR

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DIMANCHE 23 AOÛT 2020 - 76 PAGES - N° 14247/1257 - RS 25.00 - WWW.5PLUS.MU

Résidence Anoska dit non aux préjugés

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Les récents événements qui stigmatisent leur quartier ne les laissent pas indifférents. Mais ils tiennent à rappeler qu'il n'y a pas que des cas d'abus sexuels sur les enfants ou d'autres faits divers effroyables à Résidence Anoska. Il y a aussi et surtout des habitants qui veulent être valorisés. Ils comptent sur le plan d'action du bureau de l'*Ombudsperson for Children* pour s'en sortir et mettre fin, une fois pour toutes, aux préjugés dont ils sont victimes au quotidien.

QUAND on pense à Cité Anoska, on ne peut s'empêcher de penser à tous les drames qui s'y sont déroulés. On pense à la petite Eléana Gentil, 11 ans, agressée sexuellement et assassinée en 2015 ; à l'agression sexuelle de deux sœurs mineures par deux adultes ; et à celle d'une adolescente de 15 ans par deux cousins, entre autres. Ou encore à cette bagarre sanglante qui a fait plusieurs blessés dans une famille le 16 août *(voir plus bas)*. On pense aussi à tous les fléaux qui gangrènent ce quartier : la misère – il figure sur la liste des poches de pauvreté de l'île –, la drogue, l'alcoolisme, la promiscuité, les grossesses précoces… Certes, il y a des choses moches qui s'y passent. Mais ce n'est pas tout. Loin de là. Et ça, les habitants de cette localité de 16e Mille, à Forest-Side, tiennent à le souligner, à l'affirmer, à le crier même.

Oui, ceux qui résident à Cité Anoska n'en peuvent plus d'être stigmatisés et militent sans relâche pour qu'on les reconnaisse à leur vraie valeur. Ricarl Pierre-Louis, 64 ans, doyen et porte-parole des forces vives et d'autres travailleurs sociaux de cette localité, fait une mise au point : «*Pena zis move nouvel dan nou landrwa. Ena bon kitsoz osi dan Anoska me li domaz zame pa tann dimounn koz sa selma*», souligne celui qui vit à Cité Anoska depuis sa création, soit depuis le 19 février 1999. Les autres habitants et lui se sont établis là après avoir été forcés de quitter le village de La Pipe. Joseph Agathe, autre membre des forces vives, est du même avis : «*Mo trwaziem tifi ena ann Master. Ena zanfan isi kinn vinn dokter. Ena osi avoka me sa zame dimounn pou koze. Zis kan ariv kitsoz ki pa bon ki dimounn pou koze. Nou anvi plis valorizasion.*»

Plan d'action

Le quotidien de Ricarl, Joseph et des autres pourrait bien prendre une autre tournure avec le plan d'action proposé par le bureau de l'*Ombudsperson for Children (voir hors-texte)*. Car, s'il concerne avant tout les enfants, ce plan s'étend aussi à tous ceux qui habitent la région car la participation de tous est demandée. Son but est de renforcer le filet de sécurité pour protéger les enfants de la résidence de toutes les formes d'abus grâce au partenariat dynamique entre les membres de la communauté et les professionnels de l'enfance. Il est né suite à un forum organisé par le bureau de l'*Ombudsperson*, les 12 et 13 août, et qui a vu la participation des habitants, de plusieurs ONG et de la directrice de la CDU.

Pacaline Labiche, une participante, apprécie le travail effectué par Rita Venkatasawmy et les officiers de son bureau. «*Nou finn sorti grandi de sa forum-la*», dit la jeune femme. Anderson Azie, autre participant et



PHOTOS : JMG ET DR

Ricarl Pierre-Louis *(extrême gauche)* **et les autres membres des forces vives d'Anoska ne veulent pas que les habitants de l'endroit soient stigmatisés.**

travailleur social a, pour sa part, beaucoup appris sur les droits des enfants. *«Il y a beaucoup de lois qui protègent les enfants jusqu'à l'âge de 18 ans. Leur protection est très importante»*, souligne-t-il. Joseph Agathe acquiesce : *«Un enfant est un cadeau de Dieu. Il ne faut pas le maltraiter. Le plus gros travail doit maintenant se faire avec les parents. Être parent, ce n'est pas seulement travailler pour acheter de la nourriture et d'autres nécessités pour la famille.»*

Les forces vives de Cité Anoska veulent surtout mettre fin aux préjugés dont les habitants de cette localité font l'objet. *«Regar dimounn sanze kan nou dir zot nou res Anoska. Nou bann madam gagn difikilte pou gagn travay. Bann lezot zanfan riy nou bann zanfan dan lekol. Nou tou ti bien dan La Pipe avan. Kan nou finn sanz landrwa, nou kondision lavi osi inn sanze»*, précise Ricarl Pierre-Louis. Le plan d'action proposé par le bureau de l'*Ombudsperson* vise ainsi une approche basée sur le respect de la dignité humaine car *«il fait bon vivre à Cité Anoska»*, martèle Anderson Azie, même si l'actualité tend à faire croire le contraire.

Textes : Jean Marie Gangaram

Rita Venkatasawmy : «Les habitants seront les acteurs du changement»



Le plan d'action proposé par le bureau de l'*Ombudsperson* est le fruit d'un travail assidu sur le terrain. *«Chaque enfant a droit à un environnement sain. Vivre dans un environnement approprié a définitivement un impact positif sur le mental et la vie d'un enfant. Nous allons donc faire de notre mieux pour leur permettre d'avoir un environnement sain. Les habitants seront les acteurs du changement»*, explique Rita Venkatasawmy. Son bureau prévoit ainsi une série d'activités pour cette prise de conscience basée sur une *«approche holistique»*. Le plan d'action propose aussi une série d'activités centrée sur l'intérêt supérieur des enfants. *«Nous avons le devoir de leur proposer des activités pour pouvoir vivre mieux. Ils le méritent. Nous ne sommes pas un* service provider *mais nous allons faire de notre mieux pour renforcer la capacité humaine»*, souligne l'*Ombudsperson for Children*. Ce n'est pas tout, ajoute Rita Venkatasawmy : *«Li importan osi ki bann zanfan-la konn zistwar zot landrwa. Sa plan-la li enn koūmansman sa. Ena lezot zafer ankor ki pou vini. Nou pou fer vizit dan bann fami pou konn bann trans laz bann zanfan. Nou anvi osi kone si zot bann drwa la sante pe respekte. Mo bann lekip pou desann laba pou gagn bann done. Pou ena enn dokiman apre baze lor enn rapor lor la fors ek febles bann abitan-la.»*

Appendix I: Overview of different potential negative outcomes of bad housing on children's physical health, mental health, education and opportunities in adulthood (Shelter, 2006)

❖ On physical health

Experience of multiple housing problem increases children's risk of ill-health and disability by up to 25 per cent during childhood and early adulthood. Bad housing is linked to debilitating and even fatal, illnesses and accidents.

1. Children in overcrowded housing are up to 10 times more likely to contract meningitis than children in general. Meningitis can be life threatening. Long-term effects of the disease include deafness, blindness and behavioural problems.
2. There is a direct link between childhood tuberculosis (TB) and overcrowding. TB can lead to serious medical problems and is sometimes fatal.
3. Children living in overcrowded and unfit conditions are more likely to experience respiratory problems such as coughing and asthmatic wheezing. For many children this means losing sleep, restricted physical activity, and missing school.
4. Overcrowded conditions have been linked to slow growth in childhood, which is associated with an increased risk of coronary heart disease in later life.
5. Almost half of all childhood accidents are associated with physical conditions in the home. Families living in properties that are in poor physical condition are more likely to experience a domestic fire.

❖ On mental health

Homeless children are three to four times more likely to have mental health problems than other children. Mental health issues such as anxiety and depression have also been linked to overcrowded and unfit housing.

❖ On education

Bad housing affects children's ability to learn at school and study at home.

1. Homeless children are two to three times more likely to be absent from school than other children due to the disruption caused by moving into and between temporary accommodation.
2. Children in unfit and overcrowded homes miss school more frequently due to illnesses and infections.
3. Overcrowding is linked to delayed cognitive development, and homelessness to delayed development in communication skills.
4. Homeless children are more likely to have behavioural problems such as aggression, hyperactivity and impulsivity, factors that compromise academic achievement and relationships with peers and teachers.

It is unsurprising that homeless children have lower levels of academic achievement that cannot be explained by differences in their levels of ability.

❖ On opportunities in adulthood

The lower educational attainment and health problems associated with bad housing in childhood impact on opportunities in adulthood.

1. Long-term health problems and low educational attainment increase the likelihood of unemployment or working in low-paid jobs.
2. Opportunities for leisure and recreation are undermined by low income and health problems.
3. The behavioural problems associated with bad housing in childhood can manifest themselves in later offending behaviour. In one study, nearly half of young people who had offended had experienced homelessness.

Appendix J: List of preschools which participated in the Recreational Day organised by the ECCEA in collaboration with the OCO in the context of the Universal Children's Day 2019

SN	Names of ECCEA preschools	Region
1	Palma	Quatre Bornes
2	Wooton	Curepipe
3	Pandit Sahadeo	Hollyrood, Vacoas
4	Aryan Vedic	Vacoas
5	Révérend Espitalier Noël	Cité Mangalkhan, Floréal
6	Reunion	Vacoas
7	Henrietta	Vacoas
8	N. Saddul	Vacoas
9	Lapeyrouse	Curepipe
10	Chooromoney	Bassin, Quatre Bornes
11	Dubreuil	Curepipe
12	Quinze Cantons	Vacoas
13	Robert Barth	Beaux Songes
14	Cité Atlee	Curepipe
15	Midlands	Curepipe
16	M. Mohit	L'Avenir, St Pierre
16	Adolphe de Plevitz	La Laura, St Pierre
17	Nouvelle Découverte	St Pierre
18	6 Municipal Schools of Vacoas Phoenix	Vacoas-Phoenix
Private Preschools		
19	Cuddles	Vacoas
20	Happy Home	Vacoas



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